Chairperson: Lisa Baker
Vice Chair: Judith Arce
Commissioners:
Ramon Altamirano
Gregory Contreras
Eric Dye
Jessica Smith
Matt Stone

City Manager: Jeremy Craig

AGENDA

City of Winters Planning Commission
Tuesday, January 27, 2026, 6:30 PM
City Council Chambers
City Hall
318 1st Street Winters, CA 95694

(accessible via the Abbey ST. side entrance)

Community Development Department
Contact Phone Number (530) 776-4061
Email: kmumper@devcomca.com

The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Planning Commission Chair, Commissioners, or City staff. Public Comment is limited to 3 minutes, and speakers will be asked to state their name and address.

Meeting Information
Winters Planning Commission meetings are conducted in person at City Hall Council Chambers accessible via the Abbey St side entrance. As a courtesy, and technology permitting, members of the public may continue to participate virtually. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, City Council meetings will continue despite technical difficulties for participants using the teleconferencing option.

Zoom: https://us02web.zoom.us/j/89641957720?pwd=Yj9KWCTDgM7nG6j54CVf2gaXx3EjVy.1

Meeting ID: 896 4195 7720 Passcode: 336968

1. If you are joining the meeting via Zoom and wish to make a comment on an item, press the "raise a hand" button. If you are joining the meeting by phone, press *9 to indicate a desire to make a comment. The chair will call you by name or phone number when it is your turn to comment. Speakers will be limited to 3:00 minutes.

2. If you choose not to observe the Planning Commission meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Monday prior to the Planning Commission meeting, to the City Clerk at

cityclerk@cityofwinter.org. All public comments will be distributed to the Commission, posted on the web, and retained for the record.

Call to Order: City of Winters Planning Commission Meeting

ROLL CALL

PLEDGE OF ALLEGIANCE

1. PUBLIC COMMENTS
   At this time, any member of the public may address the Planning Commission on matters, which are not listed on this agenda. Citizens should reserve their comments for matters listed on this agenda at the time the item is considered by the Planning Commission. 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.

2. APPROVAL OF AGENDA

3. CONSENT CALENDAR

   3.A Minutes of the Special Planning Commission Meeting Held on December 17, 2025
   Approve Minutes of the Special Planning Commission Meeting Held on December 17, 2025
   Special Planning Commission Minutes 12.17.2026.docx

4. PRESENTATIONS

   4.A Conduct presentation and swearing in of the newly appointed Planning Commissioners.
   Swear in the newly appointed Planning Commissioners who were appointed by the City Council on January 20, 2026 at a regular City Council Meeting.

   Commissioner Lucrecia Sandoval

   Commissioner Brad Lopez

5. PUBLIC HEARINGS

   5.A Conduct Public Hearing to consider recommending approval of Planned Development Permit #2025-006 for Kiewit Infrastructure, to the City of Winters City Council.
   1) Receive Staff Report and Conduct Public Hearing 2) Adopt Resolution No. 2025-12, recommending approval of the Planned Development Permit for Kiewit Infrastructure to the City of Winters City Council. 3) Make the appropriate fundings memorializing that no further environmental review is required pursuant to 15183 of the CEQA Guidelines.
   PC Staff Report_Concrete Batch Plant-Kiewit 01-27-26.docx

PC_Resolution No. 2025-12 1-27-26.docx
PD#2025-006, Staff Findings-Exhibit A 1-27-26.docx
PD#2025-006, Kiewit WCY- COA-Exhibit B (Attach C.) Final.docx
Batch Plant Vicinity Map (Attach D.).jpg
Site Plan (Attach E.).pdf
Preliminary Landscape Plans (Attach F.).pdf
Batch Plant Elevation (Attach G.).pdf
Kiewit_Precast_Concrete_Facility_Traffic_Study_(Attach H.).pdf

5.B Conduct Public Hearing to consider approval of Conditional Use Permit #2025-008, to allow a Stationary Food Truck at 106 Main Street.
1) Receive Report from Staff and Conduct Public Hearing 2) Adopt Resolution No. 2025-13, approving Conditional Use Permit #2025-008.
CUP#2025-008 Rocki's Food Truck Staff Report 1-27-26.docx
CUP#2025-008 PC Reso No. 2025-13 1-27-26.docx
Conditions_of_Approval Exhibit A 1-27-26.docx
CUP#2025-008 Site Plan-Exhibit Bp.pdf

6. MISCELLANEOUS

6.A Distribution of Brown Act to Elected / Appointed Officials pursuant to new Brown Act requirements
Receive Brown Act materials from the City Attorney.
2026 Brown Act Guide.pdf

7. STAFF COMMENTS/INFORMATION ITEMS

8. COMMISSION COMMENTS/REPORTS
Under Government Code Section 54952.2, may include: (1) a brief announcement; (2) a question for clarification; (3) a brief report on his or her own activities; (4) request staff to report back to the body at a subsequent meeting concerning any matter, or (5) take action to direct staff to place a matter of business (or issue) on a future agenda.

ADJOURNMENT
I declare under penalty of perjury that the foregoing agenda for the regular meeting of the Planning Commission was posted on the City of Winters website at www.cityofwinters.org and Commission Members 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, and made available to the public during normal business hours.

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Jeremy Craig, City Clerk

APPEALS: Any person dissatisfied with the decision of the Planning Commission may appeal this decision by filing a written Notice of Appeal with the City Clerk including payment of the applicable Appeal fee, no later than ten (10) calendar days after the day on which the decision is made.

Pursuant to Section 65009 (b) (2), of the State Government Code "If you challenge any of the above projects in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the City Planning Commission at, or prior to, this public hearing".

MINUTES: The City does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: Prior to the Planning Commission meetings, copies of the Agenda, Agenda Reports, and other material are available during normal working hours for public review at the Community Development Department. In addition, a limited supply of copies of the Agenda will be available for the public at the meeting. Copies of Agenda, Reports and other material will be provided upon request submitted to the Community Development Department. A copy fee of 25 cents per page will be charged.

Any member of the public may submit a written request for a copy of Planning Commission Agendas to be mailed to them. Requests must be accompanied by a check in the amount of $25.00 for a single packet and $250.00 for a yearly subscription.

OPPORTUNITY TO SPEAK, AGENDA ITEMS: The Planning Commission will provide an opportunity for members of the public to address the Commission on items of business on the Agenda; however, comments are limited to three minutes.

REVIEW OF TAPE RECORDING OF MEETING: Planning Commission Meetings are recorded. Recordings are available for public review on the City of Winters website.

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

Minutes of the Special Planning Commission Held on December 17, 2025

Chairperson Lisa Baker called the meeting to order at 6:30 PM

Present: Commissioners Eric Dye, Matt Stone, Gregory Contreras, Vice Chair Arce, Chairperson Lisa Baker

Absent: Commissioner Ramon Altamirano

Staff: Assistant City Attorney Brian Hughes, Senior Contract Planner Kelly Mumper, Deputy City Clerk Zorina Treat

PLEDGE OF ALLEGIANCE
Kate Laddish led the Pledge of Allegiance

PUBLIC COMMENTS
None.

CONSENT
2.A. Minutes of the Special Planning Commission Meeting on November 18, 2025

Motion by Commissioner Dye, seconded by Commissioner Stone, to approve the Consent Calendar as presented. Motion carried with the following vote:

AYES: Commissioners, Eric Dye, Matt Stone, Gregory Contreras, Vice Chair Judith Arce, Chairperson Baker
NOES: None
ABSENT: Commissioner Ramon Altamirano

APPROVAL OF AGENDA
Chairperson Lisa Baker noted the applicant, Kiewit requested item 4B be pulled from the agenda and tabled to a future meeting. Motion carried with the following vote:

AYES: Commissioners, Eric Dye, Matt Stone, Gregory Contreras, Vice Chair Judith Arce, Chairperson Baker
NOES: None
ABSENT: Commissioner Ramon Altamirano

Motion by Vice Chair Arce, seconded by Commissioner Dye, to table/continue items 4A and 4C as presented. Motion carried with the following vote:

AYES: Commissioners, Eric Dye, Matt Stone, Gregory Contreras, Vice Chair Judith Arce, Chairperson Baker
NOES: None
ABSENT: Commissioner Ramon Altamirano

PUBLIC HEARING

4.A. Conduct Public Hearing to consider recommending approval of an amendment to the Sign Ordinance to the Winters City Council.

Senior Planner Kelly Mumper presented the item, a proposed amendment to the Winters Municipal Code to clarify digital signage regulations in the R-1 and PQP zoning districts.

Public hearing opened at 6:39 PM

Kate Laddish gave public comment

Public hearing closed at 6:42 PM

Motion by Commissioner Dye, seconded by Vice Chair Arce, to table the item to allow coordination with a forthcoming outdoor lighting ordinance that may also amend Title 17. The Commission did not determine a definitive date for the item to return to the Planning Commission Motion carried with the following vote:

AYES: Commissioners, Eric Dye, Matt Stone, Gregory Contreras, Vice Chair Judith Arce, Chairperson Baker
NOES: None
ABSENT: Commissioner Ramon Altamirano

4.B. Conduct Public Hearing to consider recommending approval of Planned Development Permit #2025-006, to the City of Winters City Council.

Item was pulled from the agenda and tabled to a future meeting.

4.C. Conduct Public Hearing to consider approval of Conditional Use Permit #2025-008, to allow a Stationary Food Truck at 106 Main Street.

Senior Planner Kelly Mumper introduced and presented the item, a request for approval of Conditional Use Permit #2025-008 to allow a stationary food truck “Rocki’s Chicken” at 106 Main Street and read comments from Grant Davids into the record.

The applicant Joey Rojas sent the foot truck operator (Jose) who provided clarification on the proposal.

Public hearing opened at 7:06 PM

Kate Laddish gave public comment

Public hearing closed at 7:13 PM

Public hearing was reopened at 7:39 PM

Grant Davids and Kate Laddish gave public comment

Public hearing closed at 7:42 PM

Motion by Vice Chair Arce, seconded by Commissioner Dye, to table the item and direct the applicant to return with additional information, including an overhead site plan/layout, truck orientation and placement, gate and access configuration, ADA path-of-travel improvements, and a photo or rendering of the proposed food truck. Motion carried with the following vote:

AYES:	Commissioners, Eric Dye, Matt Stone, Gregory Contreras, Vice Chair Judith Arce, Chairperson Baker
NOES:	None
ABSENT:	Commissioner Ramon Altamirano

STAFF COMMENTS/INFORMATION ITEMS

None

COMMISSION COMMENTS/REPORTS

None

ADJOURNMENT

The meeting adjourned at 7:54 PM

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Lisa Baker, Chairperson

ATTEST:

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Jeremy Craig, Planning Commission Secretary

FILE NO. P.D./D.R. #2025-006, Kiewit Infrastructure West Coast

PLANNING COMMISSION
STAFF REPORT
January 27, 2026

APPLICANT	Kiewit Infrastructure West Coast
OWNER(S)	Jim Pearce (Pearce Developments, LLC) **LOA on File.** Nancy J Gonella & Anita M. Melville (Castro Family Living Revocable Trust) **LOA on File.**
REPRESENTATIVE(S)	Juan Ruiz (West Coast Yard-Project Manager) Ken Bock (Kiewit Infrastructure) Jeff Goodspeed (Inland Architects) Sam Wilson (Inland Architects)
REQUEST	Planned Development Permit & Design Review for a Concrete Prestress Casting Facility and Batch Plant.
ASSESSOR'S PARCEL NO.	038-050-072-000 & 038-050-073-000
PARCEL SIZES	29.29 Acres Combined
LOCATION	27890 and 2790 County Road 90, Winters California
EXISTING ZONING	M-1 (Light Industrial District)
SURROUNDING ZONING	North: M-1 (Light Industrial District PD-Overlay) South: C-H (Highway Commercial District) East: County Zoning West: County Zoning
SURROUNDING LAND USE	*Industrial and Highway Commercial-Yolo County Agricultural Zoning*
GENERAL PLAN DESIGNATION	*Light Industrial*
ENVIRONMENTAL DETERMINATION	The proposed project requires no further review from the California Environmental Quality Act (CEQA) pursuant to Section 15183.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommends approval to the City Council based on the findings supported herein and has prepared a Resolution for the Planning Commissions consideration with the stated conditions attached as Exhibit B.

ATTACHMENTS:

A. PC Recommendation to City Council for Approval-Resolution No. 2025-12

B. Saff Findings (Also Exhibit A).

C. Conditions of Approval (also Exhibit B to PC Resolution No. 2025-12).

D. Vicinity Map.

E. Project Site Plan.

F. Landscaping Plan.

G. Batch Plant Elevation.

H. Traffic Impact Report (Ferh & Peers)

COMMENTS RECEIVED BY CITY DEPARTMENTS & OTHER GOVERNMENT AGENCIES:

1. **Building Department:** No Comments.

2. **Fire Department:** No Comments.

3. **Police Department:** No Comments.

4. **Public Works Department:** No Comments.

5. **Engineering:** General plan check comments. Conditions related to street improvements, storm drainage and site grading, wastewater and sewer collection system, water infrastructure, and construction have been included into the conditions for approval for this project and are attached.

6. **Caltrans District 3: Highway Operations-**This project is projected to create approximately 150 auto trips and 34 heavy vehicle daily trips. Please confirm the type and size of truck accessing the facility and if any permit trucks will be used. Using the attached Autocad files (*Design File.dwg and Topo File.dwg*), please show all truck turning movements between SR 128 and Matsumoto Lane and between I-505 and SR 128 using AutoTurn for the CA Legal truck, Flatdeck and Aggregate trucks, and any anticipated oversized permit trucks. Caltrans would like to ensure that there is enough turning width for the heavy vehicles to routinely access SR 128 and I-505 without concern.

   Design-The City of Winters with Caltrans is developing the Grant Avenue/ State Route 128 / Russell Boulevard Corridor Improvements Project (03-2H030) which plans to modify interchange ramps for I-505 and SR 128 and implement bicycle and pedestrian improvements between Morgan Street and Fredericks Drive. Please see the Adobe file, *03-2H030 30% Plans.pdf*, showing the 30% plans for project approval with Alternative 2 being the preferred Alternative. Updated plans through the Plans, Specifications, and Estimates (PS&E) will be available to the City of Winters.
   Please provide our office with copies of any further actions regarding this proposal. We

would appreciate the opportunity to review and comment on any changes related to this development.

Large/Oversized Loads- In a Zoom meeting date October 3, 2025, Caltrans Engineering expressed concerns regarding the 9 axel truck loads that may come out of the batch plant operation at various times of the year. While these loads will be few and far between the impacts of such loads is a concern to the agency due to the fact that the 9 axel truck loads will go off the paved roadway surface when entering the southbound U.S. Highway 505 southbound and northbound on ramps. Caltrans is requesting that the applicant obtain an encroachment permit when these loads are to be scheduled and to work with the agency, city, and county to improve the roadway to accommodate the 9 axel truck trips without damaging existing roadway infrastructure. The project shall be conditioned as such so that the applicant is clear on the requirements and process in order to facilitate 9 axel load out of the proposed batch plant and onto U.S. Highway 505.

7. **Regional Water Quality Control Board (Lahontan District X):** The agency was given opportunity to comment but did not provide comments.

8. **Yolo County Transportation:** Correspondence received on September 18, 2025, which stated the following:

Bicycle Parking

This project should install bicycle parking for employees and visitors to the site. Bicycle lockers or other long-term storage solutions are strongly recommended, but short-term U racks are sufficient and should be installed close to the front of the "Remodeled Office Area." This helps encourage those new Winters residents who will work at the Yard, as noted on Page 2 of the Project Review and Staff Distribution Document, to ride a bicycle or take other active transportation modes to and from work. It is also noted that on Page 5 in the Traffic Operations Study document in Table 2 Summary of Peak Hour Traffic Data, bicyclists were observed in the area at all time periods captured during the traffic count, indicating that there is existing bicycle usage in the area.

Yolo Commute

YoloTD suggests Kiewit joins Yolo Commute as another way to reduce vehicle miles traveled in Yolo County. Yolo Commute is a nonprofit partnership of public and private employers and residential developments working together to address regional transportation and air quality issues. The mission is to reduce single-occupant (drive alone) commutes. Becoming a member can help Kiewit and the City of Winters to improve air quality and VMT by taking advantage of the programs and incentives offered including e-bike loans, discounted transit passes, and guaranteed rides home.

9. **Yolo County Environmental Health Department:** Correspondence received on 10/30/2025 and stated the following;

"Thank you for reaching out to Yolo County Environmental Health (EH) for comments related to this project, particularly regarding using the existing Ag well for concrete mixing. While we do not oppose such use based on the regulatory framework available to EH, we will encourage that city water be made available to the potential business ASAP from the perspective of this business will likely be subjected to the regulations as a Public Water System."

This comment was further clarified by staff in a follow up conversation with the Yolo County

Environmental Health Department. The project will be required to secure a new well permit for the existing well to be used for the concrete mixing. These wells are monitored and inspected on a quarterly basis by the Yolo County Environmental Health Department and the Yolo County Subbasin Groundwater Agency.

10. Winters Natural Resource Committee: Correspondence received Friday December 19, 2025, via email from Committee Member Ken Britton:

1) Direct VMT emissions. Both the inputs and outputs are very heavy, and depending on the distances travelled and the supply chain and targeted markets, might cause significant emissions relative to alternative locations for the plant. (You said it was moving from the Bay Area? It might be possible to see if there are actually carbon savings, which would be a plus.)

2) Traffic impacts. These have two consequences: both quality of life for Winters residents, but also emissions from delays at the Matsumoto Ln traffic signal. I understand from the staff report that there's a Fehr and Peers analysis. This should be made available for everyone to look at. There is mention of oversized loads; these are a particular traffic headache that should be quantified if it isn't already in the analysis.

3) Dust. There is mention that there is only a modest amount of dust expected per day. It matters what kind of dust it is and how it is released. I don't know the standards, but the residents of the City should know what to expect, at the very least.

4) Water. Concrete production uses a *lot* of water, and it sounds like there's an old well on site that they plan to use. The site is either in or very close to the Yolo Groundwater Sustainability "Focus Area" where there's a moratorium on new well drilling. But even if it will be legal to draw a lot of extra water, all the relevant decision-makers need to know how much water is involved and be able to consider the impacts. Indeed, they don't state that they can get 100% of their supply from the well, in which case the City definitely needs to know how much demand the plant will place on its supply.

Let me finish by saying I am not necessarily apposed to the project - people gotta build stuff and there's no current replacement for concrete. But I think folks should think about where we can site demanding projects to minimize their impacts, both locally and on the climate. And we just don't have enough information at this point.

PROJECT AREA BACKGROUND:

The subject parcels were annexed into the city limits on January 1, 1999, via Prezoning application No. 98-1 along with two other parcels. In fact, the Prezoning application is what created the entire Winters Industrial District located along County Road 90. The City of Winters, in conjunction with Teichert Engineering, enacted a Planned Industrial Development Overlay Zone (Planned Development Permit No. 98-12, Teichert Ready Mix) with the Prezoning application which once approved, allowed for the project area to consider projects that included both M-1 (Light Industrial Zoning) and M-2 (Heavy Industrial Zoning). The City of Winters Planning Commission and City Council made findings which concluded that allowing the combination of M-1 and M-2 Industrial uses via a Planned Development Permit within both designated industrial districts is consistent with the policies and intent of the General Plan, to foster industrial development within the City of Winters. In addition, the Planning Commission and City Council concluded that concrete batch plants are considered consistent with the Winters General Plan and Land Use Element goals and polices. Specifically, Goal I.E., Policy

I.E.1., Policy I.E.2., and Policy I.E.3.

The entire effort by the City of Winters to establish a defined Industrial District through annexation and Teichert Engineering to obtain a Planned Development Permit to allow a concrete batch plant in an M-1 District was completed under by utilizing the City of Winters General Plan, 1992 Environmental Impact Report, and a subsequent Initial Study and Negative Declaration which encompassed all the Industrial Zoning along County Road 90 we see today. The Negative Declaration makes reference to the Environmental Impact Report which was prepared and adopted for the *City of Winters General Plan,1992*.

ANALYSIS:

The applicant is proposing a new concrete prestress casting yard and office/warehouse remodel and addition. The project will encompass two legal parcels (APN 038-050-72 which is approximately 21.84 acres) and (APN 038-050-73 which is approximately 7.45 acres) and will ultimately be merged to form one larger parcel for the project site totaling approximately 29.29 acres. The larger and northern parcel is currently developed with a single-family residence which is planned for demolition as part of the project and is currently surrounded by multiple acres of orchards. The second and southern parcel is currently developed with a 22,200 square foot warehouse which is occupied by an air conditioning service office and includes a shop and yard. A subsequent lot line or merger application will be required as part of this project and will be a condition of approval as part of the Planned Development Permit approval.

Both parcels are zoned M-1(Light Industrial District) and have a land use designation of "*Light Industrial*" pursuant to the *City of Winters General Plan, 1992*. The proposed facility will be storing small amounts of diesel fuels and oils to support maintenance and yard operations. Materials will be stored in proper containment and be disposed of accordingly per Local and State regulations. Primary sources of noise include but are not limited to heavy equipment operations and the operation of the concrete batch plant.

FLOOD ZONE ANALYSIS:

The City of Winters Flood Plain Administrator has determined that the project site is located within Zone "AE" and that the site is entirely within the 100 year flood plain. City of Winters 060425 (FIRM Panel No. 06113C0562G 6/18/2010).

While the project does not propose any habitable structures or caretakers' residences which would trigger the requirement for a Base Flood Elevation Certificate, the City of Winters Planning staff highly recommends considering the flood zone determination information for delineating where sensitive equipment is located such as backup power generators. Raised/elevated building pads for sensitive equipment is highly recommended.

MUNICIPAL CODE REQUIREMENTS & JUSTIFICATION FOR APPLICATION:

The subject parcels are zoned M-1(Light Industrial District) and have a land use designation of "*Light Industrial*" pursuant to the *City of Winters General Plan, 1992*. Due to the project's historical background, the entire project acreage is already under a Planned Development Overlay which allows combined uses from the M-1 and M-2 Zoning Districts under a Planned Development Permit Application. A combination of uses allowed by right and by use permit may be combined into a Planned Development Permit. The authority for this type of application can be found in Chapter 17.48.050(A) and (B) which are discussed in further detail within the Findings of Exhibit A:

1. A P-D permit application shall be filed and considered concurrently with the zoning request for a P-D overlay zone. The planning commission shall provide a recommendation on the PD permit and PD overlay zone to the city council, who shall take action on the proposal. Public hearings shall be held pursuant to Section 17.16.040.

2. The city council shall identify the term to implement the PD overlay zone and PD permit as a condition to approving the application.

In this particular case, the overlay zone has already been established so the Planning Commissions potential recommendation to the City Council would be to approve the Planned Development Permit only. The Overlay District Ordinance was completed in 1999 when the entire acreage was annexed into the Winters City Limits from Yolo County's jurisdiction.

While findings are not needed to reclassify the overlay zone due to the overlay zoned being established in 1999, the Planning Commission shall make the findings for the potential recommendation for approval to the City of Winters City Council of the Planned Development Permit pursuant to Chapter 17.48.

In addition to making the appropriate findings related to the Planned Development Permit, the Planning Commission is also required to make the appropriate findings which support the expansion of the existing structure on site and the infrastructure associated with the concrete batch plant. Batch plant elevations have been included in this report as Attachment (G).Those required findings are found in Chapter 17.36. and are supported in Exhibit A.

The planning commission shall make findings relative to compliance with the provisions of Section 17.36.040 prior to approving a site plan for design review. The planning commission may impose conditions of approval to ensure conformance with the above design provisions.

SITE DESIGN & ARCHITECTURAL STANDARDS:

The project proposes a 1,276 square foot addition to the existing 22,000 square foot building. The building will be remodeled as part of this effort. The highest point of the building will be 20 feet. The project also proposes the construction of a concrete batch plant and staging area for large precast concrete columns. A series of water holding tanks will also be constructed to assist in the concrete operations.

OPERATING HOURS & NOISE:

The batch plant will operate from 5:00AM to 5:00PM at a maximum of 71.9 dBa. The heavy equipment on site will operate from 5:00AM to 5:00PM at 63 dBa. All decibel level readings were taken at a distance of 500 feet by using existing conditions at other existing Kiewit prestress casting facilities. The batch plant will create approximately 5.38 pounds per day of PM10 emissions and shall obtain an air quality permit with the local air district prior to operations. Based on the hours of operations pertaining to dBa, a Variance pertaining to the performance standards relating to noise was not required as the dBa levels do not exceed the zoning district threshold of the Municipal Code's Noise Ordinance.

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***

PARKING:

The project will employ approximately 100 employees, and it is estimated that 60 of those employees will be new residents to Winters. The site requires approximately 46 parking spaces but is providing 100 to adequately serve the employees and the frequency if customer trips to the point of sale office which could be as many as 20 customers per day as noted on the Planning application. It is estimated that during daily operations approximately 80 motor vehicles will be parked on site. Minor yet negligible impacts will be associated with the projects increase in traffic and trips along county road 90 which are related to motor vehicle and heavy equipment operations during construction periods and ultimately long term operations. Many of these issues are elaborated upon further in the required traffic impact analysis discussed below.

TRAFFIC IMPACT ANALYSIS:

The traffic impact analysis which has been prepared by Fehr and Peers Consultants and is available upon request for review. **No direct access to U.S. State Highway 505 is proposed.**

While the project proposes utilizing existing environmental documents for approval, staff determined that an updated Traffic Operations Study (TOS) be prepared. The reason for this is while minimal development has taken place since the approval of said environmental documents in 1999/2000, significant development not directly adjoining the project site has taken place in the past two decades immediately south of the project site. Particularly, Chevron, Arco AMPM, Burer King, Taco Bell, and the Marriot Hotel have been constructed since the previous (TOS) was prepared for the initial annexation of the project acreage. It is for these reasons that staff justified the need for an updated Traffic Impact Analysis and how that relates to the City of Winters General Plan Circulation Element which was most recently updated in 2018.

In addition to the commercial developments mentioned above, the (TOS) document also contemplates recently constructed and proposed single family and multifamily development projects such as Olive Grove Phase 1, Walnut Lane 10, Stones Throw, and Farmstead Subdivisions.

It is also important to memorialize the fact that the (TOS) uses Level of Service (LOS) analysis methodologies vs Vehicle Miles Traveled (VMT). While (VMT) is used in most new developments, using (LOS) is more appropriate in this particular case due to the fact that the project proposes to utilize previously approved environmental documents. Specifically, the City of Winters General Plan, 1992 Environmental Impact Report, and the Initial Study/Negative Declaration completed in 1999 when the entire industrial district was annexed into the City. Both of these environmental documents utilize (LOS) analysis methodologies so in this case it is most appropriate to utilize the same approach, which is a primary measure of operational performance. The primary goal of this (TOS) is to determine if the proposed project will allow operational service levels of traffic to maintain a Level of Service “D” as stated in the City of Winters General Plan Circulation Element Policy III.A.I which sates the following:

“The City shall endeavor to maintain a Level of Service “D” or better, as defined by the Highway Capacity Manual 2010 or subsequent revisions, on all streets and intersections within the City.”

In summary, the new (TOS) adequately demonstrates that operational levels of service will not be below service level "D" when complete and also accounts for the increased traffic volumes from the recently built and proposed commercial and residential developments previously discussed in this report.

In conclusion, the proposed conditions of approval pertaining to site design, traffic flows, and line of sight safety will help maintain operational levels of service and maintain vehicle and pedestrian safety in the project vicinity. This analysis applies to and is consistent with the LOS threshold established in the *City of Winters Circulation Master Plan, 2018*.

SIGNAGE:

The project does not propose signage with this application and has elected to defer the review until a later date. However, any future proposed signage related to the business advertising shall be subject to Design Review Chapter 17.80.

LANDSCAPING:

The project's landscaping plans include planting a combination of evergreen and deciduous trees along the project site permitter with intermittent planting of small shrubs. The landscaping plan delineates 7 different landscaping zones throughout the project site. All trees will be double staked and inside the property lines. Over time, the trees will mature and provide aesthetic screening of the project's operation. In addition, the trees will help with local air quality and act as a sound barrier to the pending residential development planned directly west of the project site (Farmstead). All landscaping irrigation will have programmable remote-control valves and sensors to ensure compliance with the City of Winters Water Efficiency Standards. All controls related to the irrigation system will be protected within a plastic vault and shrubs will be watered via drip lines. All landscaping is consistent with Section 17.58.060(G) of the Winters Municipal Code and will contemplate native and adaptive planting and will utilize a new irrigation system which will meet the City of Winters Water Efficiency Standards. The Landscaping shall be maintained as required by the City of Winters Municipal Code. The submitted landscaping plan satisfies the requirements for landscaping outlined in the *City of Winters Community Design Guidelines, 1999*.

COMPATIBILITY WITH ADJACENT USES:

Uses north of the proposed project include the Teichert Concrete Batch Plant which is currently not in operation, and further north is Pavestone which is a manufacturing plant at 27600 County Road 90, Winters, CA 95694 that produces concrete landscaping products like pavers and retaining walls for Northern California and the Reno area.

To the west, the project borders unincorporated Yolo County agricultural lands that are currently cultivated with orchards. To the east of the project site is U.S. Highway 505 which is bordered by more unincorporated Yolo County agriculturally zoned land.

The proposed project and use will not produce any conflicts with the existing adjacent uses and will not involve any open space or recreationally zoned lands.

GENERAL PLAN FINDINGS:

The proposed project is consistent with the *City of Winters General Plan,1992*, as the proposal does not conflict with any identified goals, policies, or objectives outlined within the General Plan. Specifically, the project aligns or is consistent with the following City of Winters General Plan Goals or Policies: Goal I.E., Policy I.E.1., Policy I.E.2., and Policy I.E.3.

Goal I.E: *To designate adequate land for and promote development uses that create jobs and enhance the economy of Winters.*

Policy I.E.1: *The City shall promote and assist the maintenance and expansion of Winters' industrial sector.*

Policy I.E.2: *The City shall work with the private sector to promote job creation and a better jobs/housing balance.*

Policy I.E.3: *The City shall promote the development of clean industries that do not create problems or pose health risks associated with wastewater, refuse, water and air pollution, or potential leaks or spills or hazardous substances.*

COMMUNITY CORRESPONDENCE:

Property owners were notified within 300 feet of the proposed project, and **no comments were received in favor or against.**

ENVIRONMENTAL REVIEW:

The proposed project requires no further review under the California Environmental Quality Act (CEQA) pursuant to Section 15183 because it is consistent with the intent, goals, policies, and procedures of the *City of Winters General Plan, 1992*, and is consistent with the applicable Municipal Code (Zoning) standards. Furthermore, the project area was previously evaluated for potential project related impacts by the *City of Winters General Plan, 1992 EIR,* and the Negative Declaration associated with the Prezoning, Annexation, and previously approved Planned Development Permit for Teichert which is no longer in operation.

The City of Winters Planning Commission and City Council made findings which concluded that allowing the combination of M-1 and M-2 Industrial uses via a Planned Development Permit (functions much like a Conditional Use Permit) within both designated industrial districts is consistent with the policies and intent of the General Plan, to foster industrial development within the City of Winters. In addition, the Planning Commission and City Council concluded that concrete batch plants are considered consistent with the Winters General Plan and Land Use Element goals and polices. Specifically, Goal I.E., Policy I.E.1., Policy I.E.2., and Policy I.E.3.

The entire effort by the City of Winters to establish a defined Industrial District through annexation and Teichert Engineering to obtain a Planned Development Permit to allow a concrete batch plant in an M-1 District was completed by utilizing the EIR for the *City of Winters General Plan, 1992*, and an Initial Study was drafted and ultimately the City adopted a Negative Declaration pursuant to the requirements of the California Environmental Quality Act (CEQA). The Negative Declaration also references the Environmental Impact Report which was prepared and adopted for the *City of Winters General Plan,1992*. Subsequently, the City of Winters will utilize the City of Winters General Plan EIR and the Negative Declaration associated with the entire acreage of the Planned Industrial Overlay District and Annexation as justification for adequate CEQA analysis and review. Specifically, the City of Winters will memorialize the previous environmental documents utilizing Section 15183 of the CEQA Guidelines which states the following:

(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:
(1) Are peculiar to the project or the parcel on which the project would be located,
(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.
(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.
(d) This section shall apply only to projects which meet the following conditions:
(1) The project is consistent with:
(A) A community plan adopted as part of a general plan,
(B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
(C) A general plan of a local agency, and
(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.
(e) This section shall limit the analysis of only those significant environmental effects for which:
(1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the EIR on the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and
(2) The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.
(f) An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire city or county, but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan, but can be found within another pertinent planning document such as a zoning ordinance. Where a city or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the city or county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such a public hearing need only be held if the city or county decides to apply the standards or policies as permitted in this section.

(g) Examples of uniformly applied development policies or standards include, but are not limited to:

(1) Parking ordinances.
(2) Public access requirements.
(3) Grading ordinances.
(4) Hillside development ordinances.
(5) Flood plain ordinances.
(6) Habitat protection or conservation ordinances.
(7) View protection ordinances.
(8) Requirements for reducing greenhouse gas emissions, as set forth in adopted land use plans, policies, or regulations.
(h) An environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it.
(i) Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section.
(1) "Community plan" is defined as a part of the general plan of a city or county which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel.
(2) For purposes of this section, "consistent" means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan.
(j) This section does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.

Lastly, the City of Winters Planning Staff reviewed the previous environmental documents, traffic impact report, fiscal impact analysis, and other affiliated documents to determine if additional environmental review would be needed based on the project scope and existing conditions. Staff determined that while some impacts had largely regressed (discontinuance of the Teichert Batch Plant operations), that development within the Commercial Highway District to the south of the project site had been developed to a level which triggered the requirement for an updated Traffic Operations Report and Geo Technical Report which have been included in the CEQA determination. Staff determined that this potential impact was not peculiar to project based on review of the original traffic impact study. Staff required the new traffic impact study to be performed to ensure that potential cumulative off-site impacts from all sources of traffic in the project vicinity would not fall below the adopted level of service standards outlined in the City of *Winters Master Circulation Plan, 2018*. These updated reports further support that the project area is a relatively low traffic volume area as it pertains to Vehicle Miles Traveled and that the project will not create a future condition where level of service rating would drop below the minimum threshold of service (Service Level D) as required by the Master Circulation Plan which was adopted in November 2018. The updated traffic impact study is attached to this report as Attachment H.

PLANNING COMMISSION RESOLUTION NO. 2025-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WINTERS RECOMMENDING THAT THE CITY COUNCIL APPROVE A PLANNED DEVELOPMENT PERMIT TO AN EXISTING P-D OVERLAY ZONE (61.16 ACRES-RESOLUTION NO. 98-03 AND 98-04) TO ALLOW A CONCRETE BATCH PLANT ON A 29.29 ACRE PARCEL FOR THE PROPERTY LOCATED AT 27890 & 27990 COUNTY ROAD 90. (APN:038-050-72-000 AND (APN:038-050-73-000)

WHEREAS, Planned Development Permit #2025-006 was filed by Kiewit Infrastructure West Coast on behalf of the exiting property owners to potentially allow the establishment of a concrete prestress casting facility, staging area, existing 22,000 square foot shop, concrete batch plant, aggregate bins, water tank, storm water detention basin, with fleet and employee parking; and

WHEREAS, all Planned Development Permit applications must be prepared in accordance with the provisions set forth in Section 17.48 of the Winters Municipal Code and that the Planning Commission shall provide a recommendation on the Planned Development Permit to the City Council and public hearings shall be held pursuant to Section 17.16.040; and

WHEREAS, a notice of a public hearing scheduled for December 17, 2025, for the Planned Development Permit to be considered by the Winters Planning Commission was published in the *Winters Express* on December 3, 2025, in accordance with Government Code sections 65353 and 65090; and

WHEREAS, notice was mailed to property owners within 300 feet of the project location on December 3, 2025; and

WHEREAS, on December 17, 2025, at approximately 4:00 Pacific Standard Time, the Planning Department was contacted by the applicant who requested that the project be tabled and rescheduled for a future regularly scheduled Planning Commission meeting so that the applicant and city staff could discuss the conditions of approval for the proposed project; and

WHEREAS, on December 17, 2025, the Planning Commission voted unanimously to table the project to a future yet undetermined Planning Commission meeting; and

WHEREAS, a notice of a public hearing scheduled for January 27, 2026, for the Planned Development Permit to be considered by the Winters Planning Commission was published in the *Winters Express* on January 14th, 2026, in accordance with Government Code sections 65353 and 65090; and

WHEREAS, the Planning Division staff recommends approval of the proposed Planned Development Permit based on the findings provided in Exhibit A, and the Conditions of Approval provided in Exhibit B, attached hereto and incorporated herein.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Winters recommends that the City Council approve a Planned Development Permit to allow the establishment of a concrete prestress casting facility, staging area, existing 22,000 square foot shop, concrete batch plant, aggregate bins, water tank, storm water detention basin, with fleet and employee parking to an existing P-D overlay zone (61.16 acres Prezoning Resolution No.98-03 and LAFCO#869 Resolution No. 99-4) for a 29.29-acre parcel for the property located at 27890 & 27990 county road 90 (APN:038-050-72-000 and (APN:038-050-73-000).

BE IT FURTHER RESOLVED that the Planning Commission of the City of Winters, based on the evidence in the record and findings set forth in Exhibit A, determines the Planned Development Permit to be consistent with the Final Environmental Impact Report (EIR) of the *City of Winters General Plan,1992*, and the Negative Declaration (ND) that was prepared for the annexation and P-D overlay zone established in 1999/2000. The Planning Commission has reviewed and considered the 1999 (ND), City of Winters General Plan, 1992 (EIR), any oral or written comments received, and the administrative record prior to making any decision on the Planned Development Permit and recommends that the City Council find that the 1999 (ND) contains a complete and accurate reporting of all the environmental impacts associated with the project use. Based on the substantial evidence set forth in the record, including but not limited to, the 1999 (ND), the 1992 General Plan (EIR), update Traffic Impact Study, and all related information presented to the Planning Commission, the Commission further recommends that the City Council find that, pursuant to State CEQA section 15183 that the 1999 (ND) and 1992 (EIR) fully analyzed and mitigated, where feasible, all potentially significant environmental impacts, if any, that would result from the Planned Development Permit, and therefore, no subsequent EIR or mitigated negative declaration is required.

IT IS HEREBY CERTIFIED that the foregoing Planning Commission Resolution No. 2025-12 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a special meeting of the City of Winters Planning Commission held on the 27th day of January 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Lisa Baker, Chairperson

Jeremy Craig, Planning Commission Secretary

Exhibit "A"

Planned Development Permit (Chapter 17.48), Site Plan & Design Review (Chapter 17.36), Yolo Habitat Conservancy (Chapter 18.12), and CEQA Findings:

Planned Development Permit Findings:

1) The development proposed is consistent with the general plan and the purposes of this section (17.48).
2) The development proposed complies with the applicable provisions of the basic zoning district(s) (M-1 and M-2) on the property and deviations from these provisions have been justified as necessary to achieve an improved design for the development and/or the environment.
3) The proposed development is essential or desirable to the public comfort and convenience.
4) The requested plan will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare.
5) Adequate utilities, access roads, sanitation and/or other necessary facilities and services will be provided or available.
6) The development will not create an adverse fiscal impact for the city in providing necessary services.

General & Municipal Code Findings:

7) In 1998, the City of Winters, in conjunction with Teichert Engineering, enacted a Planned Industrial Development Overlay Zone (Planned Development Permit No. 98-12, Teichert Ready Mix) with the prezoning application which once approved, allowed the project area to consider projects that included both M-1 (Light Industrial Zoning) and M-2 (Heavy Industrial Zoning).
8) While the annexation of the project area included 61.16 Acres, the Teichert project known as Planned Development Permit No. 98-12 only authorized development of 6.35 Acres on the 16.35 Acre parcel. This operation has not been active in at least a decade.
9) Construction of nonresidential buildings or structures of five hundred (500) square feet or more, or additions of five hundred (500) square feet or more to such existing buildings requires design review approval through the Planning Commission (17.36.020(A)).
10) The proposed 1,276 square foot addition to the existing 22,000 square foot building will be like for like building materials and design.

11) The proposed project is consistent with the Design Review provisions found in Chapter 17.36.

General Plan Findings of Consistency:

12) The Planned Development Permit is internally consistent with those goals, objectives, and policies of the General Plan which are not being amended. This finding can be made as the Subject Property already has similar General Plan land use designations. The Planned Development Permit is consistent with Goal I.E., Policy I.E.1., Policy I.E.2., and Policy I.E.3., which provides that the City shall designate land and promote development of industrial uses that create jobs and enhance the economy of Winters, shall promote and assist with the maintenance and expansion of Winters' industrial sector, shall work with the private sector to promote job creation and a better jobs to housing balance, and shall promote the development of clean industries that do not create problems or pose health risks associated with wastewater, refuse, water and air pollution, or potential leaks or spills of hazardous substances.
13) Property Suitability. The existing Planned Development Overlay Designation is suitable for the location, access, visual character, and topography of the Subject Property. This finding can be made as the proposed land use designations are very similar to the existing land use designations allowed by right and by conditional use permit in an M-1 or M-2 Zoning District and is further memorialized in the historic document related to the annexation of the 62 acre area and planned development overlay district established by City Ordinance.
14) The proposed conditions of approval pertaining to site design, traffic flows, and line of sight safety will help maintain operational levels of service and maintain vehicle and pedestrian safety in the project vicinity. This analysis applies to and is consistent with the LOS threshold established in the *City of Winters Circulation Master Plan, 2018*.

Traffic Operations Study & City of Winters Master Circulation Plan, 2018 Findings:

15) The City of Winters Community Development Department required a new Traffic Operations Study to be prepared and evaluated against the City of Winters Master Circulation Plan 2018, and to adequately address the development that has taken place since the original annexation of the industrially zoned district and acreage and the potential impacts associated from those developments. The new TOS also contemplates projected traffic impacts should the project be approved while also addressing impacts from residential and commercial projects completed since the year 2000**.**

16) In reference to the Traffic Operations Study prepared by Fehr and Peers Consultants, City of Winters Planning staff finds that should the project be approved, that Traffic Impacts would not create conditions where operational level of service for road standards would fall below a (Service Level "D").
17) The proposed project is consistent with the City of Winters Master Circulation Plan because the proposed project will maintain a Level of Service "D" or better, as defined by the Highway Capacity Manual 2010 or subsequent revisions, on all streets and intersections within the City.

Yolo Habitat Conservancy Findings:

18) Planning staff has determined that the proposed project is considered a "covered activity" pursuant to Chapter 18.12.040 of the Winters Municipal Code and therefore is subject to the permitting process as follows:

> *"As set forth in Section 8.1 of the implementing agreement, all project applicants for covered activities within the plan area shall comply with the conditions set forth in Chapter 4 of the Yolo HCP/NCCP to avoid, minimize, and mitigate the take of covered species resulting from covered activities. Each planning permit application for a covered activity within the plan area shall include details on the manner and timing for project compliance with the Yolo HCP/NCCP in the form and manner required by the director of community development. Applicable conditions of approval on covered activities from Chapter 4 of the Yolo HCP/NCCP as well as other measures required to implement the Yolo HCP/NCCP conservation strategy shall be included in each planning permit approval for a covered activity." (Ord. 2018-02 § 2 (part))*

19) The project applicants have completed the Yolo Habitat Conservancy Permit Process as it relates to the Yolo County Natural Community Conservation Plan to the satisfaction of the City of Winters Community Development Department. The mitigation fees will be paid upon potential approval from City Council at future meeting.

Flood Zone:

20) The City of Winters Flood Plain Administrator has determined that the project site is located within Zone "AE" and that the site is entirely within the 100 year flood plain. City of Winters 060425 (FIRM Panel No. 06113C0562G 6/18/2010).
21) While the project does not propose any habitable structures or caretakers' residences which would trigger the requirement for a Base Flood Elevation Certificate, the City of

Winters Planning staff highly recommends considering the flood zone determination information for delineating where sensitive equipment is located such as backup power generators. Raised/elevated building pads for sensitive equipment is highly recommended.

California Environmental Quality Act Findings:

22) The proposed project requires no further review from the California Environmental Quality Act (CEQA) pursuant to Section 15183 because the project site was evaluated previously by the *City of Winters General Plan,1992* EIR and the Negative Declaration associated with the annexation and overlay district.
23) The project site is consistent with the development density established by existing zoning and general plan policies for which an EIR and Negative Declaration were certified and shall not require additional environmental review. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.
24) While staff did not find any of the previous impacts evaluated with the original projects and actions associated with the annexation of the 62 acre planned development overlay district, Staff determined that a new Traffic Impact Study be completed to better reflect existing conditions associated from the regression of impacts from the Teichert Facility not being in operation and the increase in traffic volume from the development associated with the Commercial Highway Zoning District immediately south of the project site.
25) If the project is ultimately approved, The City of Winters Community Development Department will file a Notice of Determination with the Office of Planning and Research which memorializes the (CEQA) review process and that no further action is required for this project.

KIEWIT PRECAST CONCRETE FACILITY

ENGINEERING AND PUBLIC WORKS
DRAFT CONDITIONS OF APPROVAL
JANUARY 27, 2026

1. The applicant shall submit a current title report to the City prior to approval of public improvement plans.

2. All required public improvements shall be constructed concurrently, in a single-phase operation.

3. Landscaping and irrigation plans shall be prepared by a registered landscape architect and included as part of the improvement plans and/or site plans. The city agrees that dry scape is a preferred application along the frontage.

4. Landscaped slopes along streets shall not exceed 5:1; exceptions shall require approval of the City Engineer. Level areas having a minimum width of two (2) feet shall be required at the toe and top of said slopes.

5. The city uses a consultant to provide city engineering services. The applicant shall be responsible for all costs associated with consultant's costs specifically charged for engineering services for the project.

6. All public landscape areas shall include dry scape with no water service.

7. Street lighting location plan shall be submitted and approved by the City Engineer prior to approval of improvement plans. Streetlights are only required along the west side of Matsumoto and shall match cobra-heads installed with the other commercial projects. Spacing requirement for a Collector is 115 feet. Streetlights are only required near the entrance driveway and one more north of that.

8. Occupancy shall be issued by the Building Department and shall not occur until on-site and off-site civil improvements have been accepted by the City and all Conditions of Approval are satisfied, unless approved otherwise by the City Engineer.

9. If relocation of existing infrastructure is deemed necessary, the applicant shall perform the relocation, at the applicant's expense unless otherwise provided for through a reimbursement agreement. All public utility standards for public easements shall apply.

10. Project proponents shall enter the Citywide Landscape and Lighting Maintenance District, in order to maintain and provide for the future needs of street lighting and landscaping, and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to the city issuing of a certificate of occupancy.

11. Applicants shall provide refuse enclosure details showing bin locations and recycling facilities for the approval of the Public Works Department and the Community Development Department.

12. Prepare improvement plans for any work within the public right-of-way and submit them to the City Engineer for review and approval. The improvement plan sheets shall include the title block as outlined in the City of Winters Public Improvements Standards and Construction Standards. This submittal is separate from the building permit submittal.

13. Conform to Yolo County Health regulations and requirements for the abandonment of any septic tanks and water wells.

14. Existing public and private facilities damaged during construction shall be repaired by the Applicant at his/her sole expense, to the satisfaction of the City Engineer.

15. All utility poles that are to be relocated in conjunction with this project shall be identified on the improvement plans, with existing and proposed locations indicated.

16. The project shall always operate within all applicable requirements of the City Code.

17. Any joint trench/utility/composite plans shall be submitted to the City Engineer for review, prior to approval of improvement plans.

18. All perimeter parcels and open space shall be protected against surface runoff from project, in a manner acceptable to the City Engineer.

19. Applicants shall be responsible for complying with all permitting requirements from federal, state, or other local agencies.

20. Applicants shall contact the City Engineer prior to beginning construction for a pre-construction meeting.

Traffic

21. The applicant shall construct public roadway frontage improvements along the west side of Matsumoto Lane, to include curb, gutter, road widening, and separated sidewalk per the City of Winters Public Improvements Standards and Construction Standards, and consistent with frontage improvements along Matsumoto installed with the other commercial projects. The improvements shall tie-in to the existing improvements south of the property and extend 150 feet past the main driveway.

22. A preliminary site plan showing ingress/egress for Matsumoto has been submitted but not approved by the city. The Applicant shall work with the City Engineer to develop appropriate ingress/egress for Matsumoto, to avoid potential conflicts and provide safe circulation for the projected truck traffic.

23. All driveways extending from the property onto the public right-of-way shall be constructed in accordance with the City's Public Works Improvement Standards and Construction Specifications.

24. A signage and striping plan for the public roadways is required and shall be approved by the City Engineer. The striping along the frontage may include a new centerline double-yellow stripe or a two-way turn-lane based on the improvements needed for ingress and egress from the facility. This shall tie into the existing striping placed with the previous commercial projects. New striping and replacement striping shall be thermoplastic.

25. Install a “Keep Clear” legend on southbound Matsumoto, at Starbucks/Fairfield Inn shared driveway, per MUTCD Figure 3B-24. Do Not Block Intersection Markings. Also, restripe the existing centerline striping, arrows, and crosswalk from shared driveway to Grant Avenue.

26. On Matsumoto existing frontage pavement, provide variable depth grind and overlay for full width of the roadway, for consistent cross-slope. The design parameters shall be provided based on a licensed geotechnical analysis provided by the applicant.

27. New widened pavement section of Matsumoto shall comply with City of Winters Standards Section 1.4-5 Structural Section.

28. Add “No Parking” signs along Matsumoto Lane frontage of project, unless approved otherwise from the city.

29. The applicant shall obtain an encroachment permit from Caltrans District 3 Encroachment Division for any 9 axel truck loads that are to be scheduled, and/or a transportation permit for oversized/overweight vehicles.

Drainage

30. A drainage plan shall be prepared by a registered civil engineer for project watershed(s), including the plan area. The plan shall identify specific storm drainage design features to control increased runoff from the project site. The plan shall be submitted for approval along with the Improvement Plans. Post-construction run-off shall be equal or less than the pre-project runoff.

31. A topographic survey of the entire site and a comprehensive grading and drainage plan prepared by a registered civil engineer, shall be required for the development. The plan shall include topographic information on adjacent parcels. In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any. A statement shall appear on the site grading and drainage plan, which shall be signed by a registered civil engineer or land surveyor and shall read, “I hereby state that all improvements have been substantially constructed as presented on these plans”. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.

32. Construction materials for storm drainpipes within the water table shall be pre-cast rubber-gasket reinforced concrete pipe (RGRCP).

33. The site lies within both a federal flood hazard zone and the City General Plan Flood Overlay Zone (FOZ). With respect to the federal designation, development is allowed provided the Applicant satisfies the federal construction requirements for elevation above the 100-year flood elevation.

34. All projects shall include implementation of post-construction best management practices (BMPs), in accordance with the provisions of the General Construction Activity Storm Water Permit adopted by SWRCB in 2009 and amended in 2012 (2009-009-DWQ).

35. In accordance with General Plan Policy IV.D.4, and the Flood Overlay Impact Fee Update and Nexus Study dated 14, 2020, all projects within the Flood Overlay Zone shall pay a Flood Overlay Fee (Drainage Impact Fee), as updated, that represents a fair share towards implementation of the improvements specified in the Storm Drainage Cost Allocation Report North Area, Alternative 3, prepared by Wood Rodgers. This fee shall be due prior to approval of the Final Map. The city may provide fee credits and reimbursements to developers who dedicate land or construct facilities with private financing.

Sanitary Sewer

36. The property shall be connected to the City of Winters sewer system in Matsumoto Lane, with a separate sewer lateral required for each parcel, in accordance with City of Winters Public Improvement Standards and Construction Standards. If sewer services for each Parcel are combined; then a reciprocal use agreement between property owners will be required prior to approval of the Final Parcel Map. This agreement applies also to water and storm drainage systems, and vehicular/pedestrian and bike access.

37. A Sewer Collection System Plan shall be submitted for approval by the City Engineer as part of the submittal of the construction drawings. A registered civil engineer for project shall prepare the sewer collection system plan and capacity analysis. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations to support additional flows being added to the city's system.

38. The applicant shall pay the cost associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.

39. At the time the Building Permit is issued, the applicant is required to pay the appropriate connection fees.

Water

40. A Water System Plan shall be submitted for approval by the City Engineer as part of the submittal of the construction drawings. A registered civil engineer for project shall prepare the water system plan and water-demand analysis. The plan shall include final sizing and location of conveyance facilities, structures, and engineering calculations to support additional water demand from the city's system.

41. Obtain approval from Yolo County Health for re-use of the existing water well for non-potable use.

42. The applicant shall pay the costs associated with all improvements required by the plan. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.

43. All materials and installation of the water system shall be at the applicant's expense per City of Winters Public Improvement Standards and Construction Standards.

44. At the time the Building Permit is issued, the applicant will be required to pay the appropriate City connection fees. All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the City Engineer.

45. Per City of Winters Cross Connection Control Program, all types of commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention assembly, at the applicant's expense. Service size and flow-rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Winters Public Improvements Standards and Construction Standards. Prior to the installation of any backflow prevention assembly between the public water system and the owner's facility, the owner or contractor shall make application and receive approval from the City Engineer or his designated agent.

46. Per the City of Winters Cross Connection Control Program, fire protection systems are required to maintain approved backflow prevention, at the applicant's expense. Required location, service size and flowrate for the fire protection system must be submitted. Actual location is subject to the review and approval of the Public Works Department, Fire Department, and Community Development Department.

47. The Applicant shall develop and implement a Construction Traffic Management Plan to the satisfaction of the City of Winters Department of Public Works. The plan shall be submitted to the City of Winters Public Works Department and Caltrans for review prior to initiation of site disturbance.

48. If build-out of the different facilities on the different Parcels will be phased, then an infrastructure and circulation phasing plan shall be submitted for approval by the City, prior to approval of the Final Parcel Map.

Mapping

49. Applicant shall submit a Parcel Map in accordance with the Subdivision Ordinance, Chapter 16.02. The parcel Map shall be in substantial conformance with the Applicant's Exhibit provided during Design Review.

50. Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreage shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the Parcel Map. Reference the City of Winters Public Improvements Standards and Construction Standards for additional requirements.

51. All existing and proposed utilities (electric, phone/data, and cable) along the project frontage and on-site shall be installed underground per the subdivision ordinance and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers.

52. The applicant shall dedicate ___' along the frontage for the full half-section of right of way for Matsumoto.

53. A Public Improvement Agreement shall be entered into and recorded prior to recording of the Final Parcel Map, approval for improvement plans for off-site work, and/or issuance of any building permits.

54. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.

55. The applicant shall facilitate, with City cooperation, the abandonment of all City easements and dedications currently held but no longer necessary as determined by the Public Works Department.

56. A ten (10) foot public utility easement back of right of way, adjacent to all public streets within the development shall be dedicated to the City.

FIRE - POLICE

57. FINAL PLANS, PERIODIC TESTS FOR FIRE HYDRANTS: All final plans for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the City of Winters Fire Department for approval prior to construction of the system. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the City of Winters Fire Department.

58. WATER PRESSURE: All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any construction taking place on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Winters Fire Department.

59. REFLECTORS FOR FIRE HYDRANTS: Any fire hydrant installed will require, in addition to the blue reflector noted in Standard Drawings, an additional blue reflector and glue kit that is to be supplied to the Winters Fire Department for replacement purposes.

60. All construction, new or remodeling, shall conform to the most current Uniform Fire Codes, the Winters Fire Prevention Code, and section of the National Fire Codes that the Winters Fire Chief or his/her agent may find necessary to apply.

61. Forty-eight hours of notice shall be given to the Winters Fire Department prior to any site inspections.

62. A hydrant use permit shall be obtained from the Public Works Department, for water used in the course of construction.

63. A new hydrant shall be placed along the frontage of development. Actual location is subject to the review and approval of the Public Works Department and Fire Department.

64. The Applicant shall contact the Winters Fire Department Chief or his/or agent prior to construction for a pre-construction meeting.

65. All required fire accesses that are to be locked shall be locked with a system that is approved by the Fire Chief or his/her agent.

66. Before framing of the building begins, a compacted gravel drive access will be put in place to allow fire equipment to access the site in the case of an emergency.

Community Development Department:

69. The project is described in the January 27, 2026, Planning Commission staff report. The project shall conform to the attachments to the staff report. Substantial changes to the project shall require modification to the Planned Development Permit and a subsequent Public Hearing by the Planning Commission and City Council.

70. Minor modifications can be made at staff level as determined by the Zoning Administrator pursuant to Section 17.48.110.

71. The Planned Development Permit approval shall expire in two years (December 18, 2027) from its date of approval unless the applicant requests an extension from the Community Development Department. The applicant shall bear all expenses for any extension request submitted to the Community Development Department.

72. The owner or authorized agent shall submit for a lot line adjustment or parcel map application within 120 days from city council approval to ensure that the overall project site does not cross legal property boundaries and that the entire project acreage of 29.29 acres is contained within one legal parcel boundary.

73. Prior to receiving temporary certificate of occupancy, the authorized agent or owner shall obtain a valid air quality permit from the Yolo County Air Pollution Control District and provide a copy of annual compliance to the City of Winters Community Development Department.

74. The applicant shall adhere to the City of Winters Municipal Code Title 17 (Zoning) in its entirety and all applicable requirements.

75. The applicant shall obtain an encroachment permit from Caltrans District 3 Encroachment Division for any 9 axel truck loads that are to be scheduled. All truck loads of this nature shall be accompanied with the proper pilot vehicles, traffic control, and any coordination with the California Highway Patrol that may be required.

76. As set forth in Section 8.1 of the implementing agreement, all project applicants for covered activities within the plan area shall comply with the conditions set forth in Chapter 4 of the Yolo HCP/NCCP to avoid, minimize, and mitigate the take of covered species resulting from covered activities. Each planning permit application for a covered activity within the plan area shall include details on the manner and timing for project compliance with the Yolo HCP/NCCP in the form and manner required by the director of community development. Applicable conditions of approval on covered activities from Chapter 4 of the Yolo HCP/NCCP as well as other measures required to implement the Yolo HCP/NCCP conservation strategy shall be included in each planning permit approval for a covered activity.

77. The owner or authorized agent shall pay any required Yolo County Natural Community Conservation Plan Permit fees. The mitigation fees shall be paid in full by the project applicant to the city no later than the date of issuance by the city of a building permit.

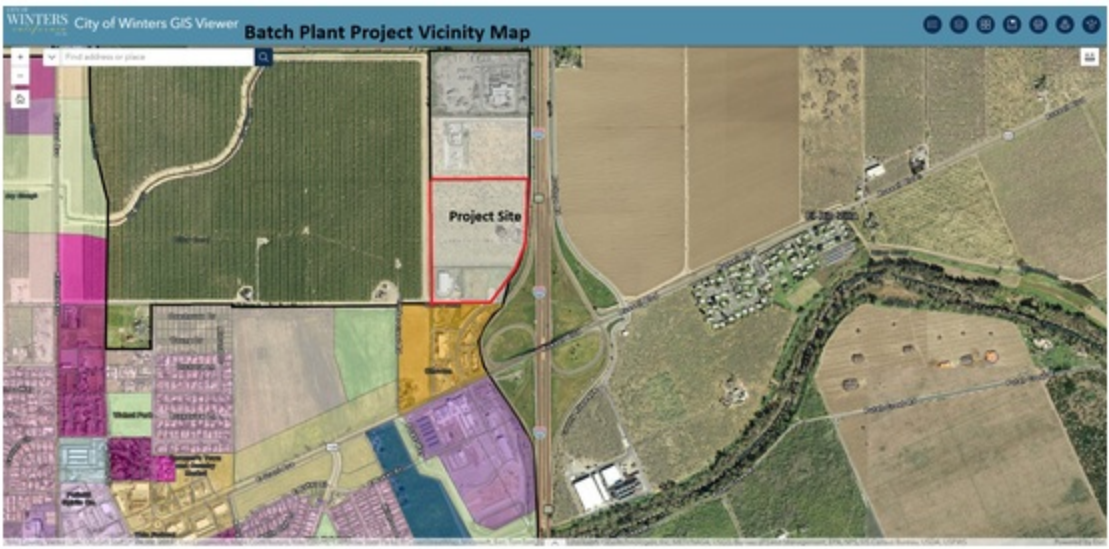
The mitigation fees paid by project applicants shall be transferred (along with mitigation fee payments provided for public agency projects) to the Conservancy on a quarterly basis, or more frequently if requested by the Conservancy. Mitigation fees shall be paid to the city at the time of issuance of the first building permit if more than one building permit is required for the project.

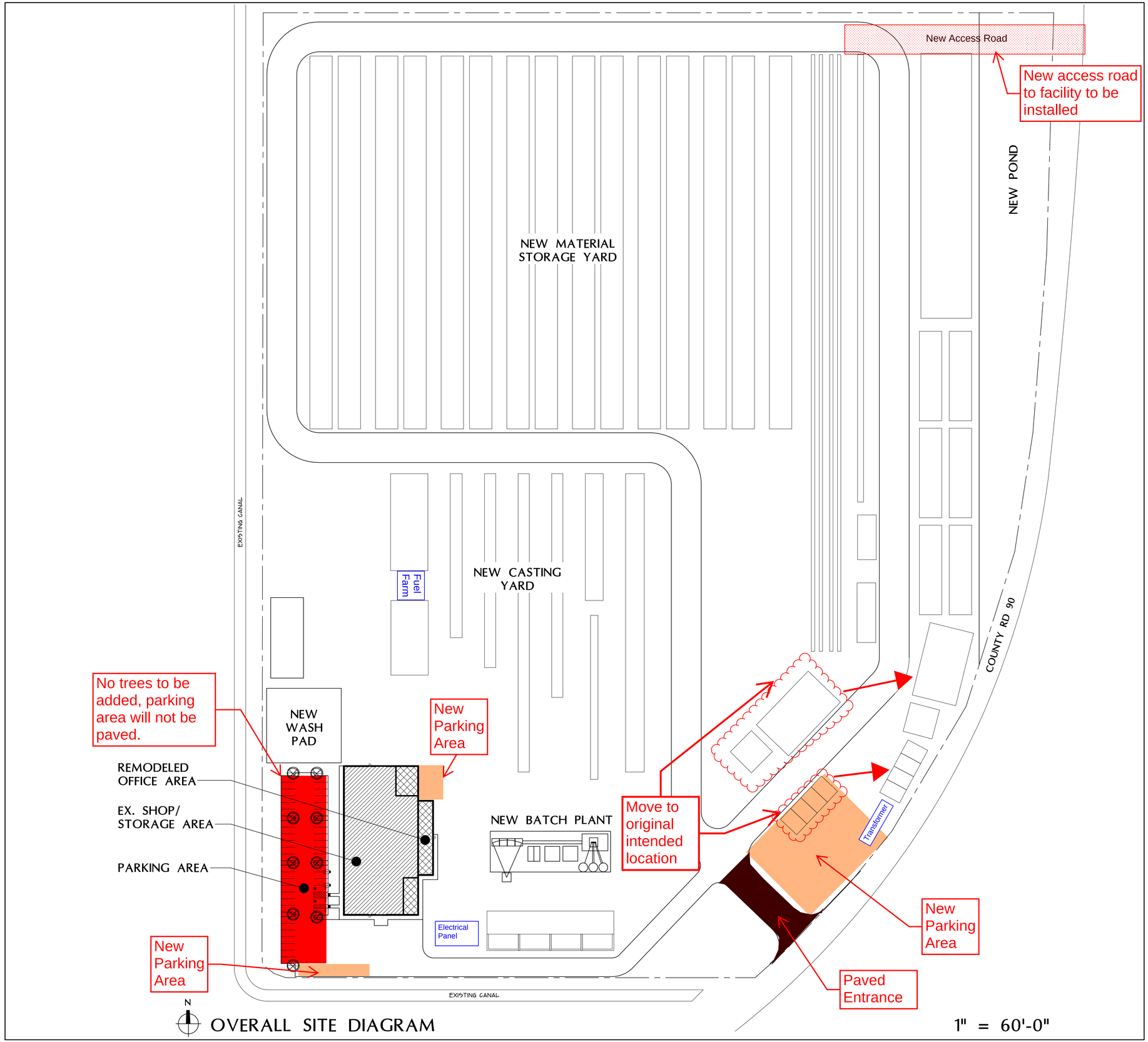
78. The owner or authorized agent shall provide a copy of the approval letter and application materials from the completion of the Yolo County Habitat Community Conservation Plan permit process.

79. Signage was not part of this Planned Development Permit, and Design Review application and therefore any future business signage is subject to Design Review pursuant to Title 17, Chapter 17.80. Any free-standing sign proposed in the future requires Planning Commission approval.

80. Prior to the issuance of final certificate of occupancy, the applicant or owner shall submit an updated outdoor lighting site plan which specifically addresses the parking lot lighting, which conforms to the City of Winters Municipal Code Chapter 17.58, Section 17.58.070(C)(1)(a) through (o) and shall be approved by the Community Development Department.

81. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expenses in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense which includes court costs and attorneys' fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorneys' fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the Applicant in good faith approves the settlement, and the settlement imposes direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning Commission, any advisory agency to the City, and the City Council.


City of Winters GIS Viewer
Batch Plant Project Vicinity Map
Project Site



SHEET INDEX

A-1 OVERALL SITE DIAGRAM, PROJECT SUMMARY

PROJECT SUMMARY

PROJECT DESCRIPTION

THIS PROJECT IS FOR A NEW CONCRETE PRESTRESS CASTING YARD AND OFFICE/WAREHOUSE REMODEL. THE PROJECT WILL ENCOMPASS TWO ADJACENT PARCELS. ONE PARCEL IS CURRENTLY BEING USED FOR AGRICULTURAL PURPOSES WITH A SINGLE RESIDENCE WHICH WILL BE DEMOLISHED. THE SECOND PARCEL IS CURRENTLY BEING USED AS AN AIR CONDITIONING SERVICE OFFICE, SHOP AND YARD.

ZONING INFORMATION

ZONING:	M-1 LIGHT INDUSTRIAL
GENERAL PLAN DESIGNATION:	LI LIGHT INDUSTRIAL
APN NUMBERS:	038-050-072 & 038-050-073
ADDRESS:	27890 & 27990 COUNTY ROAD 90
APPROX. ACRES:	21.84 ACRES & 7.45 ACRES
FLOOD ZONE:	AE

DEVELOPMENT STANDARDS

LOT STANDARDS:	
MINIMUM LOT AREA:	10,000 S.F.
SETBACKS:	
FRONT:	25 FT.
SIDE YARD:	10 FT.
REAR:	15 FT.
MAXIMUM STRUCTURE HEIGHT:	40 FT.
MAXIMUM FLOOR AREA RATIO:	.40

PARKING REQUIREMENTS

OFFICE, BUSINESS: 1 SPACE PER 250 SQ. FT. OF GROSS FLOOR AREA.

MANUFACTURING, LIGHT: 1 SPACE PER 750 SQ. FT. OF GROSS FLOOR AREA.

PARKING ANALYSIS

OFFICE AREA:	
2,000 S.F. / 250 =	8 STALLS
POD & QC OFFICE REMODEL:	
2,200 S.F. / 250 =	9 STALLS
REMAINING SHOP & MAINTENANCE:	
17,800 S.F. / 750 =	24 STALLS
STALLS REQUIRED:	41 STALLS
STALLS PROVIDED:	44 STALLS

ANTICIPATED BUILDING CODES

ALL WORK SHALL BE IN CONFORMANCE WITH THE CURRENTLY ADOPTED EDITION OF THE FOLLOWING APPLICABLE CODES:

- 2022 CALIFORNIA BUILDING CODE
- 2022 CALIFORNIA MECHANICAL CODE
- 2022 CALIFORNIA PLUMBING CODE
- 2022 CALIFORNIA ELECTRICAL CODE
- 2022 FIRE CODE
- ADA (AMERICANS WITH DISABILITIES ACT, TITLE III).
- 2022 CALIFORNIA ENERGY CODE

BUILDING SUMMARY

EXISTING BUILDING USE:	OFFICE / WAREHOUSE
EXISTING STORIES:	SINGLE STORY
EXISTING GROSS BUILDING AREA:	22,000 S.F.
EXISTING OCCUPANCY TYPE:	B & S-1 OCCUPANCY
NEW BUILDING USE:	OFFICE / STORAGE / MAINTENANCE
NEW BUILDING FLOOR AREA:	NO CHANGE
PROPOSED OFFICE AREA:	(NO CHANGE) 22,200 S.F.
PROPOSED STORAGE / MAINTENANCE AREA:	17,800 S.F.
NEW OCCUPANCY TYPE:	S-1, F-1 & B OCCUPANCY
CONSTRUCTION TYPE:	TO BE DETERMINED
ALLOWABLE AREA:	TO BE DETERMINED
BUILDING HEIGHT:	TO BE DETERMINED
FIRE SPRINKLERS:	TO BE DETERMINED
FIRE ALARM:	TO BE DETERMINED
AIR CONDITIONED:	YES - (OFFICE AREA ONLY)
AREA SEPARATIONS:	NONE REQUIRED

INLAND ARCHITECTS

LICENSED ARCHITECT SAM WILSON NO. C-29270 RENEWAL 08/30/27 STATE OF CALIFORNIA

Sam Wilson - Architect
1401 19th Street - Suite 130
Bakersfield, CA 93301
Phone: 661-321-3440
Fax: 661-321-3441
sam@inlandarchitects.com

KIEWIT INFRASTRUCTURE WEST COAST YARD

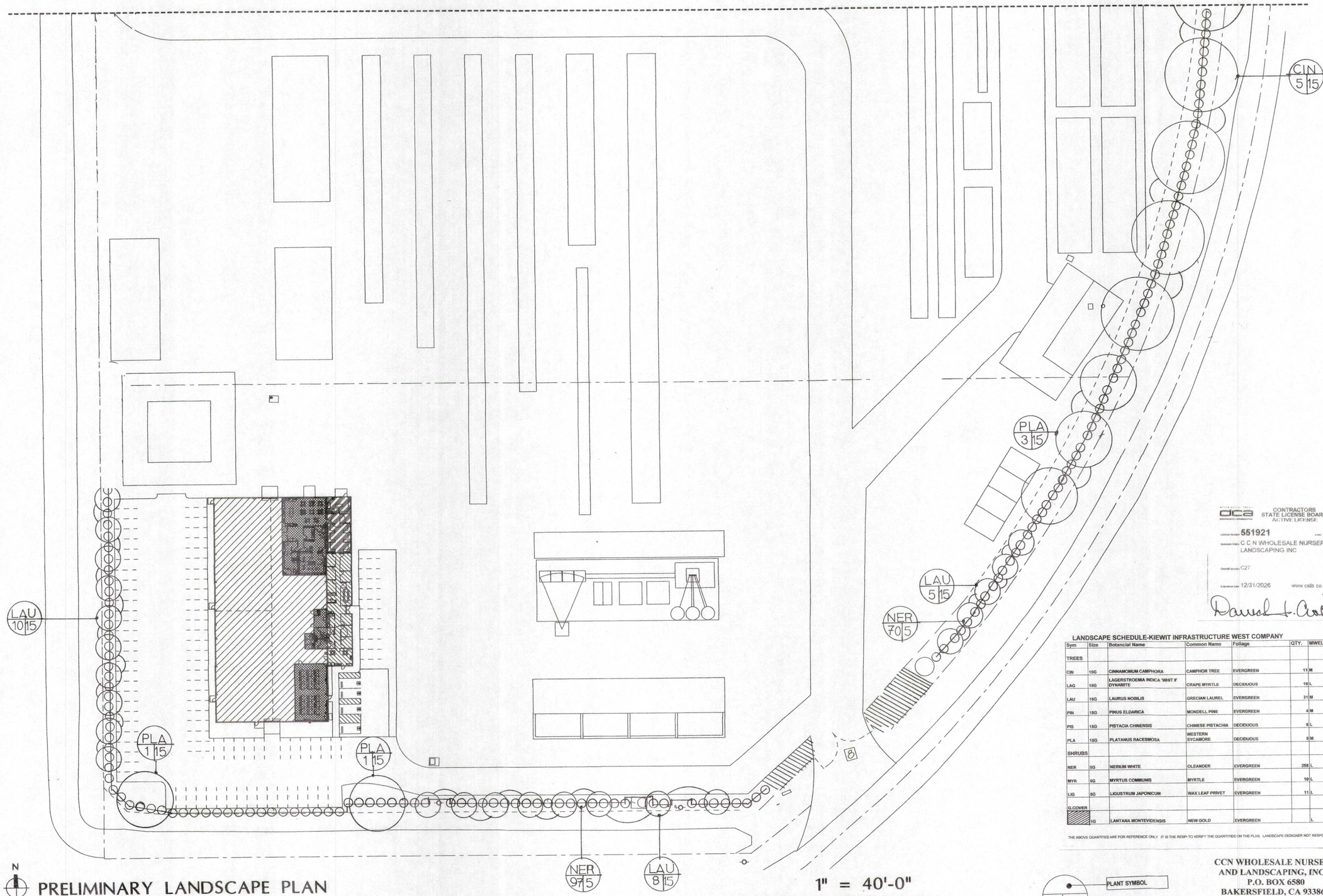
27890 & 27990 COUNTY ROAD 90
WINTERS, CA 95694

DATE	ISSUED FOR
5-2-25	CLIENT REVIEW

REVISIONS
1
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A-1

25023



N

PRELIMINARY LANDSCAPE PLAN
SOUTH PORTION

1" = 40'-0"

I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTIVE COMPLIANCE OPTION TO MWELO

DAVID L. CRABTREE 9.24.2025

I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTIVE COMPLIANCE OPTION TO WUCOLS

DAVID L. CRABTREE 9.24.2025

I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

DAVID L. CRABTREE 09/24/2025

CONTRACTORS STATE LICENSE BOARD
ACTIVE LICENSE

License Number 551921 Entity CORP

Company Name C C N WHOLESALE NURSERY & LANDSCAPING INC

Classification(s) C27

Expiration Date 12/31/2026 www.cslb.ca.gov

9/24/25

LANDSCAPE SCHEDULE-KIEWIT INFRASTRUCTURE WEST COMPANY

Sym	Size	Botanical Name	Common Name	Foliage	QTY.	MWELO	SIZE
TREES							
CIN	15G	CINNAMOMUM CAMPHORA	CAMPHOR TREE	EVERGREEN	11	M	50' X 70'
LAG	15G	LAGERSTROEMIA INDICA 'WHIT II' DYNAMITE	CRAPE MYRTLE	DECIDUOUS	10	L	20' X 18'
LAU	15G	LAURUS NOBILIS	GRECIAN LAUREL	EVERGREEN	31	M	30' X 20'
PIN	15G	PINUS ELDARICA	MONDELL PINE	EVERGREEN	4	M	80' X 25'
PIS	15G	PISTACIA CHINENSIS	CHINESE PISTACHIA	DECIDUOUS	5	L	35' X 30'
PLA	15G	PLATANUS RACESMOSA	WESTERN SYCAMORE	DECIDUOUS	5	M	115' X 60'
SHRUBS							
NER	5G	NERIUM WHITE	OLEANDER	EVERGREEN	258	L	5-19' X 10'
MYR	5G	MYRTUS COMMUNIS	MYRTLE	EVERGREEN	19	L	15' X 10'
LIG	5G	LIGUSTRUM JAPONICUM	WAX LEAF PRIVET	EVERGREEN	11	L	12' X 6'
G.COVER							
	1G	LANTANA MONTEVIDENSIS	NEW GOLD	EVERGREEN		L	3' O.C.

THE ABOVE QUANTITIES ARE FOR REFERENCE ONLY. IT IS THE RESPONSIBILITY TO VERIFY THE QUANTITIES ON THE PLAN. LANDSCAPE DESIGNER NOT RESPONSIBLE FOR QUANTITIES.

PLANT SYMBOL

PLANT SIZE

PLANT QTY.

CCN WHOLESALE NURSERY
AND LANDSCAPING, INC.
P.O. BOX 6580
BAKERSFIELD, CA 93386
(661) 979-8848
CCNDLC@AOL.COM

KIEWIT INFRASTRUCTURE WEST CO.

27890 & 27990 COUNTY ROAD 90
WINTERS, CA 95694

DATE	ISSUED FOR
9/24	DLC

REVISIONS

1
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L-1

25023

	Eto	Conv to gal	ETAF	Land Area	Add WA	SLA	
1-TREES	52	0.62	0.450	325	0.3	0	4,715
2-TREES	52	0.62	0.450	250	0.3	0	3,627
3-TREES	52	0.62	0.450	350	0.3	0	5,078
4-TREES	52	0.62	0.450	375	0.3	0	5,441
5-TREES	52	0.62	0.450	300	0.3	0	4,352
6-SHRUBS/G .COVER	52	0.62	0.450	43,425	0.3	0	630,010
7-SHRUBS	52	0.62	0.450	10,050		0	145,805
TOTAL MAWA				55,075			799,028

ESTIMATED TOTAL WATER USE (ETWU)

	Eto	Conv to gal	lant Factor	Land Area	Irrig Eff	SLA	
1-TREES	52	0.62	0.350	325	0.81	0	4,528
2-TREES	52	0.62	0.350	250	0.81	0	3,483
3-TREES	52	0.62	0.350	350	0.81	0	4,876
4-TREES	52	0.62	0.350	375	0.81	0	5,224
5-TREES	52	0.62	0.350	300	0.81	0	4,179
6-SHRUBS/G. COVER	52	0.62	0.350	43,425	0.81	0	604,948
7-SHRUBS	52	0.62	0.350	10,050	0.81	0	140,005
TOTAL ETWU				55,075			767,242
MAWA							799,028

ETAF CALCULATION
Regular Landscape Area
Average ETAF .45

All Landscape Areas
Sitewide ETAF .45

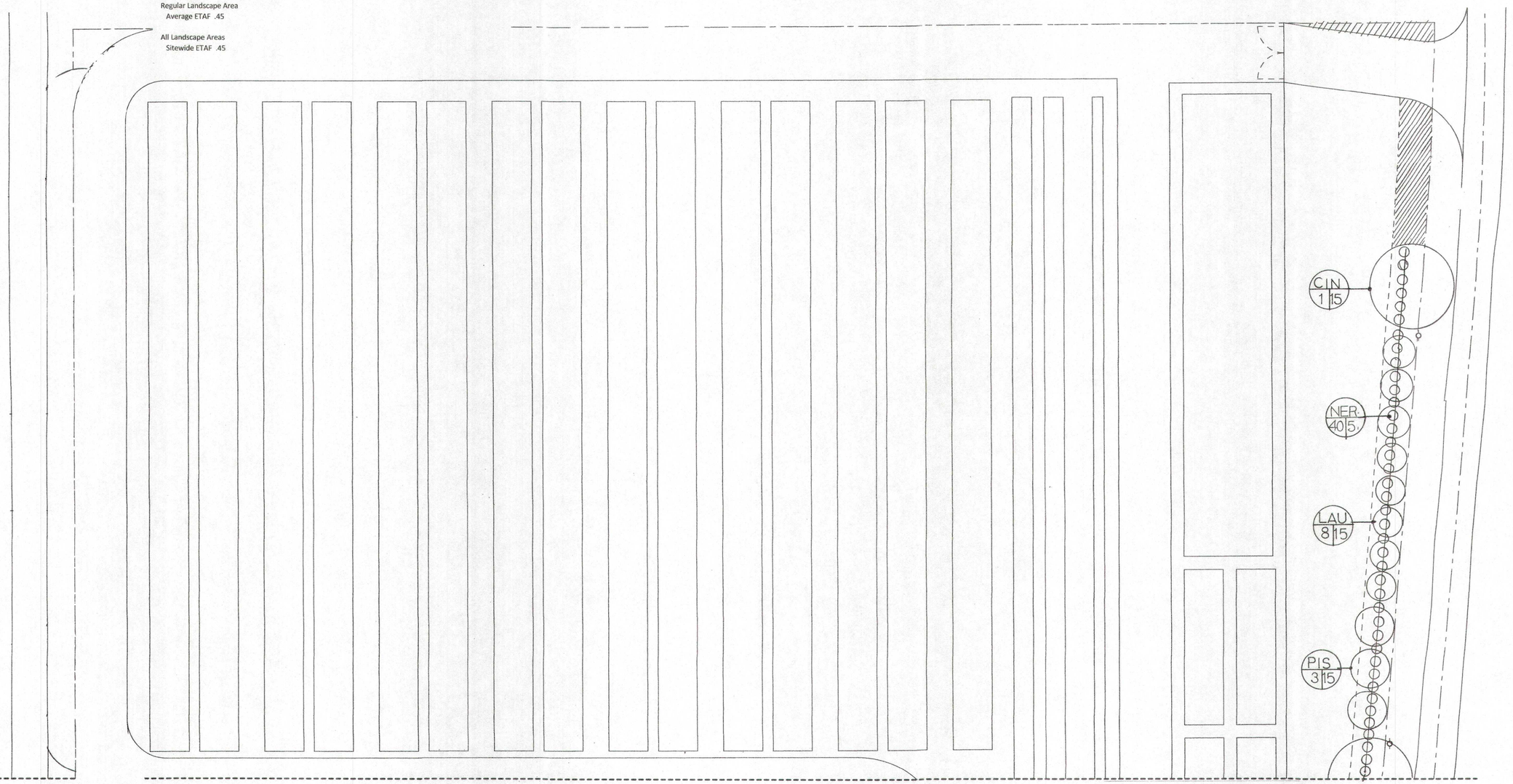
LANDSCAPE/IRRIGATION DESIGN NOTES:

1. Landscape contractor responsible fine grading.
2. All trees to be double staked with VIT ties.
3. All trees and shrubs to be planted inside the fence line.
4. Irrigation mainline to be PVC Schedule 40 2"..
5. Lateral lines for tree bubblers to be PVC Schedule 40.
6. All trees to be irrigated via Rainbird bubblers, (2) bubblers per tree.
7. All shrubs to be irrigated via Rainbird drip emitters, (1) emitter per shrub and ground cover.
8. Irrigation controller to be Rainbird ESP-ME3 with Eto Programmable or equal.
9. Remote control valves shall be Rainbird PGA for tree bubblers or equal.
10. Remote control valves shall be Rainbird XCZ-150-PRBC or equal.
11. Drip line for shrubs and ground cover shall be Rainbird XT-700 or equal.
12. Irrigation system shall have a gate valve, master, valve, and flow sensor.
13. All RCV, gate valve, flow sensor, master valve, etc. shall be installed into plastic vaults.

Hydro zone designation		% of plant water use mix	WUCOLS / Hydro zone water use setting	Sq. Ft. of Hydro zone Coverage	Square Footage	Hydro zone Use Setting multiplied by the Sq. Ft. %
ZONE	1	.01% M	0.40	325	0.01	0.00
ZONE	2	.01% M	0.40	250	0.00	0.00
ZONE	3	.01% M	0.40	350	0.01	0.00
ZONE	4	.01% M	0.40	375	0.01	0.00
ZONE	5	.01% M	0.40	300	0.01	0.00
ZONE	6	.78% L	0.20	43,425	0.79	0.16
ZONE	7	.17% L	0.20	10,050	0.18	0.04
			Total Sq. Ft.	55075	Avg Plant factor for plant area	0.21

Hydrozone Water Use Setting Value:	
High Water Use Plants:	0.7 – 1.0
Moderate Water Use Plants:	0.4 - 0.6
Low Water Use Plants:	0.2 – 0.3
Very Low Water Use Plants:	0 - 0.1

Zone 1	Trees
Zone 2	Trees
Zone 3	Trees
Zone 4	Trees
Zone 5	Trees
Zone 6	Shrub/GC
Zone 6	Shrub



N

PRELIMINARY LANDSCAPE PLAN
NORTH PORTION

1" = 40'-0"

CONTRACTORS STATE LICENSE BOARD
ACTIVE LICENSE
License Number 551921 Class CORP
Business Name C C N WHOLESALE NURSERY & LANDSCAPING INC
Class(es) Code(s) C27
Expiration Date 12/31/2026 www.cslb.ca.gov

Daniel Cintetes 9/24/25

CCN WHOLESALE NURSERY
AND LANDSCAPING, INC.
P.O. BOX 6580
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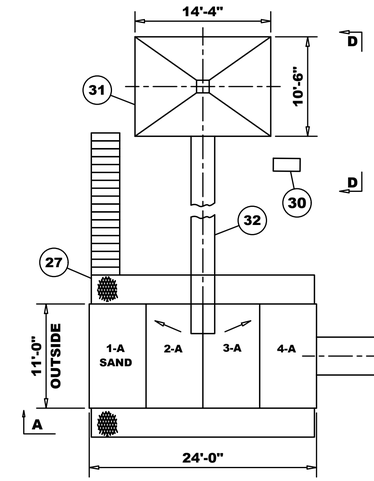
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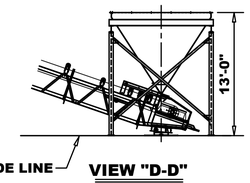
KIEWIT INFRASTRUCTURE WEST CO.
WEST COAST YARD
27890 & 27990 COUNTY ROAD 90
WINTERS, CA 95694

DATE	ISSUED FOR
9/24	DLR
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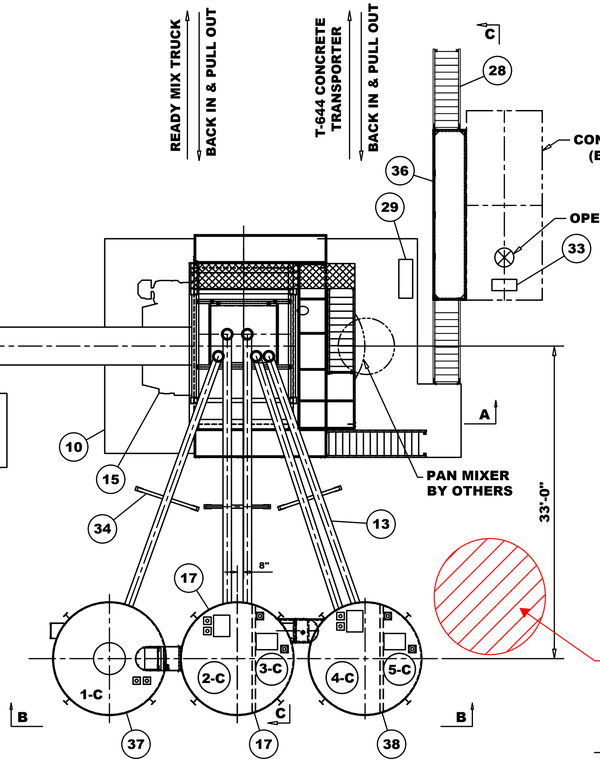
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VIEW "D-D"



CEM. SILO CAPACITIES

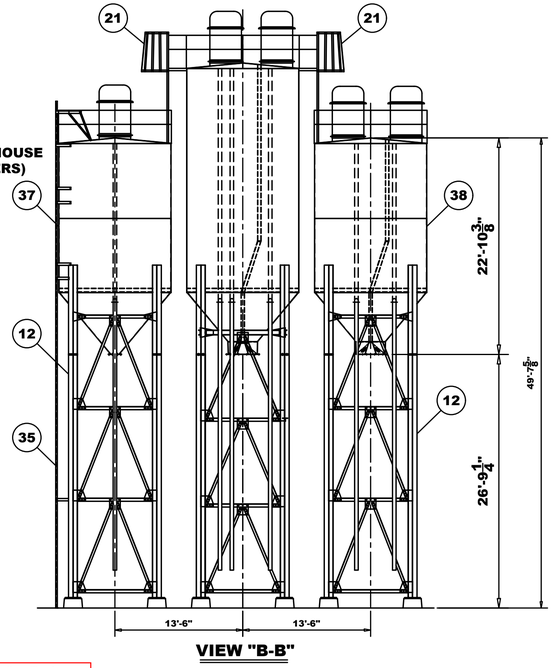
COMP'T 1-C
2000 CU. FT. AIR VOL.
74 CU. YD.

COMP'T 2-C
1911 CU. FT. AIR VOL.
71 CU. YD.

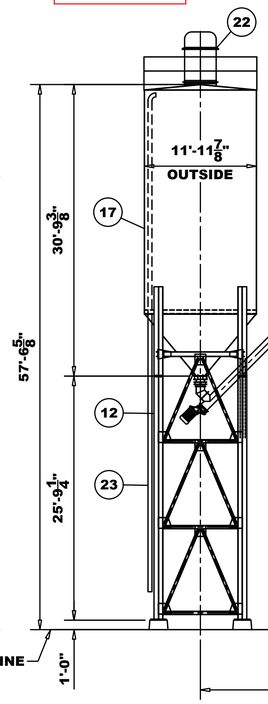
COMP'T 3-C
955 CU. FT. AIR VOL.
35 CU. YD.

COMP'T 4-C
1333 CU. FT. AIR VOL.
49 CU. YD.

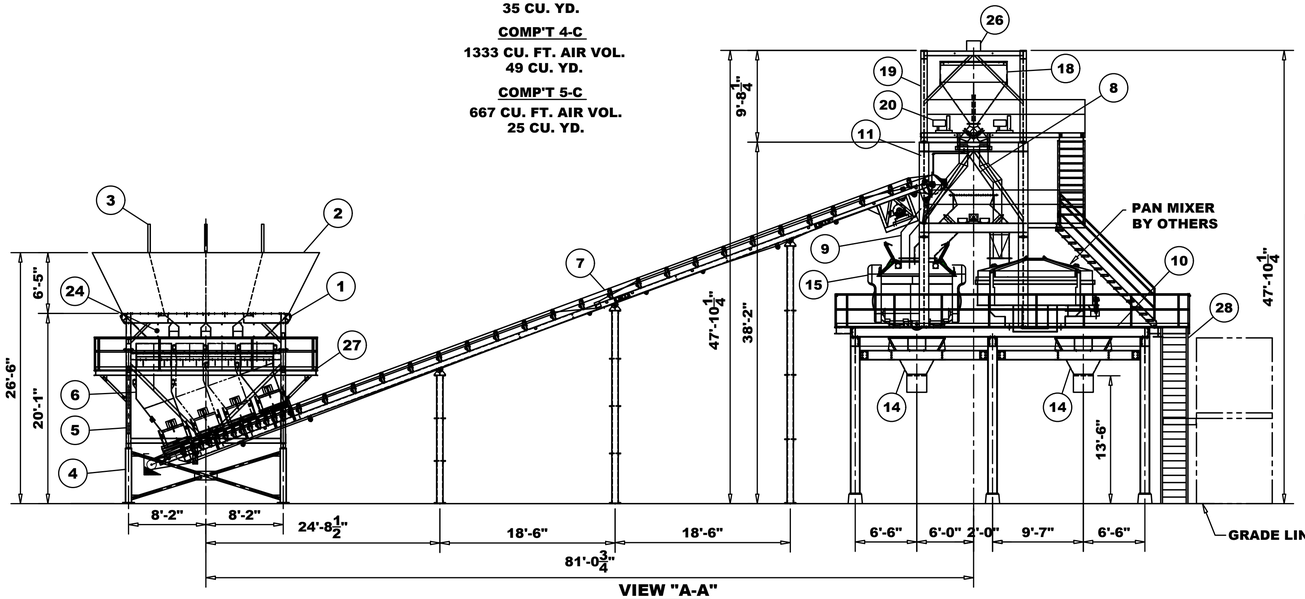
COMP'T 5-C
667 CU. FT. AIR VOL.
25 CU. YD.



VIEW "B-B"



VIEW "C-C"



VIEW "A-A"

10K Gallon Tank

BY ERIE STRAYER CO.

1. AGGREGATE BIN 4 COMPARTMENT (PATT. A-1111) 80 CU. YD. (108 TON) CU YD HEAPED CAPACITY
2. REMOVABLE BIN EXTENSION
3. PARTITION EXTENSION (3 REQ'D) (TAPERED)
4. LOWER COLUMNS & BRACING (AGG)
5. AGGREGATE SUPPORT FRAME
6. 12 CU YD AGG BATCHING SYSTEM W/ 4 INDIVDUAL AGG BATCHERS
7. 30" INCLINED BACH TRANSFER CONVEYOR 88'- 0" C/C W/ 60 H.P. DRIVE & SUPPORTS
8. TWO WAY AGGREGATE CHUTE
9. CEMENT CHUTE (2 REQ'D)
10. MIXER PLATFORM & SUPPORTS
11. CHUTE UNITIZED SECTION & LOWER COLUMNS AND BRACING - CEM UNIT
12. SILO COLUMNS & BRACING (3 REQ'D)
13. 10" DIA. X 40'-0" INCLINED SCREW FEEDER (5 REQ'D)
14. CONCRETE DIRECTIONAL CHUTE (2 REQ'D)
15. 6 CU. YD. BHS MIXER
16. 3" WATER TURBOMETER
17. CS2-715 CEMENT SILO SPLIT APPROX 1/3 - 2/3 W/ DOUBLE WALL DIVIDER 715 BBL MAX CAPACITY
18. 12 CU. YD. CEMENT BATCHER
19. CEMENT UNITIZED SECTION
20. 5 H.P. AERATION BLOWER (2 REQ'D)
21. LADDER FROM CEM SILO ROOF TO AUX. SILO ROOF (2 REQ')
22. SILO FILTER VENT (5 REQ'D)
23. 5" DIA. AIR LOADING PIPING (6 REQ'D) 1 IN COMP'TS 1-C, 3-C & 5-C EACH - 2 IN COMP'S 2-C & 4-C EACH
24. HYDRONIX MOISTURE PROBE
25. DUST COLLECTOR
26. BATCHER FILTER VENT
27. BIN HOPPER MAINTENANCE PLATFORM W/ STAIRWAY FROM GRADE
28. STAIRWAYS FROM GRADE TO CONTROL HOUSE PLATFORM, MIXER PLATFORM, CHUTE SERVICE PLATFORM & BATCH PLATFORM
29. PLANT MOTOR CONTROL PANEL
30. COMBINATION MOTOR CONTROL PANEL & RADIAL STACKER CONTROL PANEL
31. 14'- 4" X 10'- 6" AGGREGATE RECEIVING HOPPER W/ SLIDE GATE & SUPPORTS
32. 30" X 100'- 0" RADIAL STACKER CONVEYOR
33. CONTROL SYSTEM (COMMAND ALKON)
34. SCREW FEEDER SUPPORTS (3 REQ'D)
35. LADDER W/ SAFETY CABLE FROM GRADE TO SILO ROOF
36. CONTROL HOUSE ACCESS WALKWAY
37. CS1-500 CEMENT SILO 500 BBL MAX. CAPACITY
38. CS2-500 CEMENT SILO SPLIT APPROX. 1/3 - 2/3 W/ DOUBLE WALL DIVIDER 500 BBL. MAX CAPACITY

GENERAL NOTES BELOW APPLY TO EQUIPMENT SHOWN ON THIS DRAWING.

- **AGGREGATE BINS AND BIN COMPARTMENTS**
  HEAPED CAPACITIES OF AGGREGATE BINS AND BIN COMPARTMENTS ARE AS SHOWN AND ARE BASED ON HEAPING TO AN ANGLE OF 40° FROM THE HORIZONTAL WITH MATERIAL WEIGHING 110# PER CU. FT. OR APPROXIMATELY ONE AND ONE HALF TONS PER CU. YD.
- **CEMENT BINS, BIN COMPARTMENTS AND SILOS**
  MINIMUM BARREL BIN, BIN COMPARTMENT AND SILO CAPACITIES AS SHOWN ARE BASED ON BULKING OF 20% OR 0.8 CU. FT. PER BARREL.
- **ELECTRIC MOTORS**
  UNLESS INDICATED OTHERWISE, ALL ELECTRIC MOTORS ARE WIRED FOR 230/460 VOLT, 3 PHASE, 60 CYCLE CURRENT. STARTING EQUIPMENT WILL BE FURNISHED TO OPERATE ON 460 VOLTS UNLESS OTHERWISE STATED.
- **POWER REQUIREMENT FOR CONTROLS**
  VOLTAGE SHALL BE 120 VOLTS (+– 5%) 60 CYCLE PER SECOND.
- **MODIFICATIONS OR ADDITIONS**
  ALL FIELD CHANGES TO THE EQUIPMENT SHOWN HEREIN, OR ANY ENCLOSURE, WALKWAY, PLATFORM, HOUSING OR OTHER ADDITION TO THIS EQUIPMENT ARE THE RESPONSIBILITY OF THE BUYER, WHO AGREES TO HOLD ERIE STRAYER COMPANY HARMLESS AGAINST LIABILITY FOR THE SAME.
- **NOT FOR CONSTRUCTION**
  THE DIMENSIONS SHOWN HEREON ARE GENERAL AND OUTLINE DIMENSIONS ONLY AND ARE NOT INTENDED FOR USE AS DETAIL DIMENSIONS FOR MAKING MODIFICATIONS OR ADDITIONS, SUCH AS ENCLOSURES, WALKWAYS, PLATFORMS OR HOUSINGS TO THE EQUIPMENT SHOWN.

EQUIPMENT CONFORMS TO CPMB, PMMD, & CSMD STANDARDS

NO.	REVISION	BY	DATE

ERIE STRAYER CO.
1851 Rudolph Ave. Erie, PA 16502
Phone: (814) 456-7001 Fax: (814) 452-3422
Website: www.eriestrayer.com

DWG BY	DATE	CHK BY	DATE	APP BY	DATE
DAP	6/23/2025				

PLANT POWER
460V - 3PH - 60HZ

CONTROL POWER
120V - 1PH - 60HZ

ERIE STRAYER CO.
LOW PROFILE TWO MIXER CENTRAL MIX PLANT
PROPOSAL P030725OEM1ALT
KIEWIT - WINTERS, CA

CONTRACT NO.
SCALE 1/8"=1'-0"
DWG NO 4A-270991

Fehr & Peers

Memo

Date: July 24, 2025

To: Alan Mitchell & Kelly Mumper – City of Winters

From: David Manciati, T.E., & Bob Grandy, T.E. – Fehr & Peers

Subject: Traffic Operations Study for the Proposed Kiewit Precast Concrete Facility in Winters, CA (DRAFT)

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1. Introduction

This study analyzes traffic operations associated with the development of a proposed Kiewit precast concrete facility at 27990 County Road 90 in the City of Winters. This memorandum summarizes data collection, existing conditions, the project's expected travel characteristics, site access, and the project's consistency with City of Winters General Plan policies related to vehicle traffic operations.

1.1 Project Description

The project applicant proposes the construction of a manufacturing facility on approximately 29.3 acres fronting County Road 90 north of E. Grant Avenue. The project would include the following components:

- A concrete casting operation that includes a new concrete batch plant, a casting yard, and a new materials storage yard.
- Partial remodel of an existing building to include about 4,200 square feet (s.f.) of office space and 17,800 s.f. of storage and maintenance area.
- Several unpaved parking areas totaling 44 parking spaces.

Additionally, the project would replace the following land uses:

- Pearce Heating & Air Conditioning, which currently operates from the existing 22,000-s.f. building on site.
- A single residential dwelling unit on approximately 21.84 acres of agricultural land.

Access to the project site would be provided by two driveways on County Road 90. The primary driveway (Driveway 1) would be located about 1,060 feet north of E. Grant Avenue[1]. This driveway would be paved and provide full access. A secondary driveway (Driveway 2) would be located 1,300

[1] Roadway distances in this memorandum are measured from curb return to driveway centerline, unless otherwise noted.

feet further north on County Road 90. Driveway B would be a gated gravel road with access generally limited to trucks.

Refer to **Figure 1** for the project site plan.

1.2 Study Area and Time Periods

The following study intersections are analyzed under weekday AM and PM peak hour conditions:

1. E. Grant Avenue[2] / Matsumoto Lane
2. E. Grant Avenue / I-505 Southbound (SB) Ramps
3. Russell Boulevard / I-505 Northbound (NB) Ramps

Operations are also evaluated at both project driveways on County Road 90 under plus project conditions.

1.3 Study Scenarios

The following scenarios are considered for this study:

- Existing Conditions – represents May 2025 conditions.
- Existing Plus Approved Projects (EPAP) Conditions – represents existing conditions with the addition of vehicle trips generated by approved pending or "under construction" projects in the study area vicinity. This is the baseline condition upon which project effects are evaluated.
- EPAP Plus Project Conditions – represents changes in travel from EPAP conditions associated with implementation of the proposed Kiewit facility.

1.4 Analysis Methodologies

This study analyzes roadway operating conditions using intersection level of service (LOS) as a primary measure of operational performance. Motorized vehicle LOS is a qualitative measure of traffic flow from the perspective of motorists and is an indication of the comfort and convenience associated with driving. In general, LOS A represents free-flow conditions with no congestion, and LOS F represents long delays and a facility that is operating at or near its functional capacity.

The LOS at signalized intersections is based on the average delay experienced by all vehicles passing through the intersection. For side-street stop-controlled intersections, LOS is evaluated separately for each individual movement with delay reported for the critical (i.e., worst case) turning movement. **Table 1** displays the delay range associated with each LOS category for signalized and unsignalized intersections based on the Highway Capacity Manual (HCM).

Traffic operations at the study intersections were analyzed using procedures and methodologies contained in the *HCM, 7th Edition* (Transportation Research Board, 2022). These methodologies were applied using SimTraffic 12, the microsimulation module of Cubic-Trafficware's Synchro software program. SimTraffic considers the effects of lane utilization, heavy vehicle composition, turn pocket storage lengths, upstream queue spillbacks, and platooning on intersection queues and delays.

[2] Within the study area, E. Grant Avenue and Russell Boulevard are the local names for State Route 128.

Table 1. Intersection Level of Service Criteria

Level Of Service	Average Control Delay (seconds/vehicle)[1]		Description
	Signalized	Unsignalized	
A	<10.0	<10.0	Very low delay. At signalized intersections, most vehicles do not stop.
B	10.0 to 20.0	10.0 to 15.0	Generally good progression of vehicles. Slight delays.
C	>20.0 to 35.0	>15.0 to 25.0	Fair progression. At signalized intersections, increased number of stopped vehicles.
D	>35.0 to 55.0	>25.0 to 35.0	Noticeable congestion. At signalized intersections, large portion of vehicles stopped.
E	>55.0 to 80.0	>35.0 to 50.0	Poor progression. High delays and frequent cycle failure.
F	>80.0	>50.0	Oversaturation. Forced flow. Extensive queuing.

Notes: [1]Control delay includes initial deceleration delay, queue move-up time, stopped delay, and acceleration delay based on Highway Capacity Manual.
Source: Highway Capacity Manual (Transportation Research Board, 2022).

1.5 Intersection Performance Thresholds

1.5.1 City of Winters

This analysis applies the LOS threshold established in the City of Winters' *Circulation Master Plan* (November 2018) to evaluate the operational performance of the study intersections. The *Circulation Master Plan* includes the following performance thresholds:

> **Policy III.A.I: The City shall endeavor to maintain a Level of Service "D" or better, as defined by the Highway Capacity Manual 2010 or subsequent revisions, on all streets and intersections within the City.**

1.5.2 Caltrans

Caltrans' *Draft Transportation Corridor Concept Report State Route (SR) 128* (June 2017) identifies future roadway improvements and LOS targets for SR 128 over a 20-year planning horizon. For SR 128 within the limits of the City of Winters, the 20-Year Future LOS is specified as LOS E and the 20-Year Concept LOS is specified as LOS D.

1.5.3 LOS Criteria

Based on the LOS thresholds identified above, operational deficiencies for the purposes of this analysis are identified under the following conditions:

- On E. Grant Avenue (SR 128):

- For signalized intersections, locations with peak hour intersection operations of LOS E or worse.
- For side-street stop-controlled intersections, locations where the worst-case movement (or shared movement) operates at LOS E or worse and that meet the California Manual on Uniform Traffic Control Devices (CAMUTCD) peak hour signal warrant.

2. Existing Conditions

This section documents the existing roadway network, traffic data collection, and validation of the SimTraffic microsimulation model.

2.1 Roadway Network

Figure 2 shows the study area roadway network, including posted speed limits, roadway classification, number of travel lanes, traffic control devices, and presence of medians. The *Circulation Master Plan* generally classifies roadways as freeways, arterials, collectors, and local streets. Key roadways in the study area are described as follows:

- I-505 – is a north-south highway that provides the primary regional access to the City from Vacaville and central Solano County to the south, and from Woodland and I-5 to the north. Through the City, it is a four-lane, divided facility. I-505 has a straight alignment through Winters with a grade-separated, partial cloverleaf interchange at E. Grant Avenue. The E. Grant Avenue/I-505 SB Ramps intersection is side-street stop-controlled and the E. Grant Avenue/I-505 NB Ramps intersection is signalized. The *Circulation Master Plan* identifies a future traffic signal at the I-505 SB Ramps intersection (this improvement is also included in the City's impact fee program).
- E. Grant Avenue (SR 128) – is a two-lane arterial running east-west through Winters. Within the study area, SR 128 is referred to as E. Grant Avenue. Local motorists utilize E. Grant Avenue as the primary route to I-505, as well as Davis and other regional destinations along the I-80 corridor. E. Grant Avenue transitions into Russell Boulevard east of Winters. SR 128 is owned, operated, and maintained by Caltrans. The *Circulation Master Plan* plans for E. Grant Avenue to be widened to four lanes from E. Main Street to I-505 (this improvement is also included in the City's impact fee program). Within the study area, E. Grant Avenue is a two-lane arterial, except for a short segment from the SB Ramps to 160 feet west of Matsumoto Lane.
- Matsumoto Lane/County Road 90 – is a two-lane collector road that serves highway commercial and industrial uses north of E. Grant Avenue. Matsumoto Lane has a three-lane cross-section with a two-way left-turn lane (TWLTL) for the first 840 feet north of E. Grant Avenue. Thereafter, the road narrows to two undivided travel lanes until its terminus 1.6 miles to the north. The E. Grant Avenue/Matsumoto Lane intersection is controlled by a traffic signal.

2.2 Traffic Counts

Fehr & Peers retained a third-party vendor (National Data & Surveying Services) to collect AM (6-9) and PM (3-6) peak period intersection turning movement counts at all study locations. The data collection was performed on Thursday, May 22, 2025, and included passenger vehicles/SUVs, heavy vehicles, pedestrians, and bicyclists. Weather conditions were dry, and local schools were in session during the data collection.

Overall, the morning peak hour of the study area occurred from 7:30 to 8:30 AM, while the evening peak hour occurred from 3:45 to 4:45 PM. **Table 2** summarizes key traffic characteristics observed at each intersection during the study area peak hours. As shown, heavy vehicle percentages varied from 5% to 6% of total traffic during the AM peak hour and equaled about 3% during the PM peak hour. During both peak hours, bicyclist/pedestrian travel was low. Low pedestrian volumes at intersections #2 and #3 may be due, in part, to the lack of pedestrian facilities on E. Grant Avenue east of Matsumoto Lane.

Table 2. Summary of Peak Hour Traffic Data [1]

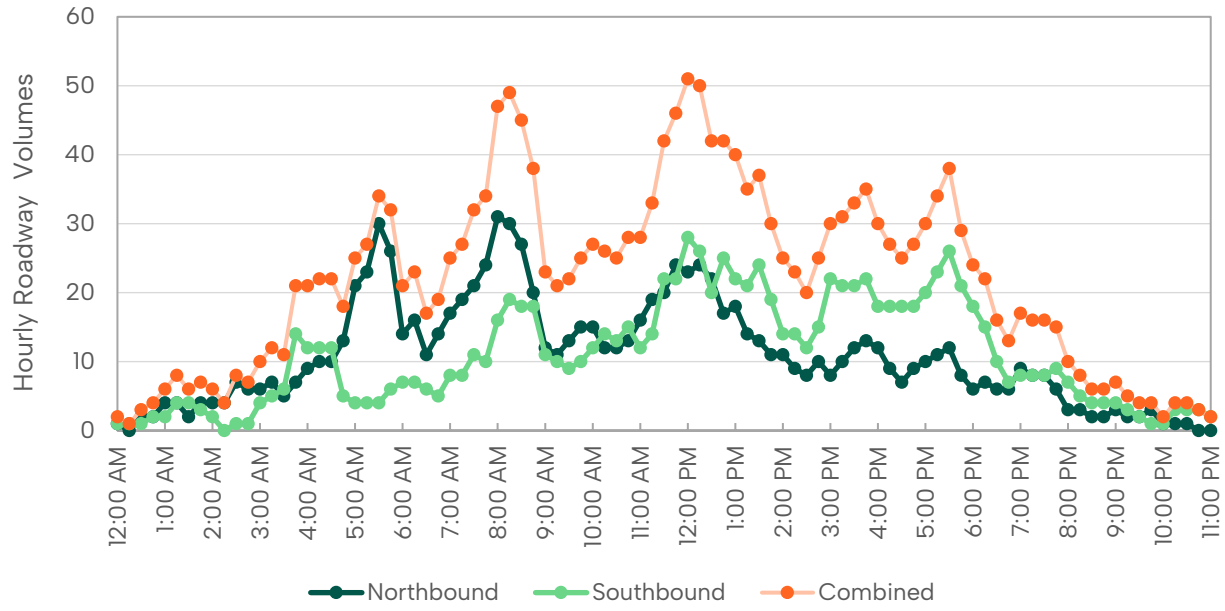
Intersection	Peak Hour	Heavy Vehicle Percentage	Bicyclists	Pedestrians
1. E. Grant Avenue / Matsumoto Lane	AM	5%	1	4
	PM	3%	1	5
2. E. Grant Avenue / I-505 Southbound Ramps	AM	5%	1	2
	PM	3%	3	0
3. Russell Boulevard / I-505 Northbound Ramps	AM	6%	1	0
	PM	3%	3	0

Notes: [1] Based on traffic data collected on Thursday, May 22, 2025. The AM peak hour occurred from 7:30 to 8:30 AM, while the PM peak hour occurred from 3:45 to 4:45 PM.
Source: Fehr & Peers, 2025.

Based on the intersection traffic volume data and trip generation counts (as discussed in Section 3), Fehr & Peers determined that the study should be analyzed during the 7:30 to 8:30 AM and 3:45 to 4:45 PM peak hours. **Figure 3** displays the existing conditions weekday peak hour traffic volumes, lane configurations, and traffic controls at the study intersections.

Roadway segment traffic counts were also collected on Matsumoto Lane/County Road (CR) 90 to determine the level of traffic along the project frontage. Roadway volumes were collected across 48 hours in front of the proposed location of Driveway 1 and across 24 hours at the proposed location of Driveway 2. **Chart 1** shows hourly roadway volumes on Matsumoto Lane/CR 90 at the proposed location of Driveway 1 on May 22, 2025. The volumes are summarized on an hourly rolling basis (e.g., the data point at 7 AM represents 7-8 AM traffic, while the data point at 7:15 AM represents 7:15 to 8:15 AM traffic). As shown, existing traffic volumes along the project frontage are low, with about 50 or less total vehicles during any one hour of the day.

Chart 1: Matsumoto Lane/CR 90 Roadway Volumes at Location of Proposed Driveway 1 (for 60-minute period following time shown)



2.3 Travel Speeds

Vehicle speeds were recorded on CR 90 at the location of the proposed project driveways. The surveys were performed using camera technology and collected throughout the course of a 24-hour roadway segment data collection. Speeds were aggregated into 5-mph speed bins (e.g., 30 to 35 mph). The speed survey data was not intended to be collected in a manner that could be used for an engineering speed survey to establish an enforceable speed limit. Those studies require the use of a calibrated radar speed gun and sampling of vehicles during off-peak time periods when free flow travel conditions occur. Nevertheless, this data provides important insights into vehicle travel speeds in the study area.

Table 3 shows the speed survey results by direction. The 50th percentile (or median) speed is shown. This value represents the speed at which half the traffic is traveling slower than and half the traffic is traveling faster than. Also shown is the 85th percentile speed (which is the speed at which 85% of vehicles are traveling at or slower than) and the 95th percentile speed. The 85th percentile speed is often used to establish speed limits (by rounding down to the first 5 mph increment below), though many other site conditions are also considered. CR 90 does not have a posted speed limit, although an advisory speed of 40 mph is posted for the curve near the proposed location of Driveway 1. Table 3 shows that speeds at the curve approach the advisory speed. Speeds are much higher at the proposed location of Driveway 2. CR 90 features a lengthy stretch of uninterrupted travel north of the project site, which could explain the reason for the high speeds observed.

Table 3. Roadway Segment Measured Travel Speeds [1]

Segment	Direction	Posted Speed Limit	Median (50th Percentile)	85th Percentile	95th Percentile
County Road 90 at Proposed Location of Driveway 1	NB	None [2]	28	37	41
	SB		27	34	39
County Road 90 at Proposed Location of Driveway 2	NB	None	37	47	53
	SB		37	45	50

Notes: [1] All values above shown in units of miles per hour. This table should not be inferred to be any type of recommended guidance for speed limit setting. Values are based on speed data collected on either Wednesday, May 21, 2025 (at Driveway 1 location) or Thursday, May 22, 2025 (at Driveway 2 location).
Source: Fehr & Peers, 2025.

2.4 Traffic Operations

The data collection effort on Thursday, May 22, 2025, included field observations of general traffic conditions, driver behavior, and maximum vehicle queues (for critical movements) at the study intersections. Video footage of the traffic counts was also reviewed by Fehr & Peers staff to confirm observations to the extent possible. The following are key observations:

- Lane Utilization – Very few vehicles traveling westbound on the I-505 overpass use the westbound shared through/right-turn lane at E. Grant Avenue/Matsumoto Lane to travel through the intersection and continue westbound on E. Grant Avenue. Only motorists using the I-505 Southbound off-ramp and motorists accessing land uses on Matsumoto Lane/CR 90 use this lane.
- Peak Travel Direction – Eastbound is the AM peak direction of travel on E. Grant Avenue (i.e., toward the I-505 Ramps and/or Davis), while the PM peak direction is westbound (i.e., into Winters).
- Traffic Operations at E. Grant Avenue/Matsumoto Lane – Field observations identified occasionally lengthy vehicle queues on E. Grant Avenue in the peak direction of travel. **Image 1** shows the maximum queue of about 10 vehicles on the eastbound approach during the AM peak hour, while **Image 2** displays a PM peak hour queue on the westbound approach to the intersection that spills beyond the I-505 Southbound off-ramp. Image 2 also shows the uneven lane utilization observed for westbound through traffic. Despite occasionally lengthy queues, motorists cleared the study intersections within one traffic signal cycle.
- South leg of E. Grant Avenue/Matsumoto Lane – The south leg at this intersection provides direct access to the PG&E Gas Safety Academy. No vehicles were recorded as entering or exiting the south leg during the entire period of observation.
- Freeway Off-Ramp Operations - In general, traffic flowed smoothly at the I-505 ramp terminal intersections during both peak hours, with low to moderate delay and queuing.



Image 1: The eastbound through lane at E. Grant Avenue/Matsumoto Lane experienced a maximum vehicle queue of approximately 250 feet (i.e., 10 vehicles) during the AM peak hour.



Image 2: The inside westbound lane at E. Grant Avenue/Matsumoto Lane had a maximum vehicle queue of about 400 feet during the PM peak hour.

2.4.1 SimTraffic Model Validation

Table 4 shows existing maximum vehicle queues for critical turn movements at study intersections based on field observations and review of video footage. Minor adjustments to settings within SimTraffic were made to match (to the extent possible) the maximum queues shown in Table 4.[3]

All observed maximum queues shown in Table 4 are contained within available storage except for the southbound left-turn movement at E. Grant Avenue/Matsumoto Lane, where the queue spills into the two-way left-turn lane. The southbound left-turn maximum queue of 150 feet (during both peak hours) extends beyond the first ARCO driveway, temporarily blocking outbound left-turning vehicles from the gas station (see **Image 3**). This blockage occurs with minor to moderate frequency during the study peak hours.

[3] Perfect calibration is not possible due to random nature of actual arriving traffic.

Table 4. Observed Maximum Vehicle Queues – Existing Conditions [1]

Intersection	Movement	Available Storage [2]	Maximum Queue			
			AM Peak Hour		PM Peak Hour	
			Observed	SimTraffic Output [5]	Observed	SimTraffic Output [5]
1. E. Grant Avenue / Matsumoto Lane	EBT	610 ft.	250 ft.	225 ft.	175 ft.	250 ft.
	EBL	270 ft. [3]	75 ft. [6]	100 ft.	100 ft. [6]	125 ft.
	WBT	1,475 ft.	175 ft.	150 ft.	400 ft.	300 ft.
	SBL	60 ft. [3]	**150 ft.**	**150 ft.**	**150 ft.**	**125 ft.**
2. E. Grant Avenue / I-505 Southbound Ramps	SBR	205 ft. [4]	50 ft.	75 ft.	50 ft.	75 ft.
3. Russell Boulevard / I-505 Northbound Ramps	EBT	1,475 ft.	125 ft.	150 ft.	150 ft.	175 ft.
	WBT	>3,000 ft.	125 ft.	100 ft.	125 ft.	150 ft.
	NBT	2,015 ft.	100 ft. [6]	100 ft.	100 ft. [6]	175 ft.

Notes: Maximum queue estimated assuming 25 feet of storage per passenger vehicle. **Bold and underlined** indicates exceedance of available storage.
[1] Based on traffic data collected on Thursday, May 22, 2025. The AM peak hour occurred from 7:30 to 8:30 AM, while the PM peak hour occurred from 3:45 to 4:45 PM. Due to the number of intersections and angles of video footage, it was not possible to capture the absolute maximum peak hour queue of all turning movements. The data shown represents the highest level of queuing actually observed.
[2] Defined as length of turn pocket, distance to upstream intersection, or the distance from the limit line to the freeway gore point.
[3] This movement forms part of a two-way left-turn lane. Thus, the storage distance is measured as the distance to the first accessible upstream driveway.
[4] Represents the right-turn pocket storage length. The left-turn queue is not included in this table due to minimal peak hour turn volumes (i.e., 5 vehicles or less). The actual distance from the limit line to the freeway gore point is about 2,015 feet.
[5] SimTraffic output is based on an average of 10 microsimulation runs, per standard practice.
[6] Observed value is estimated due to blocked view in video footage.

Source: Fehr & Peers, 2025.



Image 3: A queue of 5 vehicles is shown at the E. Grant Avenue/Matsumoto Lane intersection. The maximum queue observed for this movement during both peak hours was 150 feet (i.e., about 6 vehicles).

3. EPAP Conditions

This section describes the development of the EPAP conditions scenario, upon which project effects are evaluated. It also describes expected traffic operations under this scenario.

3.1 Approved Projects

Under the EPAP "No Project" (i.e., no Kiewit facility) analysis scenario, the May 2025 traffic data was adjusted to account for the addition of trips associated with approved and pending development elsewhere in the City of Winters. These development projects were identified in consultation with City of Winters staff and are summarized in **Table 5**.[4]

The City of Winters local travel demand model was utilized to forecast peak hour traffic volumes on the local and regional transportation system under EPAP conditions. The trip generation rates used in the model are based on trip rates published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual* and adjusted to match locally observed data.

The base year model was updated to match May 2025 land use conditions in the City of Winters at the time traffic counts were collected. This included the addition of recent development in Stones Throw and a development of 18 single family homes on Karnail Street and Gurmit Court (known locally as the "LDS Property"). An EPAP model was prepared by adding the approved and pending development projects in Winters described in Table 5 to the updated base year model.

Finally, EPAP peak hour traffic forecasts were derived by applying the difference method to the May 2025 traffic counts. This method entails calculating the difference between the base year and EPAP model outputs and applying the difference to the existing peak hour traffic volumes. **Figure 4** displays the forecasted peak hour traffic volumes at study intersections under EPAP conditions.

Table 5. Local Development Projects

Projects	Land Use Type	Quantity
Olive Grove (Phase 1)	Single Family Residential	18 Dwelling Units
Walnut Lane 10	Single Family Residential	54 Dwelling Units
Stones Throw [1]	Single Family Residential	408 Dwelling Units
	Multi-Family Residential	23 Dwelling Units
Farmstead	Single Family Residential	245 Dwelling Units
	Multi-Family Residential	84 Dwelling Units
	Neighborhood Commercial	37,000 s.f.

Notes: [1] The Stones Throw single-family component is largely built and occupied. Of the 408 dwelling units, 23 are considered affordable housing. The multi-family component is approved but not yet constructed.

[4] It should be noted that there is an approved Grocery Outlet project for a portion of the parcel southwest of the E. Grant Avenue/E. Main Street intersection. However, due to uncertainty as to whether the project will come to fruition (as expressed by City of Winters staff), this development is not included in the EPAP conditions analysis.

Source: Fehr & Peers, 2025.

3.2 Intersection Operations

Table 6 displays the peak hour LOS and delay at the study intersections under EPAP conditions (technical calculations are provided in **Appendix A**). As shown, all study intersections would operate at LOS C or better under baseline conditions. The unsignalized E. Grant Avenue/I-505 Southbound Ramps intersection would experience an average of 24 seconds of delay per vehicle for the worst approach during the PM peak hour, which is on the LOS C/D cusp.

Table 6. Peak Hour Intersection Level of Service – EPAP Conditions

Intersection	Traffic Control	Average Delay/LOS	
		AM Peak Hour	PM Peak Hour
1. E. Grant Avenue / Matsumoto Lane	Signal	13 / B	18 / B
2. E. Grant Avenue / I-505 SB Ramps	SSSC	15 / C (WBL)	24 / C (WBL)
3. Russell Boulevard / I-505 NB Ramps	Signal	8 / A	12 / B

Notes: LOS = Level of Service. SSSC = Side-Street Stop Control.
[1] Intersections are analyzed using SimTraffic microsimulation model. For signalized intersections, average delay and LOS is reported for all approaches. For side-street stop-controlled intersections, delay and LOS for the worst movement is reported (with the corresponding movement shown in parentheses). All results are rounded to the nearest second.

Source: Fehr & Peers, 2025.

EPAP conditions would add the most AM peak hour trips to the eastbound and westbound through movements at the E. Grant Avenue/Matsumoto Lane intersection. The eastbound through movement would increase from 549 vehicles to 690 vehicles (an increase of 1 additional vehicle every 25 seconds), while the westbound through movement would increase from 327 vehicles to 425 vehicles. As a result, the AM peak hour eastbound through maximum queue would increase from 250 to 400 feet (see **Table 7**).

EPAP conditions would also add the most PM peak hour trips to the eastbound and westbound through movements at the E. Grant Avenue/Matsumoto Lane intersection. The eastbound through movement would increase from 522 vehicles to 690 vehicles (an increase of 1 additional vehicle every 21 seconds), while the westbound through movement would increase from 574 vehicles to 710 vehicles. As a result, the PM peak hour westbound through maximum queue would increase from 400 to 625 feet. The westbound vehicle queue was estimated to spill upstream to the I-505 Southbound Ramps intersection during 1% of the PM peak hour under existing conditions. Under EPAP conditions, the queue would spill back during 4% of the PM peak hour.

The approved projects would result in modest increases (i.e., 75 feet or less) to the maximum vehicle queue at other critical movements in the study area. It is important to note that the southbound left-turn queue at E. Grant Avenue/Matsumoto Lane would extend beyond the first ARCO driveway with greater frequency than under existing conditions, but the maximum queue would fall short of the Starbucks/Fairfield Hotel driveway.

Table 7. Peak Hour Maximum Vehicle Queues – EPAP Conditions

Intersection	Movement	Available Storage [1]	Maximum Queue			
			AM Peak Hour		PM Peak Hour	
			EPAP Conditions [5]	Growth Over Existing	EPAP Conditions [5]	Growth Over Existing
1. E. Grant Avenue / Matsumoto Lane	EBT	610 ft.	400 ft.	+150 ft.	225 ft.	+50 ft.
	EBL	270 ft. [2]	100 ft.	+25 ft. [6]	125 ft.	+25 ft. [6]
	WBT	1,475 ft.	225 ft.	+50 ft.	625 ft.	+225 ft.
	SBL	60 ft. [2]	**175 ft.**	+25 ft.	**175 ft.**	+25 ft.
2. E. Grant Avenue / I-505 SB Ramps	SBR	205 ft. [3]	75 ft.	+25 ft.	50 ft.	–
3. Russell Boulevard/ I-505 NB Ramps	EBT	1,475 ft.	175 ft.	+50 ft.	200 ft.	+50 ft.
	WBT	>3,000 ft.	125 ft.	–	200 ft.	+75 ft.
	NBL/R	2,015 ft.	125 ft.	+25 ft. [6]	150 ft.	+50 ft. [6]

Notes: Maximum queue estimated assuming 25 feet of storage per passenger vehicle. **Bold and underlined** indicates exceedance of available storage.
[1] Defined as length of turn pocket, distance to upstream intersection, or the distance from the limit line to the freeway gore point.
[2] This movement forms part of a two-way left-turn lane. Thus, the storage distance is measured as the distance to the first accessible upstream driveway.
[3] Represents the right-turn pocket storage length. The left-turn queue is not included in this table due to minimal peak hour turn volumes (i.e., 5 vehicles or less). The actual distance from the limit line to the freeway gore point is about 2,015 feet.
[5] Unless otherwise noted, EPAP conditions maximum queue determined by adding the increase in maximum queue (estimated by SimTraffic) over existing conditions.
[6] Observed (i.e., existing conditions) value is estimated due to blocked view in video footage.
Source: Fehr & Peers, 2025.

4. EPAP Plus Project Conditions

This section analyzes how the proposed project would affect transportation conditions in the study area.

4.1 Project Travel Characteristics

4.1.1 Trip Generation

Although the *Trip Generation Manual (TGM), 11th Edition* (ITE, 2021) contains trip rates for industrial and manufacturing uses, the manual is not likely to capture the proposed project's unique business type (i.e., developing and selling precast concrete elements). Therefore, Fehr & Peers conducted a local trip generation effort to develop appropriate vehicle trip rates for the proposed project.

The following Kie-Con Inc. precast concrete facility was counted on Wednesday and Thursday, May 21 and 22, 2025:

- 3351 Wilbur Ave, Antioch, CA 94509

Kie-Con Inc. is a subsidiary of the project applicant. Driveway ins and outs were collected across 48 hours and included vehicle classification counts to differentiate between passenger vehicles and heavy vehicles. **Chart 2** shows the hourly trip generation volumes at the Kie-Con facility, summarized on an hourly rolling basis. Red bands are shown for the data collection periods, where traffic in the study area is likely to be highest. As shown, the facility operates on an earlier schedule than the traditional 8 AM to 5 PM workday. The AM peak hour occurs at 5 AM, while the PM peak hour occurs at about 2 PM. Additionally, **Chart 3** shows that hourly site truck trips are relatively low in the morning and evening hours (i.e., 6 trucks or less). Site truck trips occur more frequently in the late morning or early afternoon.

Chart 2: Kie-Con Hourly Vehicle Trip Generation
(for 60-minute period following time shown)

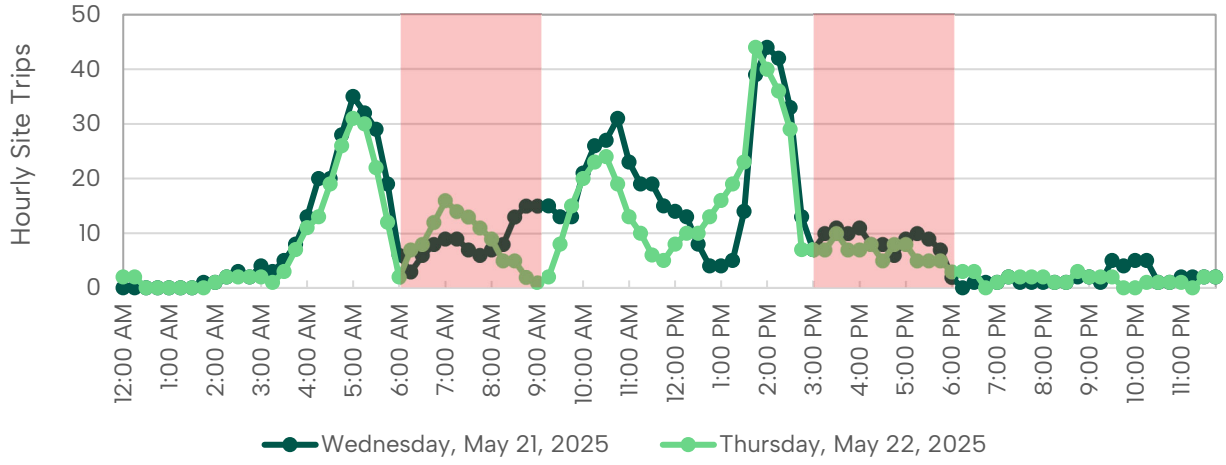
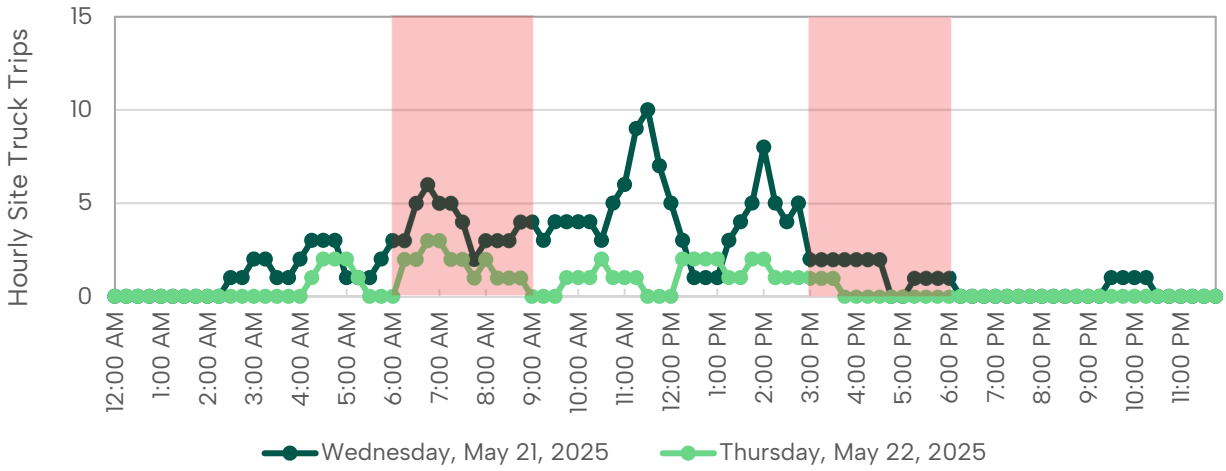


Chart 3: Kie-Con Hourly Truck Trip Generation
(for 60-minute period following time shown)

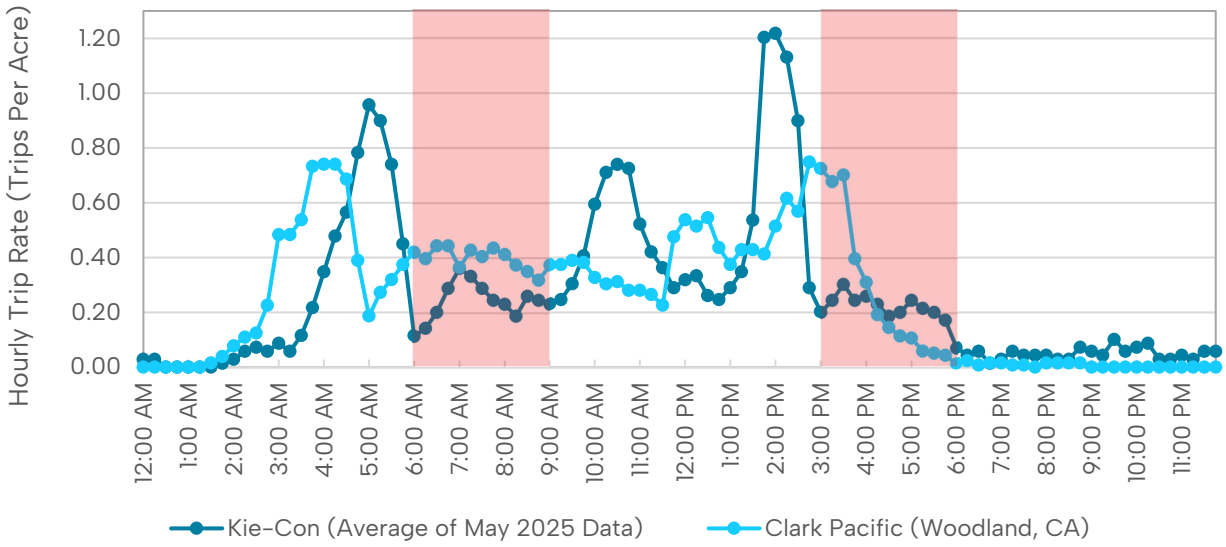


Additionally, this data was compared to the trip generation counts collected in 2024 for the Clark Pacific precast site in Yolo County. Like the proposed project, Clark Pacific exhibits "non-traditional" trip generation characteristics. The following are key takeaways from this data:

- The AM peak hour at Clark Pacific occurs from 4:15 to 5:15 AM (i.e., 45 minutes earlier than the Kie-Con facility) and the PM peak hour occurs from 2:45 to 3:45 PM (about 30 minutes later than Kie-Con). Clark Pacific site trip generation drops quickly starting at 3:45 PM (see **Chart 4**, which summarizes trip generation rate by facility on a rolling hourly basis).
- Kie-Con generates more trips on a "per acre" basis than Clark Pacific during the individual site peak hours.
- Overall, both sites generate daily trips at a similar rate, with Clark Pacific exhibiting a trip rate of 6.29 trips per acre and Kie-Con a trip rate of 6.37 trips per acre.

It should also be noted that the Clark Pacific facility encompasses about 128.4 acres, whereas the Kie-Con facility covers about 34.5 acres, which is more similar in size to the proposed project.

Chart 4: Trip Generation Rate by Facility
(for 60-minute period following time shown)



The data used in Chart 4 is further summarized in **Table 8**, which shows the maximum hourly trip rate observed during select time periods, disaggregated by facility. As shown in the table, the maximum hourly trip rate at the Kie-Con facility is much higher in the hours before the intersection data collection period (i.e., before the 6 to 9 AM and 3 to 6 PM periods). The maximum hourly trip rate at the Clark Pacific facility is similar to Kie-Con for the morning peak period, but the rate is over twice as large during the evening peak period.

Table 8. Weekday Vehicle Trip Generation – Kie-Con & Clark Pacific

Location	Acreage	Time Period	Maximum Hourly Trip Rate (Trips Per Acre) [1]			
			4-6 AM	6-9 AM	1-3 PM	3-6 PM
Kie-Con (Antioch, CA)	34.5 acres	Day 1	1.02	0.44	1.28	0.32
		Day 2	0.90	0.46	1.16	0.29
Clark Pacific (Woodland, CA)	128.4 acres	-	0.74	0.44	0.75	0.73

Notes: [1]Includes both inbound and outbound vehicle trips.
Source: Fehr & Peers, 2025.

The highest traffic volumes on study area roadways are likely to occur under midweek conditions during the morning and evening peak periods. To identify the time period to analyze for AM and PM peak hour conditions, volumes on the local street network and trip generation data for the project were analyzed to determine the individual 60-minute period with the highest combined volumes of project trips and existing traffic volumes. This is important because it ensures that the subsequent traffic operations analysis will study this peak hour. Given the proposed project's size and affiliation with Kiewit, the Kie-Con facility data was used.

Charts 5 and 6 show the total intersection volumes at E. Grant Avenue/Matsumoto Lane during the AM and PM peak periods, summarized on a rolling hourly basis. The charts also superimposes project trips (based on the Kie-Con rolling average trip rate values in Chart 4) on top of the rolling E. Grant Avenue/Matsumoto Lane intersection volumes. Charts 5 and 6 show the following:

- The magnitude of project trips during the AM and PM peak periods is drastically smaller compared to the overall intersection volumes. Therefore, the study area volumes dominate and the highest combination of intersection volumes and project trips (and, therefore, the most likely to result in adverse traffic operations) occurs from 7:30 to 8:30 AM and from 3:45 to 4:45 PM.

Based on this finding, the proposed project was analyzed for the traditional 6 to 9 AM and 3 to 6 PM peak periods on a midweek-day. The project's trip generation reflects the trip rates observed within the busiest 60-minute period at the Kie-Con facility during these time periods (see Table 8). Although the data shows higher trip rates prior to the 6 to 9 AM and 3 to 6 PM periods, that data is representative of conditions outside of the adjacent street peak periods. It was therefore excluded.

Chart 5: AM Peak Period Total Hourly Volumes
(for 60-minute period following time shown)

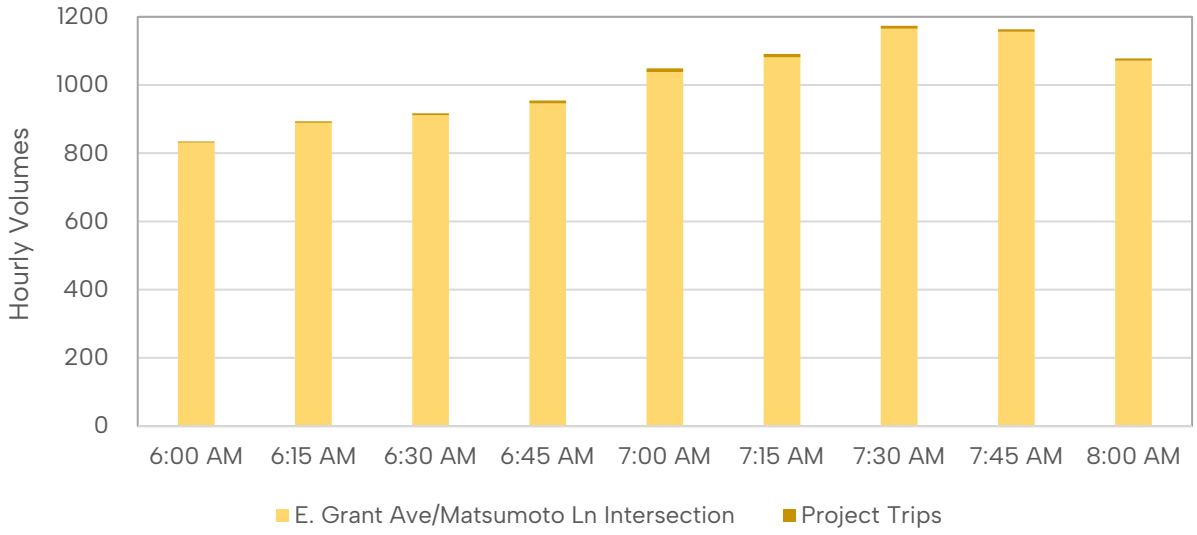


Chart 6: PM Peak Period Total Hourly Volumes
(for 60-minute period following time shown)

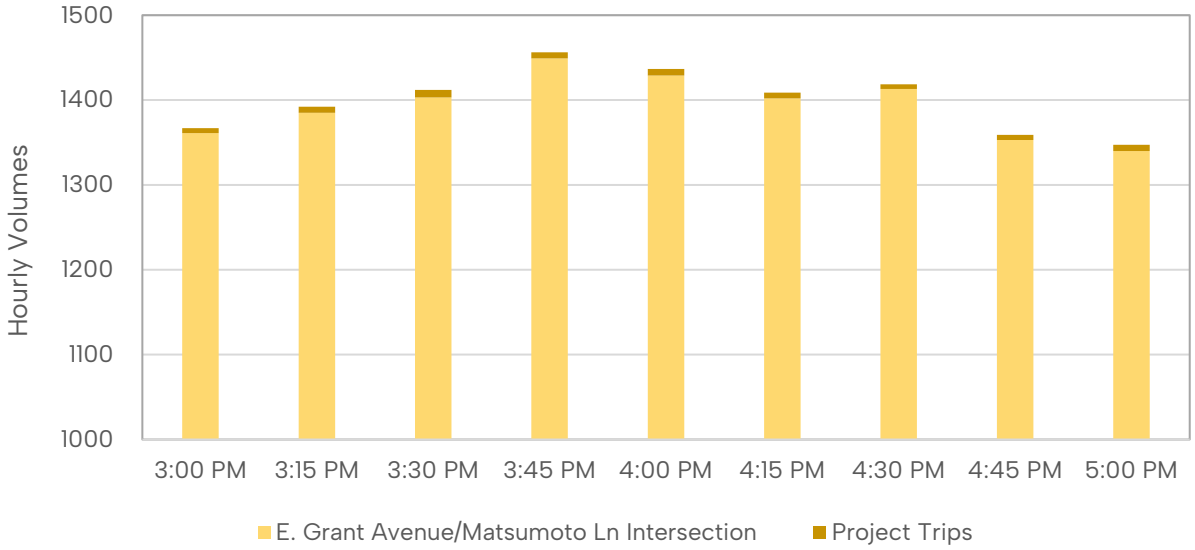


Table 9 shows the final weekday trip generation of the proposed project. The table reflects an AM peak hour trip rate of 0.46 trips per acre and a PM peak hour trip rate of 0.32 trips per acre (see Table 8). The project is estimated to generate 9 inbound and 5 outbound vehicle trips during the AM peak hour, 3 inbound and 7 outbound vehicle trips during the PM peak hour, and a total of 186 daily trips.

Table 9. Weekday Peak Hour Vehicle Trip Generation – Proposed Project

Land Use	Acreage	Peak Hour	Passenger Vehicle Trips		Heavy Vehicle Trips		Total Trips
			Inbound	Outbound	Inbound	Outbound	
Proposed Kiewit Facility	29.3 acres	AM	5	2	4	3	14
		PM	2	6	1	1	10
		Daily	76	76	17	17	186

Notes: [1]Includes both inbound and outbound vehicle trips.
Source: Fehr & Peers, 2025.

4.1.2 Trip Distribution

The distribution of new passenger vehicle trips onto the roadway system is based on trip assignment derived from the City of Winters travel demand model. **Table 10** illustrates the peak hour trip distribution for the project-generated passenger vehicle trips. A large share (62%) of these trips would travel to and from the west of Matsumoto Lane on E. Grant Avenue. The remainder would travel to destinations south (20%), east (15%), and north (3%) of the I-505/E. Grant Avenue interchange.

Table 10 also shows the expected heavy vehicle trip distribution. This distribution is based on the large market area for the proposed project, the general population distribution in the market area, and the routes[5] heavy vehicles are likely to take. Additionally, the trip distribution also considered the presence of a similar precast concrete facility in Antioch (i.e., the KieCon facility). Regionally, the project site is within the market area of the Bay Area, Greater Sacramento, the Central Valley, and the North State. Some truck trips could potentially travel further north to Oregon or east to Nevada.[6] Overall, most project truck trips (55%) are anticipated to travel to or from the south on I-505, with another 44% anticipated to travel to or from the north on I-505. The remaining 1% would travel to or from the west on E. Grant Avenue.

Table 10. Project Trip Distribution

Origin/Destination	Percent of Passenger Vehicle Trips	Percent of Heavy Vehicle Trips
West of E. Grant Avenue	62%	1%
North of I-505	3%	44%
South of I-505	20%	55%
East of Russell Boulevard	15%	0%

Source: Fehr & Peers, 2025.

[5] https://dot.ca.gov/programs/traffic-operations/legal-truck-access/truck-network-map

[6] Based on input from the project applicant, product at the existing Kie-Con facility is sometimes shipped out of state.

4.1.3 Trip Assignment

Project trips were added to the EPAP No Project conditions forecasts to yield the EPAP Plus Project conditions traffic forecast volumes shown in **Figure 5**.

4.2 Intersection Operations

Table 11 displays the peak hour LOS and delay at the study intersections under EPAP Plus Project conditions (technical calculations are provided in **Appendix A**). As shown, all study intersections would operate at LOS D or better conditions, which is acceptable. The unsignalized E. Grant Avenue/I-505 Southbound Ramps intersection would experience an average of 25 seconds of delay per vehicle on the worst movement (i.e., the southbound left-turn) during the PM peak hour. Overall, the proposed project would not cause any LOS deficiencies during the AM or PM peak hours.

Table 11. Peak Hour Intersection Level of Service – EPAP Plus Project Conditions

Intersection	Traffic Control	Average Delay/LOS			
		EPAP No Project		EPAP Plus Project	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
1. E. Grant Avenue / Matsumoto Lane	Signal	13 / B	18 / B	13 / B	17 / B
2. E. Grant Avenue / I-505 SB Ramps	SSSC	15 / C (WBL)	24 / C (WBL)	23 / C (WBL)	25 / D (SBL)
3. Russell Boulevard / I-505 NB Ramps	Signal	8 / A	12 / B	8 / A	12 / B

Notes: LOS = Level of Service. SSSC = Side-Street Stop Control.
[1] Intersections are analyzed using SimTraffic microsimulation model. For signalized intersections, average delay and LOS is reported for all approaches. For side-street stop-controlled intersections, delay and LOS for the worst movement is reported (with the corresponding movement shown in parentheses). All results are rounded to the nearest second.

Source: Fehr & Peers, 2025.

The relatively low number of project trips added during the AM and PM peak hours would result in marginal changes to peak hour maximum queues. As shown in **Table 12**, the project would change peak hour maximum queues by 50 feet or less. The westbound vehicle queue at E. Grant Avenue/ Matsumoto Lane is estimated to spill upstream to the I-505 Southbound Ramps intersection during 4% of the PM peak hour under EPAP Plus Project conditions, the same as under EPAP "No Project" conditions. As background traffic increases in the City of Winters, vehicle queues on westbound E. Grant Avenue will block southbound through and left-turning motorists at the I-505 Southbound off-ramp with greater frequency. One option to address this could be for the City of Winters to install "KEEP CLEAR" signage and striping at the E. Grant Avenue/I-505 Southbound Ramps intersection. This would generate gaps in the westbound vehicle queue for off-ramp motorists to perform through and left-turn movements. This striping would require approval by Caltrans. Though the proposed project would not trigger the need for a traffic signal, the projected level of queuing under EPAP No Project and EPAP Plus Project conditions suggests that a traffic signal at E. Grant Avenue/Matsumoto Lane will be needed soon after EPAP Plus Project conditions.

The southbound left-turn queue at E. Grant Avenue/Matsumoto Lane would block outbound left-turns from the first ARCO driveway with more frequency during the peak hours. The maximum queue for the southbound left-turn would reach the Starbucks/Fairfield Hotel driveway during both the AM and PM peak hours under EPAP Plus Project conditions. During these maximum queues, northbound motorists on Matsumoto Lane desiring to enter the retail development on the west side of the street would be momentarily unable to use the existing two-way left-turn lane. These motorists would either continue north to the northernmost driveway for the Fairfield Hotel or have to stop in the single northbound travel lane while waiting to turn into the first driveway, blocking northbound through traffic behind them while waiting for a gap in southbound traffic. This is an undesirable operating condition on Matsumoto Lane. Based on these conditions, the following is recommended:

- Install Fairfield Hotel wayfinding signs on the east side of Matsumoto Lane to encourage hotel patrons to turn left into the hotel site at the hotel's northerly driveway (versus using the southerly driveway).

A strategy to reduce the length of the southbound left-turn queues would involve installing an advance detector about 150 feet north of the stop bar and modifying signal timing at the intersection to call the southbound phase earlier and extend the green time for the Matsumoto Lane approach when queues extend to the advance detector. This would reallocate green time from the east-west signal phases to Matsumoto Lane. This would require approval by Caltrans as the traffic signal is on the state highway system.

Table 12 also shows that the project would add marginally to freeway off-ramp maximum queues, which would continue to be maintained within the available storage.

Table 12. Peak Hour Maximum Vehicle Queues – EPAP Plus Project Conditions

Intersection	Movement	Available Storage [1]	Maximum Queue			
			AM Peak Hour		PM Peak Hour	
			EPAP Plus Project Conditions [5]	Growth Over EPAP 'No Project'	EPAP Plus Project Conditions [5]	Growth Over EPAP 'No Project'
1. E. Grant Avenue / Matsumoto Lane	EBT	610 ft.	350 ft.	-50 ft.	250 ft.	+25 ft.
	EBL	270 ft. [2]	125 ft.	+25 ft.	150 ft.	+25 ft.
	WBT	1,475 ft.	225 ft.	-	575 ft.	-50 ft.
	SBL	60 ft. [2]	**200 ft.**	+25 ft.	**200 ft.**	+25 ft.
2. E. Grant Avenue / I-505 SB Ramps	SBR	205 ft. [3]	75 ft.	-	50 ft.	-
3. Russell Boulevard/ I-505 NB Ramps	EBT	1,475 ft.	150 ft.	-25 ft.	175 ft.	-25 ft.
	WBT	>3,000 ft.	150 ft.	+25 ft.	200 ft.	-
	NBL/R	2,015 ft.	150 ft.	+25 ft.	175 ft.	+25 ft.

Notes: Maximum queue estimated assuming 25 feet of storage per passenger vehicle. **Bold and underlined** indicates exceedance of available storage.
[1] Defined as length of turn pocket, distance to upstream intersection, or the distance from the limit line to the freeway gore point.
[2] This movement forms part of a two-way left-turn lane. Thus, the storage distance is measured as the distance to the first accessible upstream driveway.
[3] Represents the right-turn pocket storage length. The left-turn queue is not included in this table due to minimal peak hour turn volumes (i.e., 5 vehicles or less). The actual distance from the limit line to the freeway gore point is about 2,015 feet.
[5] Unless otherwise noted, EPAP Plus Project conditions maximum queue determined by adding the increase in maximum queue (estimated by SimTraffic) over existing conditions.
Source: Fehr & Peers, 2025.

5. Project Access

This chapter evaluates access to the project site, including project driveways, throat depth, adequacy of truck turning movements, and sight distance. Recommendations are offered to improve access.

5.1 Project Consistency with Applicable City Roadway Design Standards

The "Transportation Improvements" chapter of the *City of Winters Standard Specifications* (2021) includes various standards pertaining to the design of roadways, driveways, bicycle, pedestrian, and transit facilities. As it pertains to the project driveways, each applicable standard from that chapter is described below, followed by an evaluation of the extent to which the project conforms to it.

1. *No driveway (including transition tapers) will be allowed within 10 feet of a side property line… on industrial development.*
    a. Evaluation: Driveway 1 is located approximately 60 feet north (measured from edge of flare) of the southern property line. Driveway 2 is located precisely along the northern property line. Driveway 2 is inconsistent with this standard.
    b. Consistent: No.

2. Locate driveways such that they are a minimum of 5 feet from features such as fire hydrants, utility poles, drainage inlets, crosswalks, etc.
    a. Evaluation: At their proposed locations, both driveways would be at least 5 feet away from such features.
    b. Consistent: Yes.

3. Driveways should be located 75 feet from the intersection of collector and arterial roadways.
    a. Evaluation: The driveways are located more than 75 feet from the nearest intersection (E. Grant Avenue/Matsumoto Lane).
    b. Consistent: Yes.

4. All commercial and industrial driveways shall be a minimum of 24 feet wide, exclusive of flares or aprons. The standard driveway for industrial developments shall be 45 feet wide… Industrial driveway widths may be wider based on types and quantities of vehicles.
    a. Evaluation: Both project driveways are approximately 40 feet wide. While the project driveways meet the minimum width, they do not meet the "standard" industrial

driveway width of 45 feet. The project site is anticipated to receive material delivery from aggregate trucks and to export finished products using flatbed trucks. Fehr & Peers used AutoTurn, a vehicle swept path analysis software, to confirm the adequacy of the project driveways to convey trucks. **Appendix B** displays the truck turning templates. The analysis found that it could be challenging for heavy vehicles to enter/exit the project driveways based on the existing driveway widths and curb radii. A more detailed discussion of truck turning movements at the project driveways is provided in Section 5.3.

b. Consistent: No.

5. Visibility requirements for driveways shall be in accordance with construction detail. Streets should not be designed to intersect the inside of curves or at any location where in general, sight distance will be inadequate for drivers to tell if they can safely enter the traffic flow or cross the street. The minimum distance from an intersection to a curve should be the applicable minimum sight distance listed below [see the *City of Winters Standard Specifications*]. The City Engineer for especially difficult design circumstances may make exceptions, only if visibility easements to provide adequate sight distances are dedicated. Increased visibility requirements may be required for driveways serving a significant amount of truck traffic… Stopping sight distance…shall be in accordance with California Department of Transportation Highway Design Manual [HDM] or as approved by the City Engineer… Major driveways serving significant traffic volume, as determined by the City Engineer, shall be considered as intersecting streets with regard to intersection sight distance requirements.
    a. Evaluation: Topics 405.1 and 201 of the HDM were used to evaluate horizontal[7] corner sight distance (CSD) and stopping sight distance (SSD) at the project driveways. Consistent with the measured speeds data shown in Table 3 and standard practice, this study uses a design speed of 45 MPH for Driveway 1 and a design speed of 55 MPH for Driveway 2 in the sight distance analysis. The HDM has other specific measurement requirements (e.g., vehicle setback distance from edge of traveled way), which were followed in this analysis. **Appendix C** displays the resulting SSD and CSD sight triangles. The appendix shows that SSD is clear of obstruction provided that the areas shown in the sight triangles are kept clear of vertical elements, including landscaping/hardscaping, that are taller than 6 inches. The proposed monument sign also does not impair sight distance. However, there are portions of the roadway, site plan, and adjacent hotel uses that obstruct CSD at Driveways 1 and 2. Recommendations to ensure adequate horizontal sight distance are provided in Section 5.4.
    b. Consistent: No.

5.2 Maximum Queues at Project Driveways

Maximum queues at the project driveways were estimated using the SimTraffic microsimulation. To ensure a conservative analysis, the peak hour of site traffic volumes (i.e., 5 to 6 AM and 2 to 3 PM as shown in Chart 2) were used in conjunction with the peak hour of CR 90 (i.e., 8:15 to 9:15 AM and

[7] The site plan does not contain information related to the vertical elevation of project driveways. Therefore, this study focuses on horizontal sight distance and assumes project driveways will be relatively flush with CR 90.

5:30 to 6:30 PM as shown in Chart 1). This resulted in the traffic volumes shown in **Image 4** below. Traffic was assigned to project driveways according to their expected relative use by vehicle type.[8]

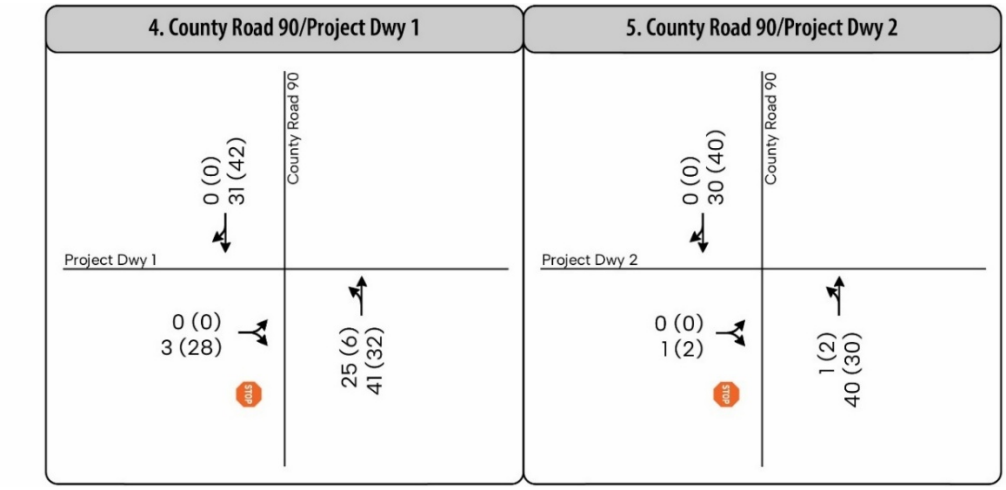


Image 4: Traffic volumes are shown at the project driveway intersections under EPAP Plus Project conditions.

Table 13 displays the maximum expected queue lengths and average vehicle delay at the project driveways under the condition described above.

Table 13. Traffic Operations at Project Driveways – EPAP Plus Project Conditions

Intersection	Movement	Available Storage [1]	AM Peak Hour		PM Peak Hour	
			Maximum Queue	Delay / LOS	Maximum Queue	Delay / LOS
CR 90 / Driveway 1	EBL/R	75 ft.	50 ft. [2]	3 / A	75 ft.	3 / A
	NBL/T	>1,000 ft.	25 ft.	2 / A	25 ft.	2 / A
CR 90 / Driveway 2	EBL/R	200 ft.	50 ft. [3]	4 / A	75 ft.	3 / A
	NBL/T	>1,000 ft.	25 ft.	1 / A	25 ft.	1 / A

Notes: Maximum queue estimated using SimTraffic.
[1] For outbound movements at project driveways, the available storage is defined as the distance from the driveway curb return to the first internal driveway or intersection. For northbound movements, the available storage is defined as distance to upstream intersections.
[2] Rounded down. Output from SimTraffic was 53 feet.
[3] Rounded down. Output from SimTraffic was 51 feet.
Source: Fehr & Peers, 2025.

[8] In email communications dated May 16, 2025, the applicant indicated that Driveway 1 is the primary entrance and would be used by employees as well as trucks. Driveway 2 is a secondary, gated driveway to be used by trucks on an as-needed basis. The applicant indicated they anticipate 75% of site traffic to use Driveway 1. During the AM and PM peak hours, site truck trips are relatively low (see Chart 3).

5.2.1 Throat Depth

Table 13 shows that both project driveways would provide adequate throat depth to contain the maximum outbound queues of 75 feet during the PM peak hour. The driveway outbound maximum queues shown in Table 13 were compared to outputs calculated using the methodology described in *Estimation of Maximum Queue Lengths at Unsignalized Intersections* (ITE Journal, 2001). This method produced shorter queue estimates.

5.2.2 Need for Inbound or Outbound Turn Lanes

The proposed project would result in a maximum hourly inbound volume of 25 vehicles at Driveway 1 during the site's AM peak hour. All 25 of these vehicles would perform a left-turn from the northbound travel lane into the driveway. Table 13 shows that the average maximum queue for the northbound left-turn would equal about 1 vehicle, with an average delay per vehicle of 2 seconds (LOS A). This low level of congestion is primarily due to the relatively low traffic volumes on CR 90 (see Chart 1). Occasionally, northbound motorists may need to stop to wait for a motorist turning left into the project site. As previously mentioned, stopping sight distance would be adequate at both project driveways. Therefore, northbound motorists would have sufficient distance to stop, if needed, provided that sight triangles are kept clear of obstruction. Therefore, no inbound left-turn lanes are recommended.

Section 5.2.1 discusses project driveway throat depth, which is adequate to contain outbound queues. Additionally, it is projected that outbound project trips would overwhelmingly desire to travel southbound (i.e., make a right-turn onto southbound CR 90). Therefore, a single outbound turn lane is recommended at both project driveways.

5.3 Adequacy of Truck Turning Movements

AutoTurn was used to confirm the adequacy of the project driveways to convey heavy vehicles. Appendix B contains the truck turning templates. Based on information provided by the applicant, aggregate trucks and flatbed trucks would use Driveway 1, while primarily flatbed trucks would use Driveway 2. The templates in Appendix B provide detail on the design vehicles used in the analysis and their corresponding dimensions.

The following summarizes key takeaways from the analysis:

- It would be challenging at both driveways for inbound right-turning trucks to turn in the presence of outbound vehicles because the inbound trucks would encroach on the outbound lane and/or the northbound travel lane on CR 90.
- It would be challenging at both driveways for inbound left-turning trucks to turn in the presence of outbound vehicles because the inbound trucks would encroach on the outbound lane.
- It would be challenging at both driveways for outbound right-turning trucks to turn out in the presence of inbound vehicles because the outbound trucks would encroach on the inbound lane and/or the northbound travel lane on CR 90.
- It would be challenging at both driveways for outbound left-turning trucks to turn out in the presence of inbound vehicles because the outbound trucks would encroach on the inbound lane.

Based on the AutoTurn results, the following is recommended:

- The applicant should coordinate with the City Engineer to determine the appropriate driveway width and curb radius at both project driveways.

Per the *City of Winters Standard Specifications*, the City Engineer has discretion to prescribe an appropriate driveway width based on the types and quantities of vehicles expected at the project site.

5.4 Recommendations

This study conducted traffic operations and site access analysis to identify potential project improvements. The following list summarizes site access recommendations:

- Coordinate with the City Engineer to determine the appropriate driveway width and curb radius at both project driveways.
- Maintain all SSD and CSD sight triangles clear of obstructions by increasing the setback along the project frontage without vertical elements, including landscaping/ hardscaping, that are taller than 6 inches.[9] Additionally, the project driveways must meet the visibility requirements in Standard Drawing S-17 of the *City of Winters Standard Specifications* (not shown in Appendix C).[10]
- At Driveway 1, install a "no left turn" sign (R3-2 in the *California Manual on Uniform Traffic Control Devices*) to prohibit outbound vehicles from turning left. Restriction of the outbound left-turn would be necessary to ensure adequate CSD at Driveway 1.
- Modify the site plan such that CSD is adequate north of Driveway 1 (see red portion of the sight triangle in the appropriate figure in Appendix C). The modification should account for vehicle "overhang" for parked vehicles in the on-site parking area north of Driveway 1.
- Modify the site plan such that CSD is adequate south of Driveway 2 (see red portion of the sight triangle in the appropriate figure in Appendix C).
- Install 40 MPH speed limit signs on southbound CR 90 north of the existing curve to a point north of the Teichert Aggregates property and prohibit parking at the existing gravel shoulder located approximately 500 feet north of Driveway 2.[11] Vehicles parked in the gravel shoulder area could obstruct CSD for outbound motorists at Driveway 2.

Measures that would address the off-site queuing conditions described in this report include the following:

- Install Fairfield Hotel wayfinding signs on the east side of Matsumoto Lane to encourage hotel patrons to turn left into the property at the hotel's northerly driveway (versus using the southerly driveway).

[9] The sight distance triangles in this study are approximated based on the conceptual site plan provided. To establish the final clear zone boundaries along the project frontage, the site distance triangles should be refined in the final plans based on the actual location of the centerlines and edge of traveled way.

[10] Regarding Standard Drawing S-17, note that major driveways serving significant traffic volume, as determined by the City Engineer, shall be considered as "intersecting streets" with regard to intersection sight distance requirements.

[11] This shoulder is located just south of the Teichert Aggregates driveway. The Google Maps aerial image shows that this unpaved shoulder is used by trucks as a parking/staging area.

- At the E. Grant Avenue/Matsumoto Lane intersection, install an advance detector about 150 feet north of the southbound approach stop bar and modify signal timing at the intersection to call the southbound phase earlier and extend the green time for the Matsumoto Lane approach when queues extend to the advance detector.
- At the E. Grant Avenue/I-505 Southbound Ramps intersection, install "KEEP CLEAR" signage and striping in the westbound travel lane.



FIGURE 1

Site Plan

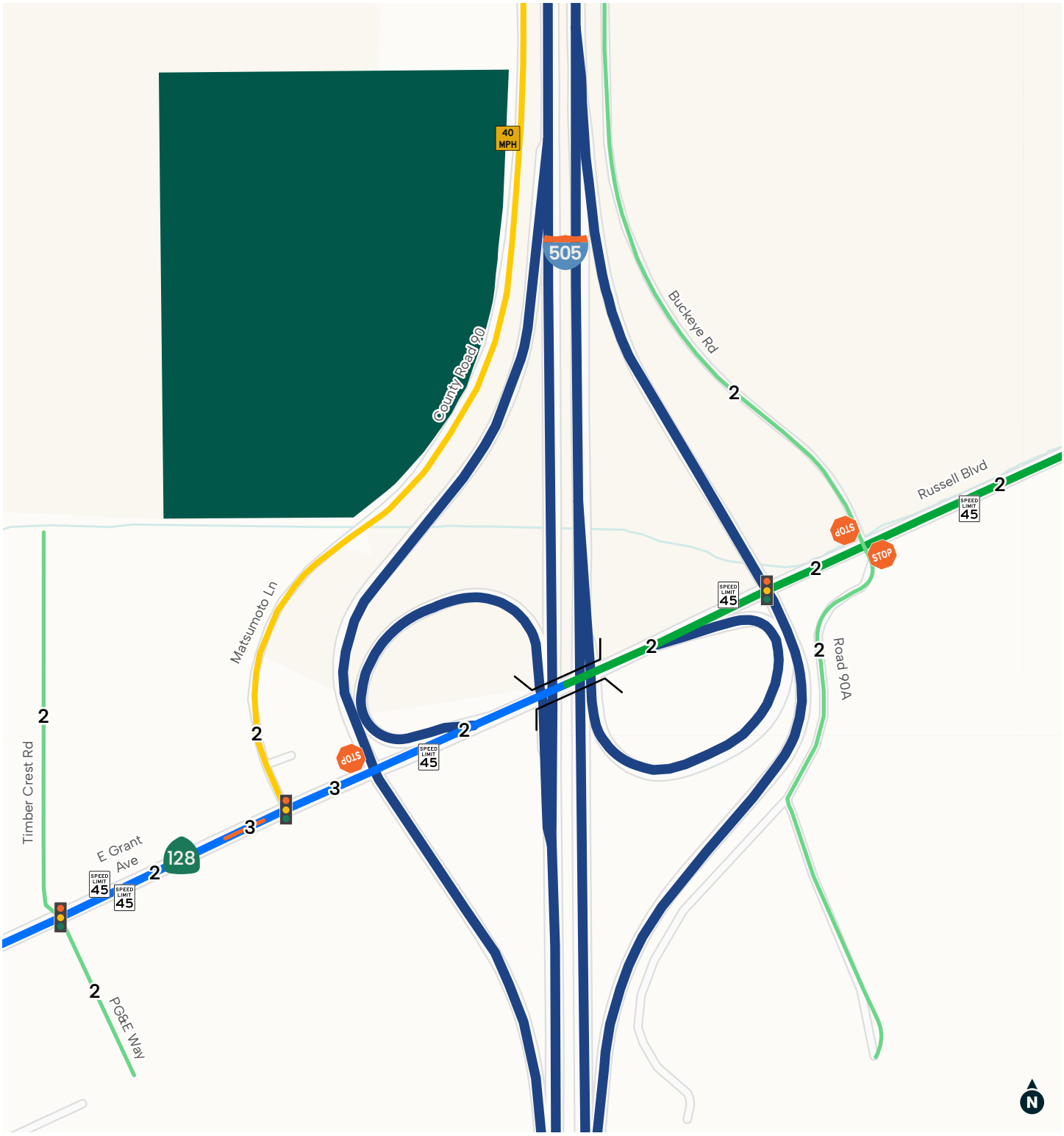
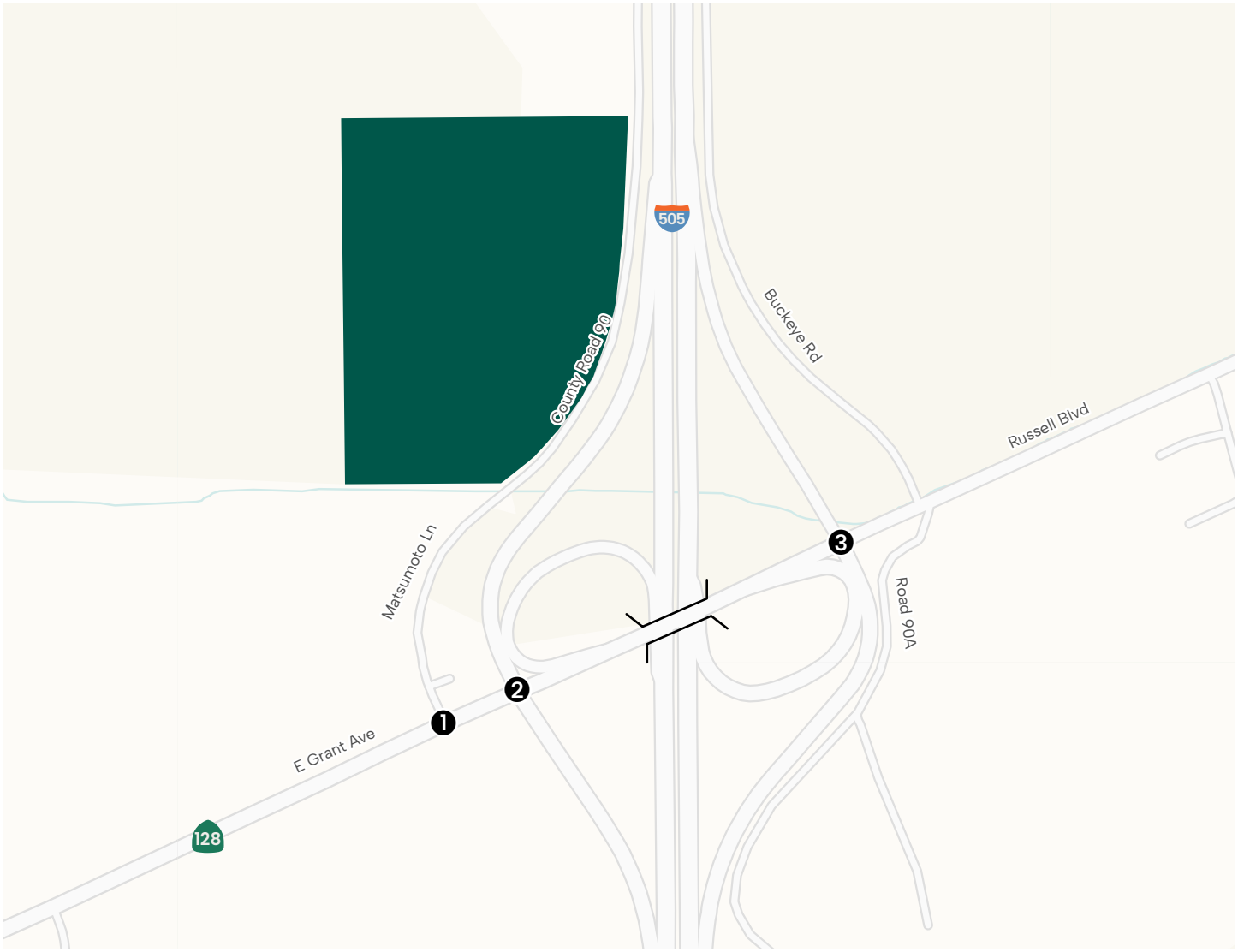
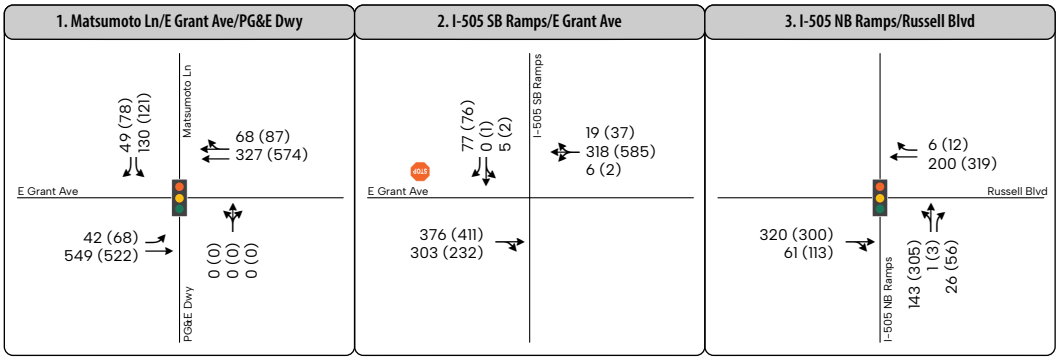


FIGURE 2

Existing Roadway Network





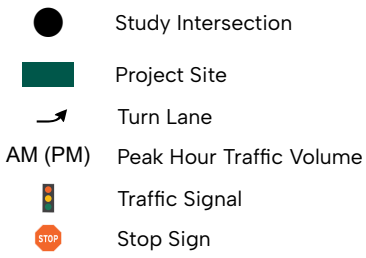
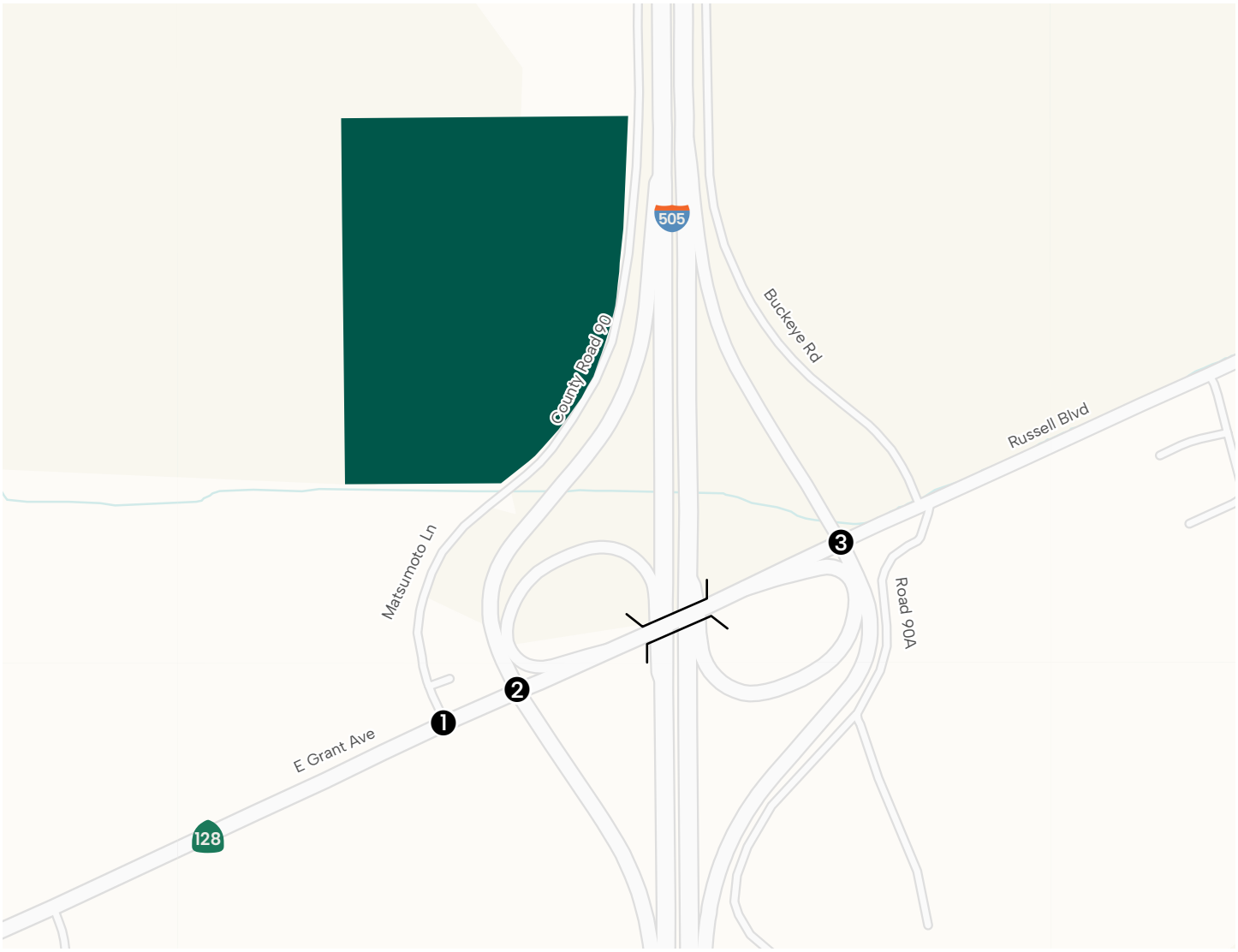


FIGURE 3

Peak Hour Traffic Volumes and Lane Configurations – Existing Conditions



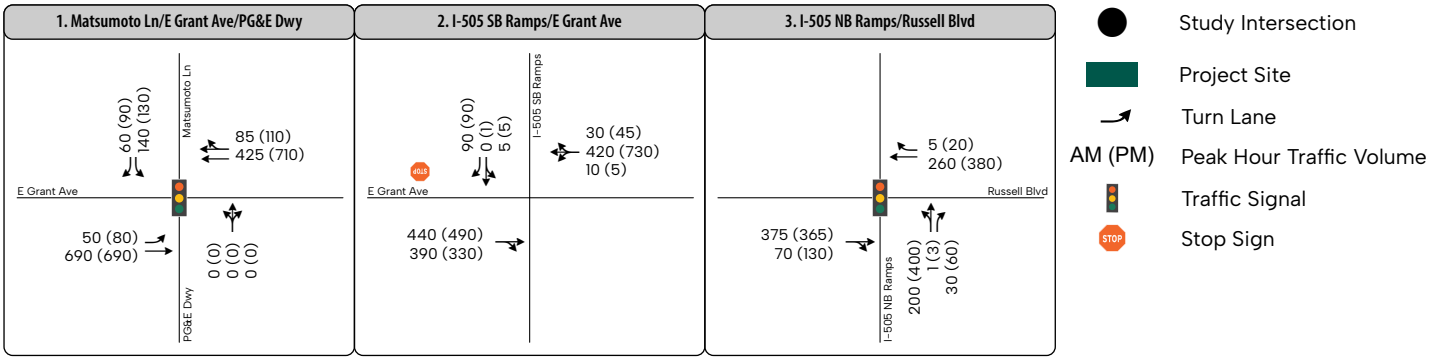


FIGURE 4

Peak Hour Traffic Volumes and Lane Configurations – Existing Plus Approved Projects Conditions

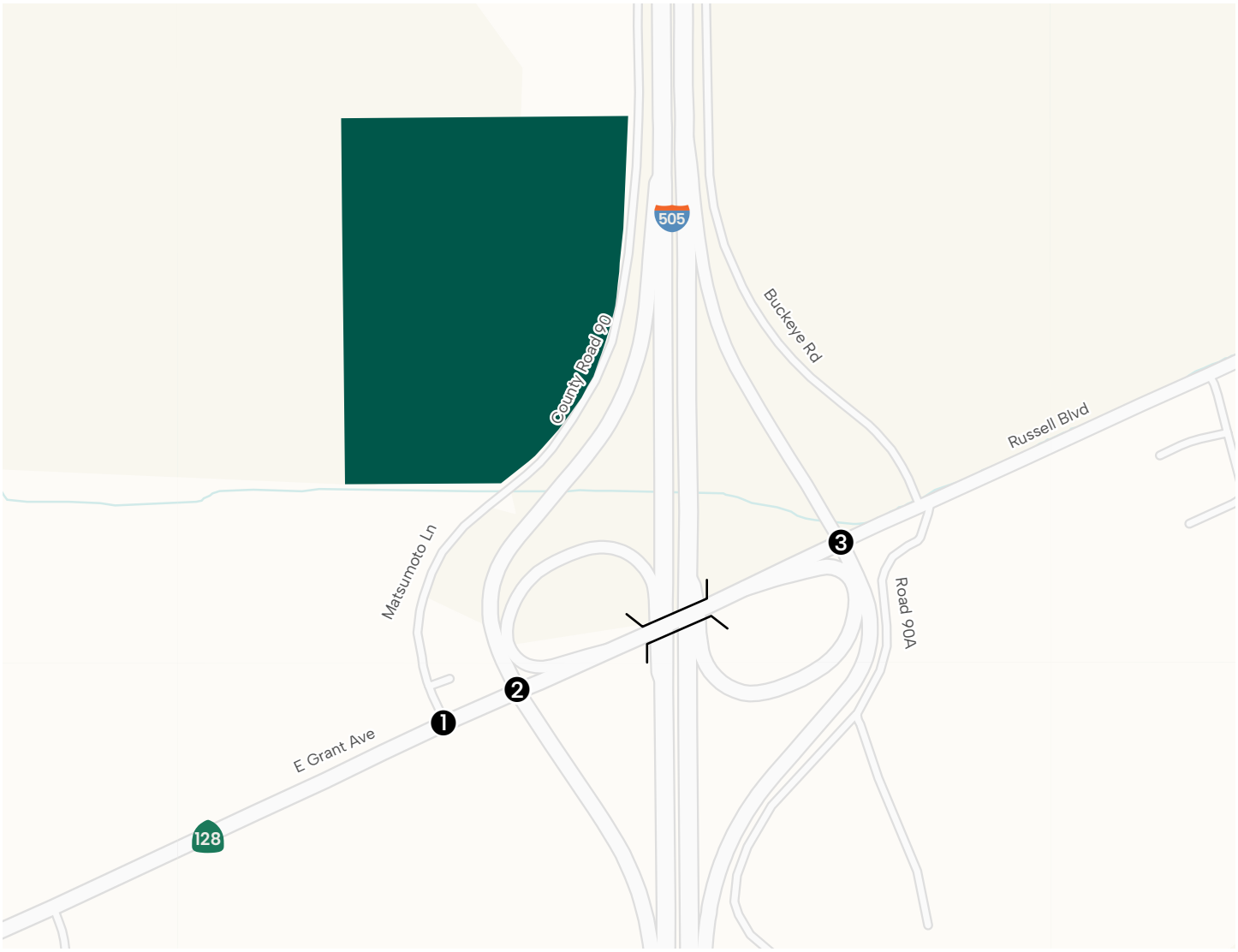


FIGURE 5

Peak Hour Traffic Volumes and Lane Configurations – Existing Plus Approved Projects Plus Project Conditions

Planning Commission Staff Report

To: Chair and Planning Commissioners

Date: January 27, 2026

From: Kelly Mumper, Contract Planner

Subject: Public Hearing to consider approval of a Conditional Use Permit (CUP #2025-008) to allow a stationary food truck to be located at 106 Main Street (APN: 003-202-005)

APPLICANT	Joey Rojas
OWNER	Raul Melendez
REPRESENTATIVE	Joey Rojas
REQUEST	Consider Conditional Use Permit (CUP #2025-008) to allow a stationary food truck to be located at 106 Main Street.
ASSESSOR'S PARCEL NO	003-202-005-000
PARCEL SIZE	0.31 Acres
LOCATION	106 Main Street
EXISTING ZONING	D-B (Downtown B)
SURROUNDING ZONING	North: D-A - Downtown A (FBC) South: R-1- Single Family Residential (7,000) East: D-B- Downtown B (FBC) West: D-B- Downtown B (FBC)
SURROUNDING LAND USE	Downtown A, Downtown B, and Single Family
GENERAL PLAN DESIGNATION	*Downtown B,* pursuant to the *City of Winters General Plan, 1992*.
ENVIRONMENTAL DETERMINATION	The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311(c)

COMMENTS RECEIVED BY CITY DEPARTMENTS:

1. **Building Department:** None.

2. **Fire Department:** None.

3. **Police Department:** None.

4. **Public Works Department:** None.

RECOMMENDATION:
The Planning Commission conduct a public hearing on the Rocki's Chicken CUP #2025-008 project and adopt Resolution 2025-13 thereby taking the following actions:

1. Determine the proposed Rocki's Chicken Conditional Use Permit #2025-008 project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 of the CEQA Guidelines; and

2. Approve the Conditional Use Permit #2025-008 for the Rocki's Chicken Food Truck project based on the recommended findings and subject to the draft conditions of approval.

PROJECT DESCRIPTION:
The applicant has been given permission from the legal property owner to apply for a conditional use permit for 106 Main Street to potentially allow a stationary food vendor. The subject property has a Zoning designation of Downtown B (FBC) and a General Plan designation of *Downtown B.* The parcels assigned assessors' parcel number is 003-202-005 and is located 100 feet southwest from the intersection of Main Street and 1st Street in Downtown Winters. The stationary food truck will be located in the existing parking lot of 106 Main Street and patrons will be able to access the location through the alley between 108 Main and 106 Main which fronts Main Street and also access the location from the rear or southern alley. The subject use is regulated by Chapter 5.36 (Food Vendors) of the Winters Municipal Code.

BACKGROUND:
The project site is developed with an existing building at 106 Mian Street (Currently R and V Screen Printing and Steady Eddys Coffee Roasting Room) with a parking lot located directly behind each business that is accessed by vehicles via the alley way. The site also has an existing paved side yard between 106 and 109 Main Street where the project applicant intends to park the Stationary Food Truck. This will provide multiple access points for potential customers which will encourage alternative modes of transportation such as cycling and walking.

At the December 19, 2025, Special Planning Commission Meeting, the Planning Commission voted to unanimously table the item to a future public hearing so that the applicant and owner could supply additional information and address various concerns by the commissioners and community members. Those issues have been addressed within this report and added to the Conditions of Approval should the project be approved. Specifically, the applicant and owner were to supply a rendering of the food truck and provide clarification on how ADA access would be improved on the property frontage and how alley access to the private property would be limited to employee

access only.

ANALYSIS

In evaluating a Conditional Use Permit request related to Stationary Food Vendors, the primary focus is compliance with Chapter 5.36 (Food Vendors) and the City's Form Based Code, and compatibility of the proposed project with the site and surroundings to maintain and enhance the visual character of the area. A property owner shall obtain a use permit from the planning commission to allow a stationary food vendor to operate on the owner's property except as allowed by subsection (C)(2) below. The permit shall be processed in accordance with and subject to the Use Permit requirements contained in Chapter 17.20. The planning commission can issue a conditional use permit for stationary food vendors in accordance with the Land Use/Zone Matrix in Section 17.52.020 and Table 17.58-2 of Section 17.58.050. A stationary food vendor must separately obtain a stationary food vendor permit under Sections 5.36.030 and 5.36.040.

The Planning Commission may approve a Conditional Use Permit application, with or without conditions, only if all of the required findings can be made, which are outlined in Section 17.20.030(C)of the Winters Municipal Code. These findings are as follows:

1. The requested use will be in conformity with the general plan;
2. The requested use is listed as a conditional use in the zone regulations or elsewhere in this section, or, where an interpretation was necessary, a determination was made by the community development director or planning commission that the proposed use would require a use permit;
3. The requested use is consistent with the intent and purposes of the zone in which it is located, and will not detrimentally impact the character of the neighborhood;
4. The requested use will not be detrimental to the public health, safety or general welfare;
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities or services will be provided;
6. The requested use will not create a nuisance or enforcement problem within the neighborhood; and
7. The requested use will not result in a negative fiscal impact upon the city.

ZONING AND GENERAL PLAN FINDINGS:

- Planning staff has determined that the subject use will be in conformity with the *City of Winters General Plan, 1992*.

- The requested use is listed as a conditional use in the zone regulations found in Chapter 17.58, and Chapter 5.36(C)(1), and a determination was made by the community development director that the proposed use would require a use permit.

- The requested use is consistent with the intent and purposes of the zone in which it is located, and will not detrimentally impact the character of the neighborhood. The requested use is allowed in the D-B District by fist securing a Use Permit.

- The requested use will not be detrimental to the public health, safety or general welfare, and shall be conditioned appropriately to maintain public health, safety, and general welfare.

- Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities or services will be provided because the Stationary Food Truck will utilize **existing utilities** of 106 Main Street while in operation.

- The requested use will not create a nuisance or enforcement problem within the neighborhood because it will not be located in a public right of way and located on private property with multiple access points for customers via main street and the alley.

- The requested use will not result in a negative fiscal impact upon the city because if approved the subject use shall obtain all proper licenses from the Yolo County Environmental Health Department and City of Winters Finance Department.

- If approved, the subject use would comply with Chapters 5.36, 17.20, and 17.58 of the City of Winters Municipal Code.

PARKING

The Form Based Code (FBC) requires one parking space for every 400 square feet of commercial space. The project applicant or property owner shall provide at least one parking space in the rear parking lot and the demarcation of parking spaces should be legible, and the spaces should be adequate but not overly generous. In General, the project will provide for surface parking behind the existing building in the existing rear parking lot which has alley access. In addition, the project will utilize surface city street parking in front of the existing building.

SIGNAGE PLAN

Winters Municipal Code Chapter Section 17.80 discusses the allowable sign area and review process for signs on buildings/businesses located within the FBC area. Section 17.58.070D outlines the design standards for the signs. The applicant has not submitted any designs for proposed signage outside of the signage provisions associated with Stationary Food Trucks in Chapter 5.36. Before installing any affixed signs to buildings or structures the applicant will need to get Planning Commission approval through the Design Review application process.

ENVIRONMENTAL ASSESSMENT:

Staff recommends that the Planning Commission find the project exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15311(c), which applies to projects characterized as follows:

Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:
(a) On-premise signs;
(b) Small parking lots;
(c) Placement of seasonal or temporary use items such as lifeguard towers, ***mobile food units***, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

As discussed within this staff report, it is staff's opinion that the proposed project meets all l criteria and therefore, can be exempted from the CEQA Guidelines pursuant to Section 15311(c). The proposed project is consistent with the City's General Plan and Zoning Ordinance requirements.

The Planning Commission must consider the proposed CEQA exemption together with any comments received during the public review process. Further, the exemption can only be

approved if the Planning Commission finds, based on the whole record before it, that there is not substantial evidence that there are unusual circumstances (including future activities), which might reasonably result in the project having a significant effect on the environment.

PUBLIC COMMUNICATION:
The public hearing notice was published in the *Winters Express* on December 3, 2025. An affected property owner notice was mailed to properties within 300 feet of the project site on December 3, 2025. No public comments were received at the time this staff report was published.

RECOMMENDED MOTION:
"I move to adopt PC Resolution 2025-13, approving Conditional Use Permit #2025-008 and determining the Rocki's Chicken Stationary Food Truck project to be categorically exempt from CEQA and approving the Rocki's Chicken Stationary Food Truck project based on the recommended findings and subject to draft conditions of approval."

ALTERNATIVES:
Actions that the Planning Commission may take as an alternative to the recommended action include the following:

1. Continue the public hearing to a time and date certain.
    a. The Planning Commission may request additional information from the applicant and/or staff (if new information is presented at the next meeting, the public portion of the hearing must be reopened on the new information submitted)

2. Land Use Permits
    a. Add, delete, or modify the proposed conditions of approval.
    b. Deny the project on the basis that one or more of the required findings cannot be made.

ATTACHMENTS:
1. Resolution No. 2025-13
    a. Exhibit A: Draft Conditions of Approval
    b. Exhibit B: Site Plan

Planning Commission Resolution No. 2025-13

A Resolution of the Planning Commission of the City of Winters approving a Conditional Use Permit to allow a food truck at 106 Main Street within the D-B Zoning District and Adopting Findings which Exempt the Project from CEQA

WHEREAS, on October 1, 2025, the City received an application requesting a Conditional Use Permit to allow a food truck to be located at 106 Main Street (APN 003-202-005) within the D-B Zoning District; and

WHEREAS, Winters Municipal Code Section 17.58.050 requires that a Conditional Use Permit be secured for the stationary food truck prior to business operation; and

WHEREAS, a notice of the January 27, 2026, public hearing for the project was published in the Winters Express on January 14, 2026; and

WHEREAS, in accordance with Winters Municipal Code Section 17.36.030.B. and Section 17.16.040, notice of the public hearing was mailed to adjacent property owners within 300 feet of the project location on December 3, 2025; and

WHEREAS, the City's Community Development Department presented its oral and written staff report on the proposed project at a regular meeting of the Planning Commission on December 17, 2025; and

WHEREAS, on December 17, 2025, the Planning Commission held a public hearing on the project to receive oral and written testimony and written prior to reaching its decision and concluded by unanimous vote, that the project be tabled until the applicant could supply a photo rendition of the food truck, an updated site plan showing how rear alley access would be limited to employees, and how the sidewalk and driveway would be improved and or repaired to address the ADA issues identified.

WHEREAS, On January 27, 2026, the Planning Commission held an additional public hearing on the project to receive oral and written testimony and written prior to reaching its decision; and

WHEREAS, the City's Community Development Department presented its oral and written staff report on the proposed project at a regular meeting of the Planning Commission on January 27, 2026, which has been amended to reflect new information pertaining to neighbors notified in the project's vicinity and concerns shared by the Planning Commission at the previous public hearing; and

WHEREAS, the Community Development Department recommends approval of the proposed project based on the findings and conditions of approval provided in Exhibit A attached hereto and incorporated herein; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission adopts the recommended findings set forth and approves the Conditional Use Permit to allow a

stationary food truck at 106 Main Street within the D-B Zoning District, subject to the conditions of approval contained in Exhibit A; and

BE IT FURTHER RESOLVED that the Planning Commission:

A) Makes the following findings:

1. That the project is consistent with the *City of Winters General Plan, 1992*, Chapter 17 of the Zoning Ordinance, and Chapter 17.58 of the Downtown Form Based Code.

2. Approval of the Conditional Use Permit proposal as conditioned will not negatively affect line of sight safety for the project, neighboring businesses, or vehicle and pedestrian traffic.

3. That the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular use, with the conditions imposed thereon, be detrimental to or contrary to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the city.

4. The conditions imposed upon approval of this use are necessary to further the public health, safety, peace, comfort and general welfare of the city.

5. Approval of this Conditional Use Permit is contingent upon the establishment, maintenance, and operation of the subject use not being detrimental or contrary to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use.

6. Based on the evidence in the record and findings set forth, determines the project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 of the CEQA Guidelines.

It is hereby certified that the foregoing Planning Commission Resolution No. 2025-13 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a special meeting of the City of Winters Planning Commission held on the 27th day of January 2026, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Lisa Baker, Chairperson

Attest:

_____

Jeremy Craig, Planning Commission Secretary

Conditional Use Permit #2025-008,
Rocki's Chicken Stationary Food Truck, 106 Main Street

CONDITIONS OF APPROVAL

1. The project is described in the January 27, 2026, Planning Commission staff report. The project shall conform to the attachments to the staff report. Substantial changes to the project shall require modification to the Conditional Use Permit and a subsequent Public Hearing by the Planning Commission.

2. The applicants acceptance of this permit and/or commencement of operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this conditional use permit.

3. The permittee shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Winters, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory agencies, appeals board, or legislative body concerning the approval of Conditional Use Permit (CUP #2025-008). This City will promptly notify the permittee of any such claim, action or proceeding against the City an cooperate fully in the defense.

4. The Stationary Food Truck shall locate on privately owned land not within enclosed buildings with property owner's consent. The stationary food vending vehicle shall be located in a place where it can safely operate.

5. Hours of operation shall be from 8 a.m. to 10 p.m. daily.

6. The applicant or property owner shall provide a trash container immediately adjacent to the food vending vehicle. Trash container must be removed from the site during non-vending hours. Additionally, vendors must maintain the cleanliness of their site within twenty-five feet (25') surrounding their site.

7. The subject use is limited to one (1) freestanding, non-illuminated sign, not exceeding four feet (4') in any dimension to be placed within ten feet (10') of the stationary food vendor. These regulations do not include any graphics or signs painted directly onto the vehicle. No sign shall impede vehicle traffic, pedestrian right of way, or bike lane, or vehicle traffic. No stationary food vendor signs shall be located within the Caltrans right-of-way.

8. Any signs proposed beyond what Condition 7 states above are subject to Design Review application approval through the Planning Commission.

9. The Stationary Food Truck shall have a certificate of compliance from the county health department, as appropriate. Additionally, vendors must apply for and participate in the Reciprocity Program if required and meet all applicable County requirements.

10. The Stationary Food Truck shall prominently display or affix the certificate of compliance from the Yolo County Health Department and City of Winters business license on the food vending vehicle.

Exhibit B

11. The applicant or owner shall obtain a seller's permit with the California Department of Tax Fee Administration, and issue resale certificates when applicable.

12. The Stationary Food Truck shall not provide tables or chairs.

13. The Stationary Food Truck shall comply with the Americans with Disabilities Act and other accessibility access standards.

14. The Stationary Food Truck operator/owners shall minimize the amount of parking spaces they are utilizing and cannot impede traffic flow entering, leaving, or within the parking lot.

15. The Stationary Food Truck owner shall obtain a Stationary Food Truck permit and business license in addition to securing this Conditional Use Permit.

16. The property owner shall allow the food truck employees access to one of the bathrooms within the existing businesses at 106 Main Street.

17. Failure to comply with the above conditions may result in the immediate revocation of the Conditiopnal Use Permit by the City of Winters Planning Commission.

18. ADA improvements shall be made to the front access point of the property where the existing parking lot pavement meets the public sidewalk. The applicant and owner shall coordinate with the appropriate departments to ensure ADA compliance and project coordination for improvements. The Contract Planner and Building Official will coordinate with the owner and applicant to ensure ADA accessibility is adequate prior to approving the Stationary Food Vendor Permit and City Business License. The work shall be to the satisfaction of the Public Works Director and Building Official.

19. Access to the Stationary Food Truck location shall be limited to the Main Street public right of way access. The owner and applicant shall limit alley access to the Stationary Food Truck to employees and employee parking only.



RECEIVED

OCT 0 1 2025

BY: Sally Mmm

Initial: KM

2026 BROWN ACT

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2026 – THE BROWN ACT[1]

(As amended by Senate Bill 707)
(New language highlighted; repealed language removed)

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[1] This Publication only contains sections of the Ralph M. Brown Act that are operative as of January 1, 2026.

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2026 THE RALPH M. BROWN ACT
(Government Code Sections 54950 - 54963)

POLICY STATEMENT

§54950. Declaration, Intent; Sovereignty

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

COVERAGE OF THE BROWN ACT

§ 54950.5. Title of Act

This chapter shall be known as the Ralph M. Brown Act.

§ 54951. Local Agency, Definition

As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

§ 54952. Legislative Body, Definition

As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, 2 ordinance,

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resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

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§ 54952.1. Newly Elected Members

Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of 3 this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

§ 54952.2. Meeting, Definition

(a) As used in this chapter, “meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(3) (A) Paragraph (1) shall not be construed as preventing a member of the legislative body from engaging in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body provided that a majority of the members of the legislative body do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of

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the legislative body. A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.

(B) For purposes of this paragraph, all of the following definitions shall apply:

(i) "Discuss among themselves" means communications made, posted, or shared on an internet-based social media platform between members of a legislative body, including comments or use of digital icons that express reactions to communications made by other members of the legislative body.

(ii) "Internet-based social media platform" means an online service that is open and accessible to the public.

(iii) "Open and accessible to the public" means that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature

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that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled 5 program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

§ 54952.3. Meetings; Simultaneous

(a) A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if a clerk or a member of the

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convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body and identifies that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend. However, the clerk or member of the legislative body shall not be required to announce the amount of 6 compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

(b) For purposes of this section, compensation and stipend shall not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of the member's official duties, including, but not limited to, reimbursement of expenses relating to travel, meals, and lodging.

§ 54952.6. Action Taken, Definition

As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

§ 54952.7. Copies of Chapter to Members of Legislative Body of Local Agencies

A local agency shall provide a copy of this chapter to any person elected or appointed to serve as a member of a legislative body of the local agency.

OPEN MEETINGS AND RELATED REQUIREMENTS – AGENDAS AND PUBLIC HEARINGS

§ 54953. Meetings to be Open and Public; Attendance

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

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(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative 7 body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as expressly provided in this chapter.

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(4) The teleconferencing requirements of this subdivision shall not apply to remote participation described in subdivision (c).

(c) (1) Nothing in this chapter shall be construed to prohibit a member of a legislative body with a disability from participating in any meeting of the legislative body by remote participation as a reasonable accommodation pursuant to any applicable law.

(2) A member of a legislative body participating in a meeting by remote participation pursuant to this subdivision shall do both of the following:

(A) The member shall participate through both audio and visual technology, except that any member with a disability, as defined in Section 12102 of Title 42 of the United States Code, may participate only through audio technology if a physical condition related to their disability results in a need to participate off camera.

(B) The member shall disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any of those individuals.

(3) Remote participation under this subdivision shall be treated as in-person attendance at the physical meeting location for all purposes, including any requirement that a quorum of the legislative body participate from any particular location. The provisions of subdivision (b) and Sections 54953.8 to 54953.8.7, inclusive, shall not apply to remote participation under this subdivision.

(d) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) (A) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or

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compensation paid in the form of fringe benefits of either of the following during the open meeting in which the final action is to be taken:

(i) A local agency executive, as defined in subdivision (d) of Section 3511.1.

(ii) A department head or other similar administrative officer of the local agency.

(B) This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(e) For purposes of this section, both of the following definitions apply:

(1) "Disability" means a physical disability or a mental disability as those terms are defined in Section 12926 and used in Section 12926.1, or a disability as defined in Section 12102 of Title 42 of the United States Code.

(2) (A) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(B) Notwithstanding subparagraph (A), "teleconference" does not include one or more members watching or listening to a meeting via webcasting or any other similar electronic medium that does not permit members to interactively speak, discuss, or deliberate on matters.

(3) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting.

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§ 54953.1. Testimony of Members Before Grand Jury

The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

§ 54953.2. Protections and Prohibitions Under the Americans with Disabilities Act of 1990

All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

§ 54953.3. Conditions to Attendance

A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

§ 54953.4. Public Access; Legislative Findings and Declarations; Opportunities for Public To Attend Via Two-Way Telephonic Service or Two-Way Audiovisual Platform; Translation and Interpretation; Public Outreach

54953.4. (a) The Legislature finds and declares that public access, including through translation of agendas as required by this section, is necessary for an informed populace. The Legislature encourages local agencies to adopt public access requirements that exceed the requirements of this chapter by translating additional languages, employing human translators, and conducting additional outreach.

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(b) (1) In addition to any other applicable requirements of this chapter, a meeting held by a eligible legislative body pursuant to this chapter shall comply with both of the following requirements:

(A) (i) (I) (ia) All open and public meetings shall include an opportunity for members of the public to attend via a two-way telephonic service or a two-way audiovisual platform, except if adequate telephonic or internet service is not operational at the meeting location. If adequate telephonic or internet service is operational at the meeting location during only a portion of the meeting, the legislative body shall include an opportunity for members of the public to attend via a two-way telephonic service or a two-way audiovisual platform during that portion of the meeting.

(ib) (Ia) On or before July 1, 2026, an eligible legislative body shall approve at a noticed public meeting in open session, not on the consent calendar, a policy regarding disruption of telephonic or internet service occurring during meetings subject to this sub-subclause. The policy shall address the procedures for recessing and reconvening a meeting in the event of disruption and the efforts that the eligible legislative body shall make to attempt to restore the service.

(Ib) If a disruption of telephonic or internet service that prevents members of the public from attending or observing the meeting via the two-way telephonic service or two-way audiovisual platform occurs during the meeting, the eligible legislative body shall recess the open session of the meeting for at least one hour and make a good faith attempt to restore the service. The eligible legislative body may meet in closed session during this period. The eligible legislative body shall not reconvene the open session of the meeting until at least one hour following the disruption, or until telephonic or internet service is restored, whichever is earlier.

(Ic) Upon reconvening the open session, if telephonic or internet service has not been restored, the eligible legislative body shall adopt a finding by rollcall vote that good faith efforts to restore the telephonic or internet service have been made in accordance with the policy adopted pursuant to sub-sub-subclause (Ia) and that the public interest in continuing the meeting outweighs the public interest in remote public access.

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(II) Subclause (I) does not apply to a meeting that is held to do any of the following: (ia) Attend a judicial or administrative proceeding to which the local agency is a party.

(ib) Inspect real or personal property provided that the topic of the meeting is limited to items directly related to the real or personal property.

(ic) Meet with elected or appointed officials of the United States or the State of California, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(id) Meet in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(ie) Meet in an emergency situation pursuant to Section 54956.5.

(ii) If an eligible legislative body elects to provide a two-way audiovisual platform, the eligible legislative body shall publicly post and provide a call-in option, and activate any automatic captioning function during the meeting if an automatic captioning function is included with the two-way audiovisual platform. If an eligible legislative body does not elect to provide a two-way audiovisual platform, the eligible legislative body shall provide a two-way telephonic service for the public to participate in the meeting, pursuant to subclause (I).

(B) (i) All open and public meetings for which attendance via a two-way telephonic service or a two-way audiovisual platform is provided in accordance with paragraph (1) shall provide the public with an opportunity to provide public comment in accordance with Section 54954.3 via the two-way telephonic or two-way audiovisual platform, and ensure the opportunity for the members of the public participating via a two-way telephonic or two-way audiovisual platform to provide public comment with the same time allotment as a person attending a meeting in person.

(2) (A) An eligible legislative body shall reasonably assist members of the public who wish to translate a public meeting into any language or wish to receive interpretation provided by another member of the public, so long as the interpretation is not disrupting to the meeting, as defined in Section 54957.95. The eligible legislative body

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shall publicize instructions on how to request assistance under this subdivision. Assistance may include any of the following, as determined by the eligible legislative body:

(i) Arranging space for one or more interpreters at the meeting location.

(ii) Allowing extra time during the meeting for interpretation to occur.

(iii) Ensuring participants may utilize their personal equipment or reasonably access facilities for participants to access commercially available interpretation services.

(B) This section does not require an eligible legislative body to provide interpretation of any public meeting, however, an eligible legislative body may elect to provide interpretation of any public meeting.

(C) The eligible legislative body is not responsible for the content or accuracy of any interpretation facilitated, assisted with, or provided under this subdivision. An action shall not be commenced or maintained against the eligible legislative body arising from the content or accuracy of any interpretation facilitated, assisted with, or provided under this subdivision.

(3) An eligible legislative body shall take the following actions to encourage residents, including those in underrepresented communities and non-English-speaking communities, to participate in public meetings:

(A) Have in place a system for electronically accepting and fulfilling requests for meeting agendas and documents pursuant to Section 54954.1 through email or through an integrated agenda management platform. Information about how to make a request using this system shall be accessible through a prominent direct link posted on the primary internet website home page of the eligible legislative body.

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(B) (i) Create and maintain an accessible internet webpage dedicated to public meetings that includes, or provides a link to, all of the following information:

(I) A general explanation of the public meeting process for the eligible legislative body.

(II) An explanation of the procedures for a member of the public to provide in-person or remote oral public comment during a public meeting or to submit written public comment.

(III) A calendar of all public meeting dates with calendar listings that include the date, time, and location of each public meeting.

(IV) The agenda posted online pursuant to paragraph (2) of subdivision (a) of Section 54954.2.

(i) The eligible legislative body shall include a link to the webpage required by subparagraph (A) on the home page of the eligible legislative body's internet website.

(C) (i) Make reasonable efforts, as determined by the legislative body, to invite groups that do not traditionally participate in public meetings to attend those meetings, which may include, but are not limited to, all the following:

(I) Media organizations that provide news coverage in the jurisdiction of the eligible legislative body, including media organizations that serve non-English-speaking communities.

(II) Good government, civil rights, civic engagement, neighborhood, and community group organizations, or similar organizations that are active in the jurisdiction of the eligible legislative body, including organizations active in non-English-speaking communities.

(ii) Legislative bodies shall have broad discretion in the choice of reasonable efforts they make under this subparagraph. No action shall be commenced or maintained against an eligible legislative body arising from failing to provide public meeting information to any specific group pursuant to this subparagraph.

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(c) (1) (A) The agenda for each meeting of an eligible legislative body shall be translated into all applicable languages, and each translation shall be posted in accordance with Section 54954.2. Each translation shall include instructions in the applicable language describing how to join the meeting by the telephonic or internet-based service option, including any requirements for registration for public comment.

(B) The accessible internet webpage provided under subparagraph (B) of paragraph (3) of subdivision (b) shall be translated into all applicable languages, and each translation shall be accessible through a prominent direct link posted on the primary internet website home page of the eligible legislative body.

(2) A translation made using a digital translation service shall satisfy the requirements of paragraph (1).

(3) The eligible legislative body shall make available a physical location that is freely accessible to the public in reasonable proximity to the physical location in which the agenda and translations are posted as described in paragraph (1), and shall allow members of the public to post additional translations of the agenda in that location.

(4) The eligible legislative body is not responsible for the content or accuracy of any translation provided pursuant to this subdivision. No action shall be commenced or maintained against an eligible legislative body arising from the content, accuracy, posting, or removal of any translation provided by the eligible legislative body or posted by any person pursuant to this subdivision.

(5) For the purposes of this section, the agenda does not include the entire agenda packet.

(d) This section shall not be construed to affect or supersede any other applicable civil rights, nondiscrimination, or public access laws.

(e) For purposes of this section, all of the following definitions apply:

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(1) (A) "Applicable languages" means languages, according to data from the most recent American Community Survey, spoken jointly by 20 percent or more of the applicable population, provided that 20 percent or more of the population that speaks that language in that city or county speaks English less than "very well."

(A) For the purposes of subparagraph (A), the applicable population shall be determined as follows:

(i) For an eligible legislative body that is a city council or county board of supervisors, the applicable population shall be the population of the city or county.

(ii) For an eligible legislative body of a special district, the applicable population shall be either of the following, at the discretion of the board of directors of the special district:

(I) The population of the county with the greatest population within the boundaries of the special district.

(II) The population of the service area of the special district, if the special district has the data to determine what languages spoken by the population within its service area meet the requirements of paragraph (A).

(C) If more than three languages meet the criteria set forth in subparagraph (A), "applicable languages" shall mean the three languages described in subparagraph (A) that are spoken by the largest percentage of the population.

(D) An eligible legislative body may elect to determine the applicable languages based upon a source other than the most recent American Community Survey if it makes a finding, based upon substantial evidence, that the other source provides equally or more reliable data for the territory over which the eligible legislative body exercises jurisdiction.

(2) "Eligible legislative body" means any of the following:

(A) A city council of a city with a population of 30,000 or more.

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(B) A county board of supervisors of a county, or city and county, with a population of 30,000 or more.

(C) A city council of a city located in a county with a population of 600,000 or more.

(D) The board of directors of a special district that has an internet website and meets any of the following conditions:

(i) The boundaries of the special district include the entirety of a county with a population of 600,000 or more, and the special district has over 200 full-time equivalent employees.

(ii) The special district has over 1,000 full-time equivalent employees.

(iii) The special district has annual revenues, based on the most recent Financial Transaction Report data published by the California State Controller, that exceed four hundred million dollars ($400,000,000), adjusted annually for inflation commencing January 1, 2027, as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year, and the special district employs over 200 full-time equivalent employees.

(3) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service.

(4) "Two-way telephonic service" means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

(f) This section shall become operative on July 1, 2026.

(g) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

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§ 54953.5. Right to Record Proceedings; Retention of Recordings

(a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

§ 54953.6. Right to Broadcast Proceedings

No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the 17 broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

§ 54953.7. Access to Meetings Beyond Minimal Standards

Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose those requirements on appointed legislative bodies of the local agency.

§ 54953.8. Legislative Body of Local Agency; Use of Alternative Teleconferencing Provisions for Notice and Public Participation

(a) The legislative body of a local agency may use teleconferencing as authorized by subdivision (b) of Section 54953 without complying with the requirements

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of paragraph (3) of subdivision (b) of Section 54953 in any of the circumstances described in Sections 54953.8.1 to 54953.8.7, inclusive.

(b) A legislative body that holds a teleconference meeting pursuant to this section shall, in addition to any other applicable requirements of this chapter, comply with all of the following:

(1) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(A) A two-way audiovisual platform.

(B) A two-way telephonic service and a live webcasting of the meeting.

(2) In each instance in which notice of the time of the teleconference meeting held pursuant to this section is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(3) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

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(4) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(5) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(6) (A) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to paragraph (5), to provide public comment until that timed public comment period has elapsed.

(B) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to paragraph (5), or otherwise be recognized for the purpose of providing public comment.

(C) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to paragraph (5), until the timed general public comment period has elapsed.

(7) Any member of the legislative body who participates in a teleconference meeting from a remote location pursuant to this section and the specific provision of law that the member relied upon to permit their participation by teleconferencing shall be listed in the minutes of the meeting.

(8) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42

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U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(9) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(c) A local agency shall identify and make available to legislative bodies a list of one or more meeting locations that may be available for use by the legislative bodies to conduct their meetings.

(d) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(e) A member of a legislative body who participates in a teleconference meeting from a remote location pursuant to this section shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with those individuals.

(f) The teleconferencing provisions described in Section 54953 and Sections 54953.8.1 to 54953.8.7, inclusive, are cumulative. A legislative body may elect to use any teleconferencing provisions that are applicable to a meeting, regardless of whether any other teleconferencing provisions would also be applicable to that meeting.

(g) For purposes of this section, the following definitions apply:

(1) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to paragraph (7) of subdivision (b),

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other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(2) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(3) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service. A two-way audiovisual platform may be structured to disable the use of video for the public participants.

(4) "Two-way telephonic service" means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

(5) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

54953.8.1. Health Authority; Use of Teleconferencing

(a) A health authority may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section.

(b) Nothing in this section or Section 54953.8 shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority.

(c) For purposes of this section, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code,

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and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

54953.8.2. State of Emergency or Local Emergency; Use of Teleconferencing

(a) A legislative body of a local agency may conduct a teleconference meeting pursuant to Section 54953.8 during a proclaimed state of emergency or local emergency, provided that it complies with the requirements of that section and the teleconferencing is used in either of the following circumstances:

(1) For the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) After a determination described in paragraph (1) is made that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(b) If the state of emergency or local emergency remains active, in order to continue to teleconference pursuant to this section, the legislative body shall, no later than 45 days after teleconferencing for the first time pursuant to this section, and every 45 days thereafter, make the following findings by majority vote:

(1) The legislative body has reconsidered the circumstances of the state of emergency or local emergency.

(2) The state of emergency or local emergency continues to directly impact the ability of the members to meet safely in person.

(c) This section shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

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(d) Notwithstanding paragraph (1) of subdivision (b) of Section 54953.8, a legislative body conducting a teleconference meeting pursuant to this section may elect to use a two-way telephonic service without a live webcasting of the meeting.

(e) For purposes of this section, the following definitions apply:

(1) "Local emergency" means a condition of extreme peril to persons or property proclaimed by the governing body of the local agency affected, in accordance with Section 8630 of the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), as defined in Section 8680.9, or a local health emergency declared pursuant to Section 101080 of the Health and Safety Code. Local emergency, as used in this section, refers only to local emergencies in the boundaries of the territory over which the local agency exercises jurisdiction.

(2) "State of emergency" means state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2).

54953.8.3. Remote Participation by Member of Legislative Body; In Person Quorum Requirement; Just Cause

(a) A legislative body of a local agency may conduct a teleconference meeting pursuant to Section 54953.8 if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, provided that the legislative body complies with the requirements of Section 54953.8 and all of the following additional requirements:

(1) A member of the legislative body notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting.

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(2) The member shall participate through both audio and visual technology.

(3) (A) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for just cause for more than the following number of meetings, as applicable:

(i) Two meetings per year, if the legislative body regularly meets once per month or less.

(ii) Five meetings per year, if the legislative body regularly meets twice per month.

(iii) Seven meetings per year, if the legislative body regularly meets three or more times per month.

(B) For the purpose of counting meetings attended by teleconference under this paragraph, a "meeting" shall be defined as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

(b) The minutes for the meeting shall identify the specific provision in subdivision (c) that each member relied upon to participate remotely. This subdivision shall not be construed to require the member to disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt under existing law, including, but not limited to, the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code).

(c) For purposes of this section, "just cause" means any of the following:

(1) Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

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(2) A contagious illness that prevents a member from attending in person.

(3) A need related to a physical or mental condition that is not subject to subdivision (c) of Section 54953.

(4) Travel while on official business of the legislative body or another state or local agency.

(5) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely.

(6) A physical or family medical emergency that prevents a member from attending in person.

(7) Military service obligations that result in a member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency.

(d) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

54953.8.4. Eligible Neighborhood Council; Use of Teleconferencing

(a) An eligible neighborhood council may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following have occurred:

(1) (A) The city council for a city described in paragraph (2) of subdivision (b) considers whether to adopt a resolution to authorize eligible neighborhood councils to use teleconferencing as described in this section at an open and regular meeting.

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(B) If the city council adopts a resolution described in subparagraph (A), an eligible neighborhood council may elect to use teleconferencing pursuant to this section if a majority of the eligible neighborhood council votes to do so. The eligible neighborhood council shall notify the city council if it elects to use teleconferencing pursuant to this section and its justification for doing so.

(C) Upon receiving notification from an eligible neighborhood council described in subparagraph (B), the city council may adopt a resolution to prohibit the eligible neighborhood council from using teleconferencing pursuant to this section.

(2) After completing the requirements of subparagraph (A) of paragraph (1), an eligible neighborhood council that holds a meeting pursuant to this subdivision shall do all of the following:

(A) At least a quorum of the members of the eligible neighborhood council shall participate from locations within the boundaries of the city in which the eligible neighborhood council is established.

(B) At least once per year, at least a quorum of the members of the eligible neighborhood council shall participate in person from a singular physical location that is open to the public and within the boundaries of the eligible neighborhood council.

(3) If the meeting is during regular business hours of the offices of the city council member that represents the area that includes the eligible neighborhood council, the eligible neighborhood council shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the city council member who represents the area where the eligible neighborhood council is located, unless the eligible neighborhood council identifies an alternative location.

(4) If the meeting is outside regular business hours, the eligible neighborhood council shall make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting.

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(b) For purposes of this section, the following definitions apply:

(1) "Accommodation" means providing a publicly accessible physical location for the member of the public to participate from, providing access to technology necessary to participate in the meeting, or identifying locations or resources available that could provide the member of the public with an opportunity to participate in the meeting.

(2) "Eligible neighborhood council" means a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to this chapter.

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

54953.8.5. Eligible Community College Student Organization; Use of Teleconferencing

(a) An eligible community college student organization may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following additional requirements:

(1) An eligible community college student organization may only use teleconferencing as described in Section 54953.8 after all the following have occurred:

(A) The board of trustees for a community college district considers whether to adopt a resolution to authorize eligible community college student organizations to use teleconferencing as described in this section at an open and regular meeting.

(B) If the board of trustees for a community college district adopts a resolution described in subparagraph (A), an eligible community college student organization may elect to use teleconferencing pursuant to this section if a majority of the eligible community college student organization votes to do so. The eligible community

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college student organization shall notify the board of trustees if it elects to use teleconferencing pursuant to this section and its justification for doing so.

(C) Upon receiving notification from an eligible community college student organization as described in subparagraph (B), the board of trustees may adopt a resolution to prohibit the eligible community college student organization from using teleconferencing pursuant to this section.

(D) (i) Except as specified in clause (ii), at least a quorum of the members of the eligible community college student organization shall participate from a singular physical location that is accessible to the public and is within the community college district in which the eligible community college student organization is established.

(ii) The requirements described in clause (i) shall not apply to the California Online Community College.

(iii) Notwithstanding the requirements of clause (i), a person may count toward the establishment of a quorum pursuant to clause (i) regardless of whether the person is participating at the in-person location of the meeting or remotely if the person meets any of the following criteria:

(I) The person is under 18 years of age.

(II) The person is incarcerated.

(III) The person is unable to disclose the location that they are participating from because of either of the following circumstances:

(ia) The person has been issued a protective court order, including, but not limited to, a domestic violence restraining order.

(ib) The person is participating in a program that has to remain confidential, including, but not limited to, an independent living program.

(IV) The person provides childcare or caregiving to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. For purposes of this subclause, “child,”

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"parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms are defined in Section 12945.2.

(2) An eligible community college student organization that holds a meeting by teleconference as described in Section 54953.8 shall do the following, as applicable:

(A) (i) Except as specified in subparagraph (B), if the meeting is during regular business hours of the offices of the board of trustees of the community college district, the eligible community college student organization shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the board of trustees of the community college district, unless the eligible community college student organization identifies an alternative location.

(i) Except as specified in subparagraph (B), if the meeting is outside regular business hours, the eligible community college student organization shall make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting. For the purposes of this subparagraph, "accommodation" means providing a publicly accessible physical location for the member of the public to participate from, providing access to technology necessary to participate in the meeting, or identifying locations or resources available that could provide the member of the public with an opportunity to participate in the meeting.

(B) The requirements described in subparagraph (A) shall not apply to the California Online Community College.

(b) For purposes of this section, "eligible community college student organization" means a student body association organized pursuant to Section 76060 of the Education Code, or any other student-run community college organization that is required to comply with the meeting requirements of this chapter, that is in any community college recognized within the California Community Colleges system and includes the Student Senate for California Community Colleges.

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(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

54953.8.6. Eligible Subsidiary Body; Use of Teleconferencing

(a) An eligible subsidiary body may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following additional requirements:

(1) The eligible subsidiary body shall designate one physical meeting location within the boundaries of the legislative body that created the eligible subsidiary body where members of the subsidiary body who are not participating remotely shall be present and members of the public may physically attend, observe, hear, and participate in the meeting. At least one staff member of the eligible subsidiary body or the legislative body that created the eligible subsidiary body shall be present at the physical meeting location during the meeting. The eligible subsidiary body shall post the agenda at the physical meeting location, but need not post the agenda at a remote location.

(2) (A) A member of the eligible subsidiary body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except if the member has a physical or mental condition not subject to subdivision (c) of Section 54953 that results in a need to participate off camera.

(B) The visual appearance of a member of the eligible subsidiary body on camera may cease only when the appearance would be technologically infeasible, including, but not limited to, when the member experiences a lack of reliable broadband or internet connectivity that would be remedied by joining without video.

(C) If a member of the eligible subsidiary body does not appear on camera due to challenges with internet connectivity, the member shall announce the reason for their nonappearance prior to turning off their camera.

(3) An elected official serving as a member of an eligible subsidiary body in their official capacity shall not participate in a meeting of the eligible subsidiary body by

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teleconferencing pursuant to this section unless the use of teleconferencing complies with the requirements of paragraph (3) of subdivision (b) of Section 54953.

(4) (A) In order to use teleconferencing pursuant to this section, the legislative body that established the eligible subsidiary body by charter, ordinance, resolution, or other formal action shall make the following findings by majority vote before the eligible subsidiary body uses teleconferencing pursuant to this section for the first time, and every six months thereafter:

(i) The legislative body has considered the circumstances of the eligible subsidiary body.

(ii) Teleconference meetings of the eligible subsidiary body would enhance public access to meetings of the eligible subsidiary body, and the public has been made aware of the type of remote participation, including audio-visual or telephonic, that will be made available at a regularly scheduled meeting and has been provided the opportunity to comment at an in-person meeting of the legislative body authorizing the subsidiary body to meet entirely remotely.

(iii) Teleconference meetings of the eligible subsidiary body would promote the attraction, retention, and diversity of eligible subsidiary body members.

(B) (i) An eligible subsidiary body authorized to use teleconferencing pursuant to this section may request to present any recommendations it develops to the legislative body that created it.

(ii) Upon receiving a request described in clause (i), the legislative body that created the subsidiary body shall hold a discussion at a regular meeting held within 60 days after the legislative body receives the request, or if the legislative body does not have another regular meeting scheduled within 60 days after the legislative body receives the request, at the next regular meeting after the request is received.

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(iii) The discussion required by clause (ii) shall not be placed on a consent calendar, but may be combined with the legislative body's subsequent consideration of the findings described in subparagraph (A) for the following 12 months.

(iv) The legislative body shall not take any action on any recommendations included in the report of a subsidiary body until the next regular meeting of the legislative body following the discussion described in clause (ii).

(C) After the legislative body makes the findings described in subparagraph (A), the eligible subsidiary body shall approve the use of teleconferencing by majority vote before using teleconference pursuant to this section.

(D) The legislative body that created the eligible subsidiary body may elect to prohibit the eligible subsidiary body from using teleconferencing pursuant to this section at any time.

(b) (1) For purposes of this section, "eligible subsidiary body" means a legislative body that meets all of the following:

(A) Is described in subdivision (b) of Section 54952.

(B) Serves exclusively in an advisory capacity.

(C) Is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants, or allocations of funds.

(D) Does not have primary subject matter jurisdiction, as defined by the charter, an ordinance, a resolution, or any formal action of the legislative body that created the subsidiary body, that focuses on elections, budgets, police oversight, privacy, removing from, or restricting access to, materials available in public libraries, or taxes or related spending proposals.

(2) An eligible subsidiary body may include members who are elected officials, members who are not elected officials, or any combination thereof.

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(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

54953.8.7. Eligible Multijurisdictional Body; Use of Teleconferencing

(a) An eligible multijurisdictional body may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following additional requirements:

(1) The eligible multijurisdictional body has adopted a resolution that authorizes the eligible multijurisdictional body to use teleconferencing pursuant to this section at a regular meeting in open session.

(2) At least a quorum of the members of the eligible multijurisdictional body shall participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

(3) A member of the eligible multijurisdictional body who receives compensation for their service on the eligible multijurisdictional body shall participate from a physical location that is open to the public. For purposes of this paragraph, "compensation" does not include reimbursement for actual and necessary expenses.

(4) A member of the eligible multijurisdictional body may participate from a remote location provided that:

(A) The eligible multijurisdictional body identifies each member of the eligible multijurisdictional body who plans to participate remotely in the agenda.

(B) The member shall participate through both audio and visual technology.

(5) A member of the eligible multijurisdictional body shall not participate in a meeting remotely pursuant to this section, unless the location from which the member participates is more than 20 miles each way from any physical location of the meeting described in paragraph (2).

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(6) The provisions of this section shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for more than the following number of meetings, as applicable:

(A) Two meetings per year, if the legislative body regularly meets once per month or less.

(B) Five meetings per year, if the legislative body regularly meets twice per month.

(C) Seven meetings per year, if the legislative body regularly meets three or more times per month.

(D) For the purpose of counting meetings attended by teleconference under this paragraph, a "meeting" shall be defined as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

(b) For the purposes of this section, both of the following definitions apply:

(1) "Eligible multijurisdictional body" means a multijurisdictional board, commission, or advisory body of a multijurisdictional, cross-county agency, the membership of which board, commission, or advisory body is appointed, and the board, commission, or advisory body is otherwise subject to this chapter.

(2) "Multijurisdictional" means either of the following:

(A) A legislative body that includes representatives from more than one county, city, city and county, or special district.

(B) A legislative body of a joint powers entity formed pursuant to an agreement entered into in accordance with Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1.

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(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

§ 54954. Rules for Conduct of Business; Time and Place for Holding Regular Meetings

(a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises

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jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on non-adversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

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(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

§ 54954.1. Mailed Notice of Meetings, On Request Therefor: Charge

Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

§ 54954.2. Agenda; Posting; Action or Discussion on Other Matters

(a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda that meets all of the following requirements:

(A) The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting, including items to be

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discussed in closed session. A brief general description of an item generally need not exceed 20 words.

(B) The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's internet website, if the local agency has one.

(C) (i) If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(ii) The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

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(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

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(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(E) For purposes of this paragraph, both of the following definitions apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) "Legislative body" means a legislative body that meets the definition of subdivision (a) of Section 54952.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

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(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions 26 stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

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§ 54954.3. Opportunity for Public to Address Legislative Body; Regulations

(a) (1) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be 27 taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2.

(2) (A) Notwithstanding paragraph (1), the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item.

(B) Subparagraph (A) shall not apply if any of the following conditions are met:

(i) The item has been substantially changed since the committee heard the item, as determined by the legislative body.

(ii) When considering the item, a quorum of the committee members did not participate from a singular physical location, that was clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the local agency exercises jurisdiction.

(iii) The committee has primary subject matter jurisdiction, as defined by the charter, an ordinance, a resolution, or any formal action of the legislative body that created the subsidiary body, that focuses on elections, budgets, police oversight, privacy, removing from, or restricting access to, materials available in public libraries, or taxes or related spending proposals. This clause shall not apply to an item if the local agency has adopted a law applicable to the meeting of the committee at which

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the item that was considered prohibits the committee from placing a limit on the total amount of time for public comment on the item.

(3) Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

(3) Paragraph (2) shall not apply if the legislative body of a local agency utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

§ 54954.4. Reimbursement for Costs

(a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and

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unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

§ 54954.5. Closed Session Item Descriptions

For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7: LICENSE/PERMIT DETERMINATION Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

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CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers) or Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to paragraphs (2) to (5), inclusive, of subdivision (e) of Section 54956.9.)

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

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(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

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CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

OR

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

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(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

Discussion will concern: (Specify closed session description used by the joint powers agency)

Name of local agency representative on joint powers agency board: (Specify name)

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives.)

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

§ 54954.6. Public Hearing Required Prior to Adoption of New Or Increased Taxes Or Assessments

(a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

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For purposes of this section, the term “new or increased assessment” does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.

(B) A service charge, rate, or charge, unless a special district’s principal act requires the service charge, rate, or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days’ public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public

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hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property or businesses shall be accomplished through a mailing, postage prepaid,

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in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners or business owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll, the State Board of Equalization assessment roll, or the local agency's records pertaining to business ownership, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) In the case of an assessment proposed to be levied on property, the estimated amount of the assessment per parcel. In the case of an assessment proposed to be levied on businesses, the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of assessment to be levied against each business. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

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(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decision-making process.

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(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

§ 54955. Adjournment of Meetings

The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the

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resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

§ 54955.1. Continuance of Meeting to Subsequent Meeting

Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or re-continued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

§ 54956. Special Meetings; Call; Notice

(a) (1) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's internet website, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telephone or electronic mail. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

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(1) The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of the legislative body or of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

§ 54956.5. Emergency Meetings in Emergency Situations

(a) For purposes of this section, "emergency situation" means both of the following: (1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

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(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting.

(A) Except as provided in subparagraph (B), the notice required by this paragraph shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this paragraph shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(B) For an emergency meeting held pursuant to this section, the presiding officer of the legislative body, or designee thereof, may send the notifications required by this paragraph by email instead of by telephone, as provided in subparagraph (A), to all local newspapers of general circulation, and radio or television stations, that have requested those notifications by email, and all email addresses provided by representatives of those newspapers or stations shall be exhausted. In the event that internet services and telephone services are not functioning, the notice requirements of this paragraph shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the

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fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

§ 54956.6. Fees

No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

EXCEPTIONS TO THE OPEN MEETING REQUIREMENT - TOPICS FOR CLOSED SESSION

§ 54956.7. Closed Sessions, License Applications; Rehabilitated Criminals

Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the

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discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

§ 54956.75. Audit by the State Auditor's Office; Closed Meeting to Discuss Response

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

§ 54956.8. Real Property Transactions; Closed Meeting With Negotiator

Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

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For purposes of this section, “lease” includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

§ 54956.81. Closed Sessions; Specific Pension Fund Investments

Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session shall be made by rollcall vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

§ 54956.86. Closed Sessions, Legislative Body of Private Corporations; Federally Protected Information

Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member 42 enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

§ 54956.87. Records of Certain Health Plans; Meetings on Health Plan Trade Secrets

(a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from

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disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Managed Health Care in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

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(f) For purposes of this section, “health plan trade secret” means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

§ 54956.9. Pending Litigation; Closed Session; Abrogation of Privilege

(a) Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

(b) For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

(c) For purposes of this section, “litigation” includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(d) For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(1) Litigation, to which the local agency is a party, has been initiated formally.

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(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(3) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (2).

(4) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

(e) For purposes of paragraphs (2) and (3) of subdivision (d), “existing facts and circumstances” shall consist only of one of the following:

(1) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(2) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(3) The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some 45 other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(4) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(5) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat

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makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(f) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(g) Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the paragraph of subdivision (d) that authorizes the closed session. If the session is closed pursuant to paragraph (1) of subdivision (d), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(h) A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

§ 54956.95. Closed Sessions; Joint Powers Insurance Authorities

(a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability

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losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

§ 54956.96. Closed Session; Joint Powers Agencies

(a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that member local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency.

(B) Other members of the legislative body of the local agency present in a closed session of that member local agency.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member

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and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) (1) In addition to the authority described in subdivision (a), the Clean Power Alliance of Southern California, or its successor entity, may adopt a policy or a bylaw or include in its joint powers agreement a provision that authorizes both of the following:

(A) A designated alternate member of the legislative body of the Clean Power Alliance of Southern California, or its successor entity, who is not a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the Clean Power Alliance of Southern California, or its successor entity, in lieu of a local agency member's regularly appointed member, to attend closed sessions of the Clean Power Alliance of Southern California, or its successor entity.

(B) All information that is received by a designated alternate member of the legislative body of the Clean Power Alliance of Southern California, or its successor entity, who is not a member of the legislative body of a local agency member, and that is presented to the Clean Power Alliance of Southern California, or its successor entity, in closed session, shall be confidential. However, the designated alternate member may disclose information obtained in a closed session that has direct financial or liability implications for the local agency member for which the designated alternate member attended the closed session, to the following individuals:

(i) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(ii) Members of the legislative body of the local agency present in a closed session of that local agency member.

(2) If the Clean Power Alliance of Southern California, or its successor entity, adopts a policy or bylaw or includes in its joint powers agreement a provision authorized pursuant to paragraph (1), the Clean Power Alliance of Southern California, or

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its successor entity, shall establish policies to prevent conflicts of interest and to address breaches of confidentiality that apply to a designated alternate member who is not a member of the legislative body of a local agency member who attends a closed session of the Clean Power Alliance of Southern California, or its successor entity.

(c) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a) or (b), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b).

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

§ 54956.97. Public Bank; Governing Board or Committee of Governing Board; Closed Session.

Notwithstanding any provision of law, the governing board, or a committee of the governing board, of a public bank, as defined in Section 57600 of the Government Code, may meet in closed session to consider and take action on matters pertaining to all of the following:

(a) A loan or investment decision.

(b) A decision of the internal audit committee, the compliance committee, or the governance committee.

(c) A meeting with a state or federal regulator.

§ 54956.98. Public Bank; Policy or Bylaw; Information From a Closed Session Considered Confidential

(a) For purposes of this section, the following definitions shall apply:

(1) “Shareholder, member, or owner local agency” or “shareholder, member, or owner” means a local agency that is a shareholder of a public bank.

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(2) “Public bank” has the same meaning as defined in Section 57600.

(b) The governing board of a public bank may adopt a policy or a bylaw or include in its governing documents provisions that authorize any of the following:

(1) All information received by a shareholder, member, or owner of the public bank in a closed session related to the information presented to the governing board of a public bank in closed session shall be confidential. However, a member of the governing board of a shareholder, member, or owner local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that shareholder, member, or owner local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that shareholder local agency.

(B) Other members of the governing board of the local agency present in a closed session of that shareholder, member, or owner local agency.

(2) A designated alternate member of the governing board of the public bank who is also a member of the governing board of a shareholder, member, or owner local agency and who is attending a properly noticed meeting of the public bank governing board in lieu of a shareholder, member, or owner local agency’s regularly appointed member may attend a closed session of the public bank governing board.

(c) If the governing board of a public bank adopts a policy or a bylaw or includes provisions in its governing documents pursuant to subdivision (b), then the governing board of the shareholder, member, or owner local agency, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the public bank governing board pursuant to paragraph (1) of subdivision (b).

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§ 54957. Closed Sessions; Discussion of Employee/Independent Contractor; Exclusion of Witnesses

(a) (1) This chapter does not prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or other law enforcement or security personnel , or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, a threat to the public's right of access to public services or public facilities, or a threat to critical infrastructure controls or critical infrastructure information relating to cybersecurity.

(2) For purposes of this subdivision, the following definitions apply:

(A) "Critical infrastructure controls" means networks and systems controlling assets so vital to the local agency that the incapacity or destruction of those networks, systems, or assets would have a debilitating impact on public health, safety, economic security, or any combination thereof.

(B) "Critical infrastructure information" means information not customarily in the public domain pertaining to any of the following:

(i) Actual, potential, or threatened interference with, or an attack on, compromise of, or incapacitation of critical infrastructure controls by either physical or computer-based attack or other similar conduct, including, but not limited to, the misuse of, or unauthorized access to, all types of communications and data transmission systems, that violates federal, state, or local law or harms public health, safety, or economic security, or any combination thereof.

(ii) The ability of critical infrastructure controls to resist any interference, compromise, or incapacitation, including, but not limited to, any planned or past assessment or estimate of the vulnerability of critical infrastructure.

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(iii) Any planned or past operational problem or solution regarding critical infrastructure controls, including, but not limited to, repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to interference, compromise, or incapacitation of critical infrastructure controls.

(b) (1) Subject to paragraph (2), this chapter does not prevent the legislative body of a local agency from holding closed sessions during a regular or special 51 meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(1) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of their right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(2) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(3) For the purposes of this subdivision, the term “employee” shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. This subdivision shall not limit local officials’ ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

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§ 54957.1. Closed Sessions; Public Report of Decisions

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

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(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

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(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the 54 amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

§ 54957.2. Minute Book Record of Closed Sessions; Inspection

(a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant

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to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

ENFORCEMENT REQUIREMENTS

§ 54957.5. Agendas and Other Writings Distributed for Discussion or Consideration at Public Meetings; Public Records; Inspection; Closed Sessions

(a) Agendas of public meetings are disclosable public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be made available upon request without delay and in compliance with Section 54954.2 or section 54956, as applicable. However, this section shall not apply to a writing, or portion thereof, that is exempt from public disclosure.

(b) (1) If a writing is a public record related to an agenda item for an open session of a regular meeting of the legislative body of a local agency and is distributed to all, or a majority of all, of the members of a legislative body of a local agency by a person in connection with a matter subject to discussion or consideration at an open meeting of the body less than 72 hours before that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) (A) Except as provided in subparagraph (B), a local agency shall comply with both of the following requirements:

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(i) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose.

(ii) A local agency shall list the address of the office or location designated pursuant to clause (i) on the agendas for all meetings of the legislative body of that agency.

(B) A local agency shall not be required to comply with the requirements of subparagraph (A) if all of the following requirements are met:

(i) An initial staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the office or location designated pursuant to clause (i) of subparagraph (A) at least 72 hours before the meeting.

(ii) The local agency immediately posts any writing described in paragraph (1) on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(iii) The local agency lists the web address of the local agency's internet website on the agendas for all meetings of the legislative body of that agency.

(iv) (I) Subject to subclause (II), the local agency makes physical copies available for public inspection, beginning the next regular business hours for the local agency, at the office or location designated pursuant to clause (i) of subparagraph (A).

(II) This clause is satisfied only if the next regular business hours of the local agency commence at least 24 hours before that meeting.

(c) Writings that are public records described in subdivision (b) and distributed during a public meeting shall be made available for public inspection at the meeting if

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prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 7922.530 , except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), including, but not limited to, the ability of the public to inspect public records pursuant to Section 7922.525 and obtain copies of public records pursuant to either subdivision (b) of Section 7922.530 or Section 7922.535.) of Division 7 of Title 1). This 57 chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

§ 54957.6. Closed Sessions; Salaries, Legislative Body of Local Agencies; Salaries, Salary Schedules or Fringe Benefits; Mandatory Subjects

(a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation, subject to all of the following conditions:

(1) Prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

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(2) The closed session shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

(3) The closed session may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

(4) Any closed session with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

(5) The closed session shall not include final action on the proposed compensation of one or more unrepresented employees.

(6) For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

§ 54957.7. Closed Sessions; Statement of Reasons and Legal Authority; Scope of Coverage; Notice

(a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

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(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

§ 54957.8. Closed Sessions; Legislative Body Of Multijurisdictional Law Enforcement Agency

(a) For purposes of this section, "multijurisdictional law enforcement agency" means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that provides law enforcement services for the parties to the joint powers agreement for the purpose of investigating criminal activity involving drugs; gangs; sex crimes; firearms trafficking or felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft.

(b) Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional law enforcement agency, or an advisory body of a multijurisdictional law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

§ 54957.9. Authorization to Clear Room Where Meeting Willfully Interrupted, Etc.

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held

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pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

§ 54957.10. Closed Sessions; Employee Application for Early Withdrawal of Funds in Deferred Compensation Plan; Financial Hardship

Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

§ 54957.95. Open Meetings: Orderly Conduct.

(a) (1) In addition to authority exercised pursuant to Sections 54954.3 and 54957.9, the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting, including any teleconferenced meeting.

(2) Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or 60 their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to any behavior described in subparagraph (B) of paragraph (1) of subdivision (b).

(b) As used in this section:

(1) "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.

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(B) Engaging in behavior that constitutes use of force or a true threat of force.

(2) "True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

54957.96. Member of Public Participating in Meeting via Two-Way Telephonic Service or Two-Way Audiovisual Platform; Authority for Removal or Limitation of Participation

(a) The existing authority of a legislative body or its presiding officer to remove or limit participation by persons who engage in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting, including existing limitations upon that authority, shall apply to members of the public participating in a meeting via a two-way telephonic service or a two-way audiovisual platform.

(b) For purposes of this section, the following definitions apply:

(1) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service. A two-way audiovisual platform may be structured to disable the use of video for the public participants.

(2) "Two-way telephonic service" means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

§ 54958. Application of Chapter

The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

§ 54959. Criminal Penalty

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member

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intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

§ 54960. Actions to Stop or Prevent Violations or Determine Applicability of Chapter

(a) The district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to ongoing actions 61 or threatened future actions of the legislative body, or to determine the applicability of this chapter to past actions of the legislative body, subject to Section 54960.2, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with

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notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) This section shall not permit discovery of communications that are protected by the attorney-client privilege.

§ 54960.1. Unlawful Action by Legislative Body; Action for Mandamus or Injunction; Prerequisites

(a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this

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chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

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(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

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(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior 64 to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

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§ 54960.2. Requirements for Filing of Actions; Cease and Desist

(a) The district attorney or any interested person may file an action to determine the applicability of this chapter to past actions of the legislative body pursuant to subdivision (a) of Section 54960 only if all of the following conditions are met:

(1) The district attorney or interested person alleging a violation of this chapter first submits a cease and desist letter by postal mail or facsimile transmission to the clerk or secretary of the legislative body being accused of the violation, as designated in the statement pertaining to that public agency on file pursuant to Section 53051, or if the agency does not have a statement on file designating a clerk or a secretary, to the chief executive officer of that agency, clearly describing the past action of the legislative body and nature of the alleged violation.

(2) The cease and desist letter required under paragraph (1) is submitted to the legislative body within nine months of the alleged violation.

(3) The time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b) has expired and the legislative body has not provided an unconditional commitment pursuant to subdivision (c).

(4) Within 60 days of receipt of the legislative body's response to the cease and desist letter, other than an unconditional commitment pursuant to subdivision (c), or within 60 days of the expiration of the time during which the legislative 65 body may respond to the cease and desist letter pursuant to subdivision (b), whichever is earlier, the party submitting the cease and desist letter shall commence the action pursuant to subdivision (a) of Section 54960 or thereafter be barred from commencing the action.

(b) The legislative body may respond to a cease and desist letter submitted pursuant to subdivision (a) within 30 days of receiving the letter. This subdivision shall not be construed to prevent the legislative body from providing an unconditional commitment pursuant to subdivision (c) at any time after the 30-day period has expired, except that in

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that event the court shall award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to this section, in accordance with Section 54960.5.

(c) (1) If the legislative body elects to respond to the cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate this chapter, that response shall be in substantially the following form:

To:

The [name of legislative body] has received your cease and desist letter dated [date] alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

[Describe alleged past action, as set forth in the cease and desist letter submitted pursuant to subdivision (a)]

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the [name of legislative body] hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The [name of legislative body] may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

[Chairperson or acting chairperson of the legislative body]

(2) An unconditional commitment pursuant to this subdivision shall be approved by the legislative body in open session at a regular or special meeting as a separate item of business, and not on its consent agenda.

(3) An action shall not be commenced to determine the applicability of this chapter to any past action of the legislative body for which the legislative body has

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provided an unconditional commitment pursuant to this subdivision. During any action seeking a judicial determination regarding the applicability of this chapter to any past action of the legislative body pursuant to subdivision (a), if the court determines that the legislative body has provided an unconditional commitment pursuant to this subdivision, the action shall be dismissed with prejudice. Nothing in this subdivision shall be construed to modify or limit the existing ability of the district attorney or any interested person to commence an action to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body.

(4) Except as provided in subdivision (d), the fact that a legislative body provides an unconditional commitment shall not be construed or admissible as evidence of a violation of this chapter.

(d) If the legislative body provides an unconditional commitment as set forth in subdivision (c), the legislative body shall not thereafter take or engage in the challenged action described in the cease and desist letter, except as provided in subdivision (e). Violation of this subdivision shall constitute an independent violation of this chapter, without regard to whether the challenged action would otherwise violate this chapter. An action alleging past violation or threatened future violation of this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(e) The legislative body may resolve to rescind an unconditional commitment made pursuant to subdivision (c) by a majority vote of its membership taken in open session at a regular meeting as a separate item of business not on its consent agenda, and noticed on its posted agenda as “Rescission of Brown Act Commitment,” provided that not less than 30 days prior to such regular meeting, the legislative body 67 provides written notice of its intent to consider the rescission to each person to whom the unconditional commitment was made, and to the district attorney. Upon rescission, the district attorney or any interested person may commence an action pursuant to subdivision (a) of Section 54960. An action under this subdivision may be brought

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pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

§ 54960.5. Costs and Attorney Fees

A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960, 54960.1, or 54960.2 where it is found that a legislative body of the local agency has violated this chapter. Additionally, when an action brought pursuant to Section 54960.2 is dismissed with prejudice because a legislative body has provided an unconditional commitment pursuant to paragraph (1) of subdivision (c) of that section at any time after the 30-day period for making such a commitment has expired, the court shall award court costs and reasonable attorney fees to the plaintiff if the filing of that action caused the legislative body to issue the unconditional commitment. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

§ 54961. Meetings Places; Discriminatory Admission Policies; Accessibility

(a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

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§ 54962. Closed Session by Legislative Body Prohibited

Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1, and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

§ 54963. Closed Sessions: Confidential Information

(a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

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(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

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