CITY COUNCIL
Albert Vallecillo, Mayor
Bill Biasi, Mayor Pro-Tempore
Councilmembers: Richard Casavecchia,
Jesse Loren, and Carol Scianna

REGULAR CITY COUNCIL MEETING

City Hall, Council Chamber
318 First Street, Winters, CA 95695
April 21, 2026
6:30 PM

Meeting Information
Winters City Council 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: +16699006833 US Meeting ID: 894 1787 5076

Passcode: 889851

https://us02web.zoom.us/j/89417875076?pwd=f1YIhOJNbiZbZbHXWQbYqI7sNh3S8w.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.

If you choose not to observe the City Council 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 City Council meeting. Please submit your comment to the City Clerk at cityclerk@cityofwinters.org. All public comments submitted to the City Clerk will be summarized and read into record but will not be read verbatim due to time limitations.

General Information: If you have questions about this agenda please call the City Clerk's office at 530-794-6702. View City Council meetings, obtain agendas and agenda packets on the internet: http://www.cityofwinters.org/city-council-meetings. City Council agenda packets and any attachments to the agenda that are not available online may be viewed at the City Clerk's Office at City Hall - 318 First Street.

Assistance: In compliance with the Americans with Disabilities Act, if you need special assistance, a disability-related modification or accommodation, agenda materials in an

alternative format, or auxiliary aids to participate in this meeting, please contact the Office of the City Clerk at 530-794-6702 or cityclerk@cityofwinters.org as soon as possible. Providing at least 72 hours notice will help ensure that reasonable arrangements can be made.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA
The Mayor and Council may change the order of the Agenda or request discussion of a Consent Item.

1. SPECIAL PRESENTATIONS

A. Proclamation Recognizing National Library Week April 19 - 25, 2026
Proclamation - National Library Month.docx
B. Proclamation Recognizing April as Child Abuse Prevention Month
Proclamation - Child Abuse Prevention.docx
C. Presentation of the Sacramento-Yolo Mosquito & Vector Control District
Sacramento-Yolo Mosquito & Vector Control District Presentation 2026.pptx

2. PUBLIC COMMENT (Items not on the agenda)
This time is reserved for members of the public to address the City Council on items that are not on the Agenda and are within the subject matter jurisdiction of the City Council. Comments are limited to 3 minutes. Comments for items on the Open Session agenda will be taken when the item is called in Open Session. City Council is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the City Council does not respond to public comment at this time.

3. CONSENT CALENDAR
All items listed under the Consent Calendar are considered and acted upon by one Motion.
Anyone may request an item be removed for separate consideration.

A. Minutes of the Regular City Council Meeting Held on April 7, 2026
City Council Minutes April 7, 2026.docx
B. Street Closure Request - Fourth Friday Car Show (4/24, 5/22, 6/26, 7/24, 8/28, 9/25)
Staff Report - Fourth Friday Street Closures.docx
Attachment 1 - Fourth Friday Street Closure Request
Attachment 2 - Street Closure Map
C. Award of Professional Services Contract for Tractor Parade Event Coordinator
Staff Report - Tractor Parade Agreement.docx
Attachment 1 - Professional Services Agreement 2026 Tractor Parade.docx
Attachment 2 - Tractor Parade RFP - Brassington.pdf

4. PUBLIC HEARINGS

A. Review request to initiate the Surplus Land Act Surplus Land Act Process for City

owned property at Taylor Street and Moody Slough Road (APN: 030-220-061-000) and provide Staff Direction

Staff Report - Surplus Land.docx

Attachment 1 - Map.pdf

Attachment 2 - Resolution Surplus Land.docx

Attachment 2, Exhibits A&B - Example Resolutions.docx

Attachment 3 - Surplus Land Letter to Begin 60 Day notification.docx

Attachment 4 - Property description.xlsx

City of Winters Public Notice.pdf

B. Introduction (First Reading) of Ordinance No. 2026-05 adopting regulations required by Assembly Bill 1236 pertaining to the streamlining and ministerial approval of Electric Vehicle Charging Systems & Stations in the City of Winters.

Staff Report - Electric Vehicle Charging Station.docx

Attachment 1 - Ordinance EV Charging Systems and Stations.pdf

Attachment 2 - EV Charging Station Permit Checklist-Winters.pdf

Attachment 3 - Assembly Bill 1236.pdf

C. Public Hearing to introduce and Waive First Reading of Ordinance 2026-03 amending Chapter 17.98, Accessory Dwelling Units (ADUs), of the Municipal Code regarding

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) to comply with recent changes in State Law; and finding the action to be statutorily exempt from CEQA under Section 21080.17 of the Public Resources Code.

Staff Report - Accessory Dwelling Unit .docx

Attachment 1 - ADU Code Updates with City Attorney revisions 2026.docx

Attachment 1, Exhibit A, ADU Code Updates with City Attorney revisions clean copy 2026.docx

5. DISCUSSION ITEMS

6. CITY MANAGER'S REPORT

7. COUNCIL COMMENTS-IDEAS, QUESTIONS, AB1234 REPORTS
This item is for information only and is not eligible for action at this time.

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the regular meeting of the Winters City Council was posted on the public bulletin board at City Hall, 318 First Street and posted to the City of Winters website at cityofwinters.org.

Zorina Treat, Deputy City Clerk

A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS

WHEREAS, libraries are not just about what they have for people, but what they do for and with people;

WHEREAS, libraries have long served as trusted and treasured institutions, and library workers and librarians fuel efforts to better their communities, campuses and schools;

WHEREAS, librarians are leaders in their institutions and organizations, in their communities, in the nation and in the world;

WHEREAS, libraries are at the heart of our cities, towns, schools and campuses, providing critical resources, programs and expertise;

WHEREAS, librarians continue to lead the way in leveling the playing field for all who seek information and access to technologies;

WHEREAS, libraries and librarians look beyond their traditional roles and provide transformative opportunities for education, employment, entrepreneurship, empowerment and engagement, as well new services that connect closely with patrons' needs;

WHEREAS, libraries and librarians lead their communities in innovation, providing STEAM programing, Makerspaces and access and training for new technologies;

WHEREAS, libraries are pioneers supporting democracy and effecting social change, with a commitment to providing equitable access to information for all library users regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status;

WHEREAS, libraries lead in working with diverse communities, including people of color, immigrants and people with disabilities, offering services and educational resources that transform communities, open minds and promote inclusion and diversity;

WHEREAS, libraries provide a public space where all community members, regardless of age, culture or income level, can come together to connect and learn.

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, BE IT RESOLVED on behalf of the City of Winters, we do hereby recognize the month of April as **National Library Week April 19-25.**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Winters hereby

PASSED AND ADOPTED, this 21 Day of April, 2026

Council Member Richard Casavecchia

Council Member Jesse Loren

Council Member Carol Scianna

Mayor Pro Tem Bill Biassi

Mayor Albert Vallecillo

APROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse and neglect continue to pose serious threats to our nation's children; and

WHEREAS, April is dedicated to raising awareness and taking action to prevent child abuse and neglect. Every child deserves to grow up in a safe, nurturing, and stable environment, yet child abuse remains a widespread issue in our communities. However, it is preventable. Each April, communities join the national movement for Child Abuse Prevention (CAP) Month to raise awareness about the preventability of child abuse and take action to support children and families; and

WHEREAS, in 2025, Yolo County Child Welfare Services investigated allegations of suspected child abuse and/or neglect involving 725 children. While not every allegation was substantiated, 125 Yolo County children entered foster care in 2025, underscoring the ongoing challenges families face. Of particular concern, despite making up only 2.5% of Yolo County's child population, Black children ages 0–5 accounted for 15% of entries into foster care in 2025, highlighting the urgent need for intentional, culturally responsive prevention efforts; and

WHEREAS, preventing child abuse and neglect is a collective responsibility that requires a community-wide effort. Research shows that strong, supportive relationships can serve as a protective factor against childhood trauma. This year's CAP Month theme, "Strong Families, Safe Futures," and tagline, "When We Care Together, Families Thrive," reflect what the Yolo County Child Abuse Prevention Council (CAPC) knows to be true: the most effective way to keep children safe is to strengthen the families and communities around them before a crisis ever occurs. Thriving children require connection, collective responsibility, and a community that shows up; and

WHEREAS, the Child Abuse Prevention Council (CAPC) of Yolo County, a Yolo County Children's Alliance (YCCA) program, coordinates the community's efforts to prevent and respond to child abuse and neglect. The CAPC provides a forum for interagency cooperation in the prevention, detection, intervention, treatment, and legal processing of child abuse; promotes public awareness of abuse, neglect, and available resources; connects professionals to training; recommends improvements to family services; and mobilizes community support for child abuse prevention programs. Its members include representatives from Child Welfare Services, the criminal justice system, prevention and treatment services, and the broader community; and

WHEREAS, Yolo County residents are encouraged to support child abuse prevention efforts by participating in local activities and initiatives that promote strong, healthy families.

The "Strong Families, Safe Futures" campaign invites the entire community to take action this April: wearing blue on April 10 — Wear Blue Day — in solidarity with children and families; visiting Pinwheel Gardens across the county as a symbol of the bright futures every child deserves; participating in the Community Art Project to share a vision of a Yolo County where all families thrive; and amplifying prevention messages throughout the month. We each have a role to play in creating a future free from child abuse and neglect; and

WHEREAS, in Yolo County, over 20 agencies and community organizations are collaborating in their efforts to prevent child abuse and neglect through the YCCA Yolo Family Strengthening Network; and

WHEREAS, providing community-based prevention services can strengthen families and reduce the likelihood of child abuse and neglect. YCCA family strengthening programs include evidence-based home visiting, Family Resource Centers, safety net services, parenting classes and education, developmental screening, subsidized child care, and the Volunteer Income Tax Assistance program (VITA), which returns critical resources directly to families.

THEREFORE, BE IT PROCLAIMED, that the City Council of the City of Winters does hereby recognize the month of April 2026 to be "Child Abuse Prevention Month".

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Winters hereby

PASSED AND ADOPTED, this 21 Day of April, 2026.

Council Member Richard Casavecchia

Council Member Jesse Loren

Council Member Carol Scianna

Mayor Pro Tem Bill Biassi

Mayor Albert Vallecillo

Mosquito Control Matters

FIGHT THE BITE

Current Issues and Challenges Related to Mosquito Control

Luz Maria Robles
Public Information Officer

Mission: Protect Public Health

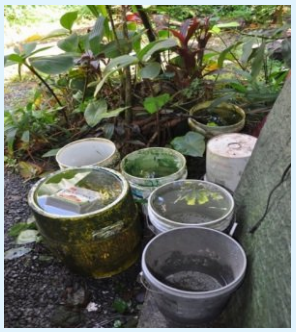
- To provide safe, effective and economical mosquito and vector control. To accomplish this, we provide ongoing surveillance of mosquitoes and other vectors to determine the threat of disease transmission and lower annoyance levels.
- District operates under the California Health and Safety Code





Mosquito season is here!

- Late spring rain and very warm temperatures can create many mosquito breeding sources
- West Nile threat continues as the mosquito season gets longer each year
- Concern for dengue grows as more infections are reported each year in California








Sacramento-Yolo MOSQUITO & VECTOR CONTROL DISTRICT

www.FIGHTtheBITE.net

Different Mosquito Breeding Habitats














Sacramento-Yolo MOSQUITO & VECTOR CONTROL DISTRICT

www.FIGHTtheBITE.net

Integrated Mosquito Management Approach

- Public Information
- Surveillance
- Biological Control
- Ecological Management
- Control Operations















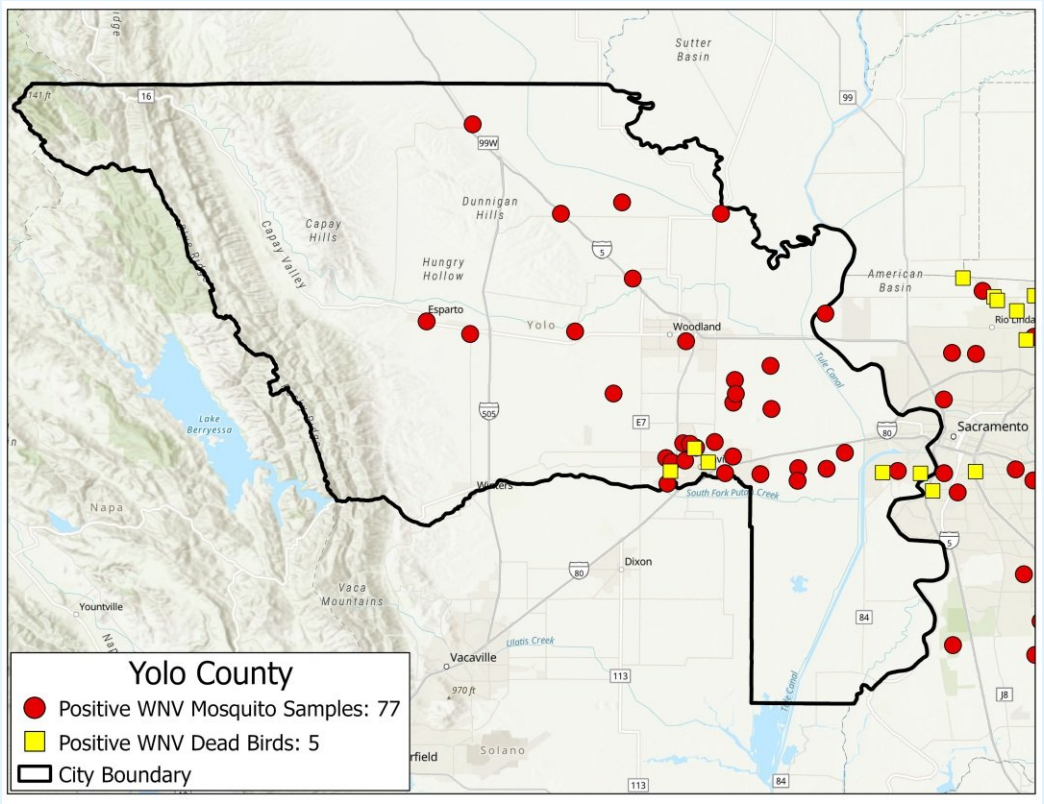


Sacramento-Yolo MOSQUITO & VECTOR CONTROL DISTRICT

WNV Activity

California:

Year	Human Cases	Potential Cases
2025	113	3,000-7,000
2024	129	3,000-9,000
2023	428	12,000-30,000
2022	208	6,000-15,000
2021	126	3,000-9,000
2020	231	6,000-15,000



West Nile virus is extremely under reported. The Centers for Disease Control estimates that for every neuroinvasive case confirmed, there are 30-70 cases that are not unreported

Detections of Invasive Mosquitoes

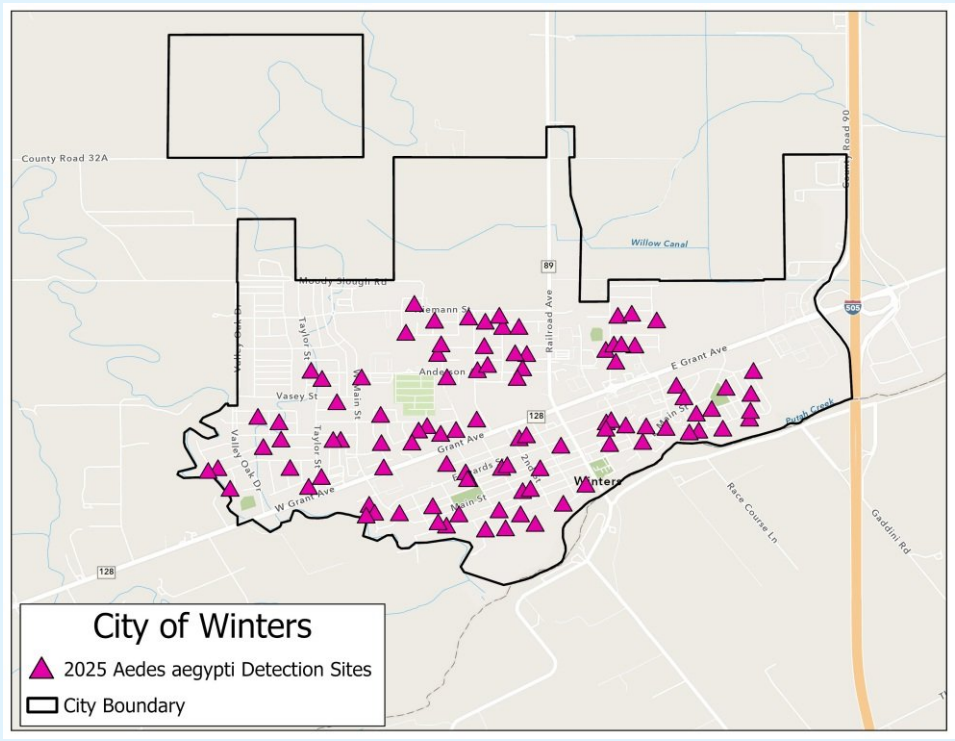
- Aggressive day biting mosquitoes found for the first time in 2019 and have spread rapidly since then.
- Winters has large established populations of invasive mosquitoes throughout the city.
- Last year in California there 193 travel-related cases of dengue and 6 that were locally transmitted.











Sacramento-Yolo MOSQUITO & VECTOR CONTROL DISTRICT

Innovative Mosquito Control Strategies

Sterile Insect Technique:

- Proven, environmentally friendly insect control method developed over 60 years ago
- Uses the release of sterile male mosquitoes (including *Wolbachia*-based methods)
- Sterile males mate with wild females, resulting in no offspring leading to a gradual and significant reduction in mosquito populations
- SIT conducted as a pilot program in South Natomas in Sacramento County with positive results





Moving Forward

- Expand SIT to other areas with high populations of invasive mosquitoes
- Continue surveillance and control efforts
- Explore more outreach opportunities in affected communities
- Encourage public to report day biting mosquitoes, drain all water on their property, discard unwanted items that can collect water and scrub containers that are in use





Thank you!





1-800-429-1022

info@fightthebite.net

Sacramento-Yolo MOSQUITO & VECTOR CONTROL DISTRICT

www.FIGHTtheBITE.net

Minutes of the Regular Council Meeting Held April 7, 2026

Mayor Albert Vallecillo called the meeting to order at 6:30 PM

ROLL CALL

Present: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Bill Biasi, Mayor Albert Vallecillo

Absent: None

Staff: Acting City Manager John Miller, Contract Building Official Kale Graham, Assistant City Attorney Brian Hughes, Director of Administrative Services Cathy Matthews, Fire Chief Jack Synder, Deputy City Clerk Zorina Treat.

PLEDGE OF ALLEGIANCE

Lisa Gaynes led the Pledge of Allegiance

APPROVAL OF THE AGENDA

Motion by Council Member Casavecchia, Seconded by Council Member Loren, to approve the agenda to move Consent Calendar Item 3B (Ordinance 2026-02 – Downtown Entertainment Zone Social District) to Discussion Items (Item 5A). The motion carried by the following vote:

AYES: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Bill Biasi, Mayor Albert Vallecillo
NOES: None
ABSENT: None

SPECIAL PRESENTATIONS

1.A. YCAS JPA Governance Analysis Presentation to Council

Alexander Tengolics, Yolo County Administrator's Office, presented an overview of animal services governance options. The analysis found current costs are consistent with regional averages and that alternative models would not reduce costs in the near term.

Council expressed interest in exploring a shared governance model while maintaining current service delivery and directed staff to gather input, coordinate with partner cities, and return with recommendations.

Lisa Gaynes provided public comment.

1.B. Presentation of the 2025 Winters Fire Department Annual Report

Chief Snyder presented the 2025 Annual Report, noting strong response times, increased training, and expanded community outreach. The department continues to maintain effective service levels. Council received and acknowledged the report.

Kate Laddish provided public comment.

1.C. Presentation of the 2025 Winters Fire Department Firefighter of the Year

Fire Chief Snyder recognized Mario Botello as the 2025 Firefighter of the Year.

PUBLIC COMMENT (Items not on the agenda)
None

CONSENT CALENDAR

3.A. Street Closure Request for Winters Art & Wine Festival (May 2, 2026)

3.B. Conduct Second Reading and Adopt Ordinance 2026-02 Establishing the Winters Downtown Entertainment Zone (Social District) and Approval of Management Plan

3.C. Minutes of the Regular City Council Meeting March 17, 2026

3.D. Resolution 2026-21 Initiating Proceedings for the Annual Levy and Collection of Assessments Within the City of Winters City-Wide Maintenance Assessment District for Fiscal Year 2026/2027 and Ordering the Preparation of Annual Engineer's Report

3.E. Warrant Register and Payment of Claims for the Month Ending February 28, 2026

3.F. Presentation of the Sacramento- Yolo Mosquito & Vector Control District

Motion by Council Member Loren, seconded by Council Member Scianna, to approve the Consent Calendar, excluding Item 3B, which was pulled for discussion due to questions and clarification needs. The motion carried by the following vote:

AYES: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Bill Biasi, Mayor Albert Vallecillo
NOES: None
ABSENT: None

PUBLIC HEARINGS
None

DISCUSSION ITEMS

5A. Conduct Second Reading and Adopt Ordinance 2026-02 Establishing the Winters Downtown Entertainment Zone (Social District) and Approval of Management Plan

Council discussed Ordinance 2026-02 and asked questions for further clarification. The item was continued to a future meeting. Council directed staff to notify adjacent residents, research trash and maintenance impacts, evaluate an annual review process, develop a method for tracking complaints and program performance, and clarify enforcement, outreach, and future boundary adjustments.

Susan Hamilton, Eric Taverner, and Julian Jimenez provided public comment.

Motion by Council Member Casavecchia, seconded by Council Member Loren, to continue the item to May 5th, 2026. The motion carried by the following vote:

AYES: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Bill Biasi, Mayor Albert Vallecillo
NOES: None
ABSENT: None

CITY MANAGER'S REPORT

None

COUNCIL COMMENTS-IDEAS, QUESTIONS, AB1234 REPORTS

Verbal updates were provided by Council Members.

Mayor Vallecillo reported out of closed session that the Application for leave to present a late claim to the City of Winters from Farmers Insurance Exchange, related to policyholder Kevin Moreno, was reviewed by Council and denied. The Director of Administrative Services will prepare and send the denial letter.

Motion: Jesse Loren
Second: Carol Scianna
Ayes: 5
Opposed: 0

ADJOURNMENT

The meeting adjourned at 8:31 PM.

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: April 21, 2026

FROM: Jeremy Craig, City Manager

SUBJECT: Street Closure Request – Fourth Friday Car Show (4/24, 5/22, 6/26, 7/24, 8/28, 9/25)

RECOMMENDATION:

By Motion, approve the street closure request for the Fourth Friday Car Show on the fourth Friday of the months of April – September. Street Closure: Main Street from Elliott Street to First Street, and Railroad from Abbey to Russell St.

BACKGROUND:

In March, as part of the Spring Opening event, the proposed street closure was implemented to accommodate a car show. The popularity of the car show has led the Chamber of Commerce to request that it be held on the fourth Friday of each month from April through September.

DISCUSSION:

The Car show utilizes Main Street and Railroad Avenue to display several cars from a variety of area historic car clubs. The proposed closure would occur from 2:00 pm to 10:30 pm on each Fourth Friday, and Railroad traffic would be diverted around the closure via First Street, Abbey St, and Russell St.

FISCAL IMPACT:

There is no direct fiscal impact to the City, aside from administrative time to review the application and bring it before the City Council for approval, and staff time associated with Public Works employees staging and removing barricades in the closure area.

ATTACHMENT:

Attachment 1 – Street Closure Request, Fourth Friday April-September

Attachment 2 – Street Closure Map

SPECIAL EVENTS PERMIT

CITY OF WINTERS california Est. 1875

318 First St Winters, CA 95694
(530) 795-4910

EVENT SPONSOR & CONTRACT INFORMATION			
Applicant Name	Winters Chamber of Commerce		
Authorized Agent			
Sponsoring Organization	Winters Chamber	Non-Profit Tax ID	
Applicant Address	22 main st.		
City, State, Zip Code	Winters CA 95694		
Day Phone		Cell Phone	5704603470
Email Address	emarie@buckhornrestaurantgroup.com.		
EVENT INFORMATION			
Event Name	4th Friday		
Event Date	4/24, 5/22, 6/26, 7/24, 8/28, 9/25		
Event Location	Downtown Winters		
Type of Event (Circle One)	PARADE BIKE RACE CONCERT (CAR SHOW) FESTIVAL OTHER: (DESCRIBE)		
Start Time	5PM	End Time ~~10PM~~ 9:30 PM	
Set-Up Time	3PM	Clean-Up Completion Time	10:30PM
Street Closure Request ☑ YES ☐ NO	Closure Start Time	2PM	Streets to be Closed: Main + Railroad
	Closure End Time	10:30PM	
Attendance (Participants & Spectators):		# Of Staff & Volunteers:	
Alcohol sales or service: ☐ Yes ☑ No		Food or Vendors: ☐ Yes ☐ No	
Tents or structures: ☐ Yes ☐ No		Stage: ☐ Yes ☐ No	

EVENT DESCRIPTION

Please provide as much DETAILED information about your event. You may attach additional documents if needed.

We are looking to increase the closure for fourth fridays to include a car show.
Cars will be parked of main st & Railroad st.
all ~~of~~ other details of 4th Fridays remain the same.

CITY OF WINTERS
california
Est. 1875

City of Winters Request for Street Closure

This application is for citizens or groups that have occasion to request that streets be temporarily closed for such things as bicycle races, running contests, block parties and other such events requiring the re-routing of traffic. If amplified sound will be used during this event, an additional permit is required. If this event includes a parade, a parade permit application is also required.

A request to close streets shall be filed with the Police and Public Works Department at least ten (10) business days prior to the date the street would be closed.

There shall be no closure of the following streets without council approval:

1. Main Street
2. Railroad Ave
3. Grant Avenue
4. Valley Oak Drive
5. Abbey Street

Requests to close the streets herein listed shall be submitted at least thirty (30) business days prior to the street closure.

Requests for street closures that are not submitted by the minimum time lines may be granted only by the Winters City Council.

Name: Emane Vanbalio	Organization: Winters Chamber
Address: 22 main St.	Mailing Address:
Telephone: 530 400 3470	Today's Date: 3/31/26
Streets Requested: Main + Railroad.	
Date of Street Closure: 4/24, 5/22, 6/26, 7/24, 8/28, 9/25	Time of Street Closure: 3-10:30pm.
Description of Activity: 4th Friday Classic Car Show.	
Services Requested of City: Water Barriers.	

The undersigned, as the representative for the organization listed, agrees to take full responsibility for use of City premises and all individuals/parties/organizations participating in this event will hold the City of Winters, its employees, agents, volunteers and any other person, firm or corporation charged or chargeable with responsibility or liability, free and harmless from any and all claims, demands, damages, costs, expenses, loss of service, action and causes of action by any person or persons, for injuries to persons or loss or damages to property occasioned by or in connection with the use of the facilities, equipment or premises caused by any source whatsoever. I understand that it is unlawful to conduct any activity in violation of the permit provisions and may cause this reservation or the activity/event to be canceled at any time.

Signature

3/31/26

Date

CITY OF WINTERS
california
Est. 1875

SPECIAL EVENTS PERMIT

318 First St Winters, CA 95694
(530) 795-4910

I acknowledge and agree to comply with all the above conditions as well as all of the Special Events Rules and Regulations I received upon completing the application. The undersigned, as the representative for the organization list above, agrees to take full responsibility for use of City premises as stated in approved Special Event Permit and all individuals/parties/organizations participating in this event will hold the City of Winters, its employees, agents, volunteers and any other person, firm or corporation charged or chargeable with responsibility or liability, free and harmless from any and all claims, demands, damages, costs, expenses, loss of service, action and causes of action by any person or persons, for injuries to persons or loss or damages to property occasioned by or in connection with the use of the facilities, equipment or premises caused by any source whatsoever. I understand that it is unlawful to conduct any activity in violation of the permit provisions and may cause this reservation or the activity/event to be canceled at any time.

City Manager Date

Signature of Applicant 3/31/26
Date

Parks & Recreation Date

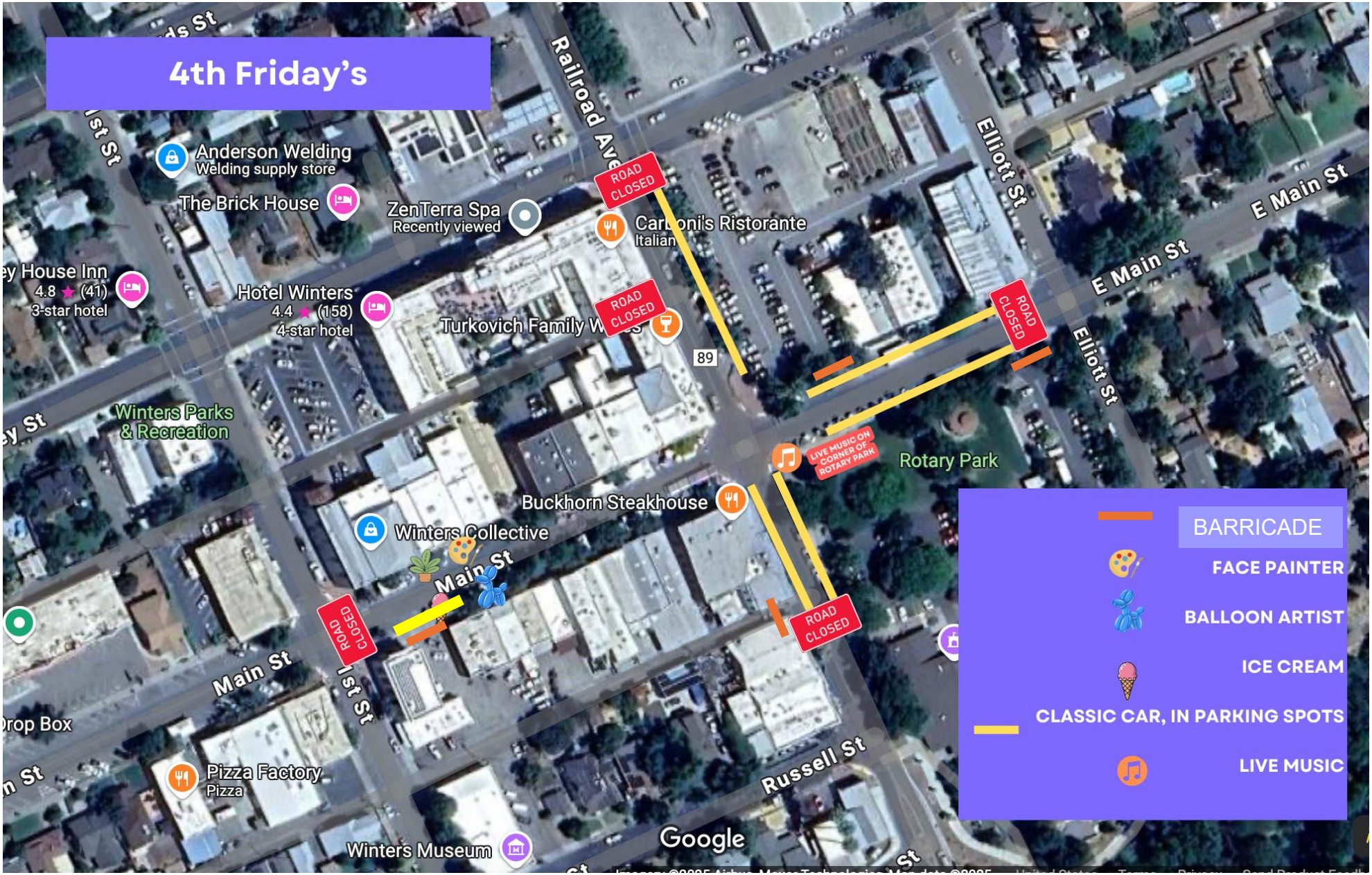
Finance Director Date

Fire Department Date

Police Department Date

Public Works Director Date

Environmental Services Manager Date


4th Friday's
Anderson Welding
Welding supply store
The Brick House
ZenTerra Spa
Recently viewed
Carboni's Ristorante
Italian
Railroad Ave
Elliott St
E Main St
ROAD CLOSED
Hotel Winters
4.4 ★ (158)
4-star hotel
Turkovich Family W
89
Winters Parks & Recreation
LIVE MUSIC ON CORNER OF ROTARY PARK
Rotary Park
Buckhorn Steakhouse
Winters Collective
Main St
1st St
Russell St
Pizza Factory
Pizza
Winters Museum
Google
BARRICADE
FACE PAINTER
BALLOON ARTIST
ICE CREAM
CLASSIC CAR, IN PARKING SPOTS
LIVE MUSIC

CITY OF WINTERS
STAFF REPORT

TO:	Mayor and City Council
FROM:	Jeremy Craig, City Manager
DATE:	April 21, 2026
SUBJECT:	Award of Professional Services Contract for Tractor Parade Event Coordinator

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RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute a professional services agreement with West Construction, LLC (Leta and Alec Brassington) for tractor parade event coordination services in an amount not to exceed $40,000.

BACKGROUND

The City of Winters hosts the Annual Tractor Parade Weekend on the first weekend in December each year. It is a beloved community tradition that celebrates the region's agricultural heritage. The scope of experience and time required to plan and execute the event exceeds current city staff capacity, so to ensure high-quality event management and execution, the City initiated a competitive procurement process to select a qualified professional event coordinator.

PROCUREMENT PROCESS

In October 2025, the City solicited proposals from qualified event management professionals. The solicitation was structured to evaluate candidates based on relevant experience, proposed methodology, references, and cost. The following bids were received:

Proposer	Proposed Fee
West Construction LLC, (Brassington)	$40,000
Holden Events	$28,500
TVCF	$179,000
Bibbero	$45,000

Please note that the incumbent event coordinator, BayAreaPopUp events, chose not to submit a formal RFP response because they felt that operating the parade for the past four years provided the City with adequate information to assess their qualifications, and they offered the same rate as the 2025 parade, $31,000.

SELECTION COMMITTEE PROCESS

A five-member selection committee was convened to evaluate the proposals and interview the top candidates. The committee was composed of the following members:

- Two (2) City Council members
- Two (2) Winters Chamber of Commerce representatives
- One (1) resident from the tractor parade route

The committee reviewed all submitted proposals, conducted in-person or virtual interviews with the finalists, and evaluated each candidate against established criteria, including event management experience, community engagement approach, logistical planning capabilities, and cost.

REVISED FEE AND SCOPE CLARIFICATION

Following the interview process, staff engaged in follow-up discussions with the top-ranked candidate, Brassington, to clarify the scope of services. As a result of those discussions, Brassington revised her proposed fee to $40,000. Staff is satisfied that this revised figure accurately reflects the full scope of services to be provided and represents fair and reasonable compensation for the work involved.

COMMITTEE RECOMMENDATION

Following a thorough evaluation of all proposals and interviews, the selection committee unanimously recommends award of the contract to West Construction, LLC (Brassington). The committee found Brassington to be the most qualified candidate based on her relevant experience, demonstrated knowledge of community event logistics, and her responsiveness and professionalism throughout the selection process. The committee was also encouraged by her local presence and familiarity with the community and its events.

FISCAL IMPACT

The total contract amount is $40,000. Funding for this contract is included in the FY 2026-27 fiscal budget and will be primarily offset by parade entry fees, sponsorships, and pergola rentals. The final budget impact on the general fund is unknown until the event occurs, and these revenues are used to offset expenses.

ATTACHMENTS

Attachment 1 – Professional Services Contract for Event Coordination Services

PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF WINTERS
AND WEST CONSTRUCTION, LLC (LETA AND ALEC BRASSINGTON)

This Agreement is made and entered into as of April 21st, 2026 by and between the City of Winters, a California municipal corporation with its principal place of business at 318 First Street, Winters, CA 95694 ("City"), and West Construction, LLC (Leta and Alec Brassington), a Limited Liability Company with its principal place of business at 7928 Spencer Lane Vacaville, CA 95688 (hereinafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

RECITALS

A. City is a California municipal corporation and is in need of professional services for the following project:

The 2026, 2027 & 2028 Winters Holiday Tractor Parade & Festival. (hereinafter referred to as "the Project").

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain a Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

The consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit "A."

2. Compensation.

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit "B."

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement shall exceed the sum of Forty-thousand Dollars ($40,000). This amount is to cover all related costs, and the City will not pay any additional fees for expenses unless otherwise agreed upon in writing by both parties. It is agreed by both parties that an estimated Event budget is included in Exhibit "B". Periodic payments shall be made within 10 days of receipt of an invoice which includes a detailed description of the work performed.

3. Additional Work.

If changes in the work seem merited by the Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with

a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by both Parties before the performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by the Consultant and made available at all reasonable times during the contract period and for four (4) years from the date of final payment under the contract for inspection by City.

5. Term of Agreement.

The term of this Agreement shall be from April 21st, 2026, to December 31st, 2028, unless earlier terminated as provided herein and may be renewed for two additional one year agreements upon agreement of both parties. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Project. Consultant shall perform its services in a prompt and timely manner within the term of this Agreement and shall commence performance upon receipt of written notice from the City to proceed ("Notice to Proceed"). The Notice to Proceed shall set forth the date of commencement of work.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; pandemics; war; riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume the performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes, and regulations of the federal, state, and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state, and local regulatory agencies.

c. If applicable, the Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Independent Contractor; Control and Payment of Subordinates

The services shall be performed by Consultant or under its supervision. Consultant will determine the means, methods and details of performing the services subject to the requirements of this Agreement. City retains Consultant on an independent contractor basis and not as an employee. Any personnel engaged solely by Consultant to perform the services on behalf of Consultant ("Consultant Personnel") shall not be employees of City and shall at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such Consultant Personnel in connection with their performance of services under this Agreement and as required by law. Consultant shall be responsible for all reports and obligations respecting such Consultant Personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and sub-consultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Standard of Care; Performance of Employees

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. Consultant represents and maintains that it is skilled in the professional calling necessary to perform the services described in this Agreement. Consultant warrants that Consultant Personnel shall have sufficient skill and experience to perform the services assigned to them. Consultant represents that it and Consultant Personnel have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the services, and that such licenses and approvals shall be maintained throughout the term of this Agreement. Consultant shall perform, at its own cost and expense and without reimbursement from the City, any services necessary to correct errors or omissions which are caused solely by the Consultant's failure to comply with the standard of care provided for herein.

11. Insurance. During the term of this Agreement, Consultant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property that may arise from or in connection with performance of this Agreement by Consultant and/or its agents, representatives, employees, or subcontractors. Such insurance shall be at least as broad as set forth below. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under this section. In addition, the Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required under this section.

a. Commercial General Liability

(i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the City.

(ii) Coverage for Commercial General Liability insurance shall be at least as broad as the following:

(1) Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 00 01) or exact equivalent.

(iii) Commercial General Liability Insurance must include coverage for the following:

(1) Bodily Injury and Property Damage
(2) Personal Injury/Advertising Injury
(3) Premises/Operations Liability
(4) Products/Completed Operations Liability
(5) Aggregate Limits that Apply per Project
(6) Explosion, Collapse and Underground (UCX) exclusion deleted
(7) Contractual Liability with respect to this Agreement
(8) Property Damage
(9) Independent Contractor's Coverage

(iv) The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion contrary to the Agreement.

(v) The policy shall give City, its officials, officers, employees, agents and City designated volunteers additional insured status using ISO endorsement forms CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage.

(vi) The general liability program may utilize either deductible or provide coverage excess of a self-insured retention, subject to written approval by the City, and provided that such deductibles shall not apply to the City as an additional insured.

b. Automobile Liability

(i) At all times during the performance of the work under this Agreement, the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to the City. Consultant is not responsible for providing or verifying insurance coverage for parade participants, vendors, or third-party vehicles.

(ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability (Coverage Symbol 1, any auto).

(iii) The policy shall give City, its officials, officers, employees, agents and City designated volunteers additional insured status.

(iv) Subject to written approval by the City, the automobile liability program may utilize deductibles, provided that such deductibles shall not apply to the City as an additional insured, but not self-insured retention.

c. Workers' Compensation/Employer's Liability

(i) Consultant certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and he/she will comply with such provisions before commencing work under this Agreement.

(ii) To the extent Consultant has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement, the Consultant shall maintain full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof, and Employer's Liability Coverage in amounts indicated herein. Consultant shall require all sub-consultants to obtain and maintain, for the period required by this Agreement, workers' compensation coverage of the same type and limits as specified in this section.

d. Reserved

e. Minimum Policy Limits Required

(i) The following insurance limits are required for the Agreement:

	Combined Single Limit
Commercial General Liability	$1,000,000 per occurrence/ $2,000,000 aggregate for bodily injury, personal injury, and property damage
Automobile Liability	$1,000,000 combined single limit
Employer's Liability	$1,000,000 per accident or disease

(ii) Defense costs shall be payable in addition to the limits.

(iii) Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or another requirement, or a waiver of any coverage normally provided by any insurance. Any available coverage shall be provided to the parties required to be named as Additional Insured pursuant to this Agreement.

f. Evidence Required

Prior to the execution of the Agreement, the Consultant shall file with the City evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 00 01 (or insurer's

equivalent) signed by the insurer's representative and Certificate of Insurance (Acord Form 25-S or equivalent), together with required endorsements. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

g. Policy Provisions Required

(i) Consultant shall provide the City at least thirty (30) days prior written notice of cancellation of any policy required by this Agreement, except that the Consultant shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. If any of the required coverage is canceled or expires during the term of this Agreement, the Consultant shall deliver renewal certificate(s) including the General Liability Additional Insured Endorsement to the City at least ten (10) days prior to the effective date of cancellation or expiration.

(ii) The Commercial General Liability Policy and Automobile Policy shall each contain a provision stating that the Consultant's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by the City or any named insureds shall not be called upon to contribute to any loss.

(iii) The retroactive date (if any) of each policy is to be no later than the effective date of this Agreement. Consultant shall maintain such coverage continuously for a period of at least three years after the completion of the work under this Agreement. Consultant shall purchase a one (1) year extended reporting period A) if the retroactive date is advanced past the effective date of this Agreement; B) if the policy is canceled or not renewed; or C) if the policy is replaced by another claims-made policy with a retroactive date subsequent to the effective date of this Agreement.

(iv) All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to provide a waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City and shall require similar written express waivers and insurance clauses from each of its sub-consultants.

(v) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

h. Qualifying Insurers

(i) All policies required shall be issued by acceptable insurance companies, as determined by the City, which satisfies the following minimum requirements:

(1) Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and admitted to transact in the business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

i. Additional Insurance Provisions

(i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(ii) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(iii) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

(iv) Neither the City nor any of its officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

j. Subconsultant Insurance Requirements. Consultant shall include all Consultant Personnel as additional insureds under the Consultant's policies, or the Consultant shall be responsible for causing Consultant Personnel to purchase the appropriate insurance in compliance with the terms of these insurance requirements, including adding the City, its officials, officers, employees, agents, and volunteers as additional insureds to the subconsultant's policies. All policies of commercial general liability insurance provided by Consultant Personnel shall be endorsed to name the City, its officials, officers, employees, agents and volunteers as additional insureds using endorsement form ISO CG 20 38 04 13 or an endorsement providing equivalent coverage. Consultant shall not allow any Consultant Personnel to commence work on any subcontract relating to this Agreement until it has received satisfactory evidence of subconsultant's compliance with all insurance requirements under this Agreement, to the extent applicable. The Consultant shall provide satisfactory evidence of compliance with this section upon request of the City.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall indemnify, defend, and hold harmless the City, its officials, officers, employees, agents, and volunteers from and against any and all claims, demands, damages, liabilities, losses, costs, and expenses, including attorney's fees, **but only to the extent caused by the negligent acts, errors, or omissions, or willful misconduct of Consultant, its officers, employees, agents, or subcontractors in the performance of services under this Agreement.**

Consultant shall have no obligation to indemnify or defend the City for claims arising out of the sole negligence or willful misconduct of the City.

In the event of concurrent negligence, Consultant's obligation shall be limited to its proportionate share of fault.

b. If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is $1,000 or more, the Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees, and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all sub consultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all sub consultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any sub-consultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant's performance of services, including any delay,

shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, the Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all sub-consultants and sub-subconsultants to comply with the same.

15. Reserved.

16. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Yolo, State of California.

17 Termination or Abandonment

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. The city shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

18 Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

19. Organization

Consultant shall assign Leta Brassington as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

20. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

21. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:	CONSULTANT:
City of Winters	West Construction, LLC
318 First Street	Leta and Alec Brassington
Winters, CA 95694	7928 Spencer Lane
Attn: Jeremy Craig, City Manager	Vacaville, CA 95688
	Attn: Leta Brassington

and shall be effective upon receipt thereof.

22. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

23. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

24. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each Party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

25. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the remaining provisions unenforceable, invalid or illegal.

26. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators, and assigns of each Party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

27. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either Party, unless such waiver is specifically specified in writing.

28. Time of Essence

Time is of the essence for each and every provision of this Agreement.

29. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

30. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF WINTERS AND WEST CONSTRUCTION, LLC (LETA AND ALEC BRASSINGTON)

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF WINTERS

By: _____
Jeremy Craig
City Manager

West Construction, LLC

By: _____
Leta Brassington
Owner

Printed Name: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
Ethan Walsh, City Attorney

EXHIBIT A

Scope of Services

Scope of Work (SOW)

Winters Holiday Tree Lighting & Tractor Parade Event Production

Client: City of Winters

Producer: Leta & Alec Brassington ("Producer")

1. PROJECT OVERVIEW

The Producer will provide event production, coordination, and management services for the Winters Holiday Tractor Parade & Festival ("Event"). The Producer will serve as the central point of coordination across all stakeholders and will oversee planning and execution to ensure a safe, organized, and successful community event.

The Producer is responsible for coordination and management of event components but does not assume responsibility for services provided directly by the City of Winters ("City") or third-party vendors unless explicitly stated.

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2. ROLES & RESPONSIBILITIES

2.1 Producer Responsibilities

The Producer will lead all planning, coordination, and execution efforts, including:

Event Coordination & Management

- Serve as primary point of contact across City departments, vendors, sponsors, and partners
- Manage overall event planning timeline, deliverables, and communications
- Coordinate all event-related stakeholders to ensure alignment and execution

Vendor Management

- Recruit, onboard, and manage food vendors and market vendors
- Develop vendor guidelines, applications, and communications

Parade Participant Management

- Recruit, onboard, and manage tractor parade participants
- Develop participant guidelines, applications, and communications
- Coordinate parade participants, including registration, rules, staging, timelines, and communications

Sponsorship Sales & Management

- Develop sponsorship packages and pricing structure for City approval
- Conduct outreach and secure event sponsorships
- Manage sponsor relationships, deliverables, and fulfillment
- Coordinate sponsor activations on-site, as applicable
- Provide sponsorship summary and reporting post-event

Final sponsor approvals subject to City review and alignment with community standards.

Planning, Logistics & Operations

- Develop all event maps including site plans, parade route, street closures, and vendor layouts
- Coordinate with Chief of Police to define and finalize street closures
- Oversee load-in and load-out planning and execution
- Manage crowd flow and pedestrian movement planning
- Coordinate traffic flow planning in collaboration with City departments

Waste Management Coordination

- Hire and manage event labor responsible for waste services (trash bag replacement, monitoring, etc.)
- Coordinate with Waste Management for delivery and pickup of receptacles
- Ensure waste stations are maintained throughout the event

Community & Stakeholder Engagement

- Plan and facilitate town hall meetings for local businesses
- Coordinate event-related messaging for local distribution channels (e.g., water bill inserts or similar communications)
- Coordinate additional yard waste pickup services with City partners, as needed

Volunteer Coordination

- Recruit and coordinate event volunteers (including PG&E and other partners)
- Assign volunteer roles including parade marshaling
- Coordinate volunteer needs and optional swag (subject to City/sponsor approval and funding)

Creative Direction & Experience

- Develop overall event look, feel, and holiday experience
- Design and implement event signage and wayfinding systems
- Develop parade staging layout and visual presentation
- Provide recommendations for lighting and ambiance enhancements
- Conceptualize and present additional event activations (e.g., performers, décor elements, themed experiences) for City approval

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2.2 City of Winters Responsibilities

The City will provide municipal support, approvals, and infrastructure, including:

- Barricade placement and removal (Public Works)
- Installation of holiday tree lighting (in coordination with Ample Electric)
- Provision and payment of restroom facilities
- Management of pergola rental program
- Coordination and execution of Cocoa Crawl programming and marketing
- Approval of event plans, activations, and expenditures
- Interdepartmental coordination and support (Police, Fire, Public Works, etc.)
- Payment for agreed-upon event expenses and services

2.3 Third-Party Responsibilities

- **Marketing (Emarie / Designated Partner):** All marketing strategy, content creation, and promotional execution
- **Waste Management:** Delivery and removal of waste receptacles
- **Ample Electric:** Electrical support related to City lighting installations
- **Other Vendors/Sponsors:** As contracted and approved

2.4 Shared Responsibilities

- Public safety planning (Producer + City + Police/Fire)
- Budget alignment and approvals
- Event programming and schedule coordination
- Community communication strategy

---

3. PRE-EVENT PLANNING

The Producer will lead all planning efforts required to prepare for the Event:

- Coordination meetings with City and stakeholders
- Development of event timeline and planning milestones
- Site planning, logistics, and operational design
- Permit support and compliance coordination
- Safety and traffic planning in collaboration with City agencies
- Vendor and parade participant recruitment and management
- Sponsorship outreach and contracting
- Website updates

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4. EVENT DAY MANAGEMENT

The Producer will oversee all on-site operations:

4.1 Command & Oversight

- Establish on-site command structure
- Coordinate real-time decision-making and issue resolution
- Maintain communication across all teams and stakeholders

4.2 Program Execution

- Manage parade staging, timing, and flow
- Oversee vendor operations and placement
- Coordinate volunteer deployment and supervision

4.3 Operations & Logistics

- Monitor crowd movement and safety
- Coordinate traffic flow in collaboration with City
- Oversee waste management operations and staff
- Ensure overall event execution aligns with plan

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5. POST-EVENT SERVICES

The Producer will manage event closeout and evaluation:

- Coordination of teardown and site restoration
- Vendor and parade participant debriefs
- Sponsorship fulfillment review and reporting
- Post-event meeting with City
- Delivery of post-event report summarizing operations, outcomes, and recommendations

6. DELIVERABLES

The Producer will provide:

- Event site plan and maps
- Vendor and participant materials
- Sponsorship packages and summary report
- Event operations plan
- Website updates (once access is acquired)
- Post-event report
- Recap media

7. EXCLUSIONS

The following services are not included unless otherwise agreed in writing:

- Marketing strategy, content creation, and advertising execution
- Procurement or direct payment of City-provided infrastructure
- Electrical installation or technical infrastructure beyond coordination
- Security staffing and emergency services personnel
- Waste hauling services
- City-led programming elements

8. ASSUMPTIONS

- All final decisions, budgets, and expenditures require City approval
- Sponsorship success is dependent on market conditions and community alignment
- Timeline and scope may be adjusted based on City feedback and evolving needs

The Producer serves as the central point of coordination but does not assume responsibility for services provided directly by the City or third-party vendors.

EXHIBIT B

Schedule of Charges/Payments

The Consultant will invoice City. The Consultant will include a detailed progress report with each invoice that indicates the budget spent on each task. The Consultant will inform City regarding any out-of-scope work being performed by the Consultant. This is a time-and-materials contract.

Consultant Fees

1. For the term of this agreement, Consultant shall receive from The City of Winters the following amounts in consideration of Consultant's fulfillment of its obligations pursuant to the terms of this agreement:

    - Forty Thousand ($40,000) Production Fee for the 2026 Event

2. Consultant shall invoice the City of Winters and shall receive payment of the above consideration based on the following schedule;

    For the 2026 Event:

    On the signing of this agreement, a payment of $7,500
    On or before July 1st, 2024, a payment of $5,000
    On or before August 15th, 2024, a payment of $5,000
    On or before October 1st, 2024, a payment of $5,000
    On or before November 15th, 2024, a payment of $7,500
    On or before December 3rd, 2024, a payment of $10,000

3. Consultant will also receive 30% commission on any City of Winters pre-approved cash sponsors and exhibitors that Consultant brings into the Event.

4. Consultant will invoice the City of Winters for the 30% commission to be paid once payment has cleared the City's bank account.

5. It is understood by both parties that all Income from the Event will be payable to The City of Winters. The Consultant will receive and process all applications and payments and send all checks to the City of Winters every two weeks or as needed.

Proposal for the Winters Holiday Tractor Parade & Festival

LETA BRASSINGTON
FESTIVAL PRODUCER & CREATIVE DIRECTOR

ALEC BRASSINGTON
EVENT OPERATIONS DIRECTOR

12/25/25

661-600-3268 : ALEC@WESTCONSTRUCTIONCA.COM

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Dear Jeremy Craig,

Thank you for the opportunity to submit our proposal for the 2026 Holiday Tractor Parade & Festival (and future years) As a husband-and-wife team with deep roots in large-scale event production, we are genuinely excited about the opportunity to partner with the City of Winters to deliver a joyful, community-driven holiday celebration.

Leta currently serves as Festival Producer & Creative Director for BottleRock Napa Valley and La Onda, and previously for Sonoma Harvest Music Festival. Alec has led large-scale event operations for over a decade, including serving as Operations Director for Crux Events and overseeing site operations and installations for BottleRock and La Onda—along with custom-building much of BottleRock's signature rustic décor. Together, we bring a rare end-to-end skill set: top-tier production, thoughtful design, seamless site flow, custom fabrication, and meticulous operations, all grounded in a deep respect for local culture and community.

We understand that Winters values tradition, connection, and smooth execution for an event that brings together both residents and visitors. Our goal is to thoughtfully elevate the Tractor Parade and surrounding festivities while preserving the authentic small-town character that makes it so special. We are your neighbors—living just off Midway—and spend our days and nights in Winters with our two young boys, attending local events, supporting downtown restaurants, and building memories here as a family.

Thank you for considering our proposal. We would be honored to collaborate with the City of Winters to deliver a holiday experience that reflects the heart of our community and is something we can all be proud of.

Cheers,

The Brassingtons

Leta & Alec Brassington

Every year, the glow of the Winters Tractor Parade draws families downtown—
kids on shoulders, neighbors coming together, and community businesses displaying their tractors.

With thoughtful production, joyful storytelling, and a rock-solid operations plan
we want to work together to elevate that holiday magic.

This proposal outlines our experience and event-production plan ideas for the
Winters Holiday Tractor Parade & Festivities. We bring decades of combined experience
in festival direction, operations management, event installation, and
community-based production across events ranging from 5,000 attendees to 120,000+.

Planning events is what we live for.

- Pre-event planning, permitting coordination, neighborhood and town collaboration
- Vendor, artisan, and food booth management - Sponsor curation and fulfillment
- Creative direction including décor, signage, lighting, and ambiance
- On-site operations, crowd management, and traffic planning
- Security, safety, medical coordination, and ADA compliance
- Load-in & load-out planning and execution / site restoration

Our approach prioritizes the guest experience, safety, and ease of implementation for the town
within a scale appropriate for Winters. The result is a polished but deeply community-oriented event that
celebrates the spirit of the season and the unique charm of the Tractor Parade.

Team Qualifications

Leta Brassington

661-600-3268
letamarie@me.com



Festival Producer & Creative Director

BottleRock Napa Valley and La Onda Music Festival

Festival Director

Sonoma Harvest Music Festival

- Extensive experience overseeing large-scale entertainment site builds, layout/site design, sponsorship curation, festival creative, vendor curation, guest experience development, and community engagement

- Background working with local municipalities, law enforcement, permitting agencies, and public-safety partners

- Skilled in stakeholder management, on-site leadership, team curation, branding, festival aesthetics, guest flow, safety precautions/planning

Alec Brassington

916-622-3225
alec@westconstructionca.com



Owner / General Contractor

West Construction, LLC

Operations Install Lead & Custom Construction

BottleRock Napa Valley & La Onda Music Festival

Operations Director (former)

Crux Events - Truckee, CA

- Expertise in complex site builds, infrastructure logistics, heavy-equipment operations, transportation planning, and vendor/staff supervision
- Extensive experience in creating efficient and safe load-in/load-out systems
- Traffic management & parking logistics

Approach

The Winters Tractor Parade is a beloved local tradition with deep roots in community identity. Our approach enhances that charm while ensuring structural, operational, and creative excellence.

Key Goals:

- Preserve and elevate the small-town holiday magic
- Strengthen community and local-business participation
- Improve logistics and safety for a growing crowd
- Enhance guest experience through thoughtful design and flow
- Introduce professional event standards without losing hometown character

Overview:

We prioritize collaboration with the City of Winters, local merchants, parade participants, and public-safety officials. The creative direction will focus on holiday storytelling, warm lighting, clear signage, intuitive wayfinding, and thematic décor. Operationally, we streamline parade flow, manage crowd zones, create clear traffic plans, and ensure compliance with safety regulations.

Scope of Services

1 Pre-Event Planning

- Coordination with The City of Winters
- Budget management & real-time updating
- Parade entry management and staging assignments
- Vendor recruitment, guidelines, and approvals
- Sponsor recruitment
- Decor & layout brainstorming
- Creation of site plan and staffing plan
- Coordination with police, fire, EMS, and traffic departments
- Permit and compliance support
- Safety planning

2 Creative Direction

- Design of all marketing assets
- Website creation/overhaul & maintenance
- Festival look, feel, and holiday décor
- Parade staging layout and visual design
- Lighting and ambiance enhancements
- Signage and wayfinding system

3 Operations & Logistics

- Parade route planning and participant management
- Load-in and load-out scheduling
- Crowd movement and pedestrian flow
- On-site vendor management
- Traffic control coordination
- Waste management and sustainability practices

4 Event Day Management

- On-site command and oversight
- Parade flow, timing, and staging
- Vendor oversight and guest services
- Volunteer coordination (if used)
- Incident and communication management
- Waste management

5 Post Event

- Teardown and site restoration
- Vendor and parade participant debrief
- Recap Video/Photo Release
- Post-event recap & review with The City of Winters
- Post-event report

1 Pre-Event Planning

Staffing & Team Structure

Event Director
(Parade Coordinator, Safety Lead, Communications Lead, Logistics Crew Lead)

Vendor Manager
Sponsor Sales Manager

Logistics Crew
(Parade Route Staff & Safety Marshals, Clean-Up Crew, Volunteer Manager)

1 Pre-Event Planning

Safety, Risk Management & Compliance

We follow festival-grade safety standards, scaled to the event.

Includes:
Full safety plan
Emergency access & response coordination
Parade float/truck safety checks
Fire department approvals
ADA compliance
Insurance + COIs
Incident reporting workflow

1 Pre-Event Planning

Community Engagement & Local Vendor Integration

Some ideas:

Priority selection for local vendors
Discounted rates for local businesses
Local school, FFA, and community-group involvement
Volunteer program
Local musicians + performance groups
Partnerships with Main Street merchants
Specials/discounts for visitors at local shops (“Holiday Passport”)

2 Creative Direction

Creative Identity

- Establish a clear creative direction for the Tractor Parade & Festival
- Develop a simple visual identity (color palette, textures, motifs) that can be consistently applied across marketing, signage, décor, and on-site experience.
- Ensure all creative elements feel cohesive, approachable, and family-friendly — polished, but never over-produced.

Marketing & Visual Assets

- Design of all marketing assets including digital graphics, posters, social media imagery, and community signage.
- Development of an event website/refresh to centralize event details, schedules, maps, and vendor information and house all applications
- Asset packages designed for easy reuse year-over-year to reduce future costs and planning time.

2 Creative Direction

Event Decor

- Curated holiday décor plan focused on impact, durability, and charm — garlands, lighting accents, banners, and focal moments rather than excess.
- Use of warm lighting, natural materials, and seasonal elements to create an inviting daytime and evening atmosphere.
- Identification of "moment" areas: entry points, gathering spaces, photo opportunities, and high-traffic intersections.

Event Visuals

- Design of parade staging zones to ensure smooth flow, visibility, and safety while enhancing the visual experience for spectators.
- Clear delineation of parade start/end points, participant staging areas, and viewing zones.
- Visual enhancements that support parade pacing and clarity without interfering with operations or safety.
- Clear, cohesive signage and wayfinding system guiding guests to parade viewing areas, vendor zones, restrooms, first aid, and exits.
- Signage designed to be both functional and visually integrated into the overall festival aesthetic.

3 Operations & Logistics Plan

Site Layout & Crowd Flow

- Parade route planning
- Load-in and load-out schedule
- Vendor footprint positioned for natural attendee circulation
- Emergency lanes integrated into all layouts
- ADA accessibility maintained
- Parade spectator zones clearly marked
- Trash management

Traffic & Parking

- Pre-approved street closures
- Coordination with local police
- Tractor staging area
- Residential impact minimization
- Parking plan: Signage, Lots, etc.
- Signage plan

Weather Contingency

- Rain or wind activation plan
- Backup staging protocol

Equipment & Rentals

- Examples:
  - trash recepticals
  - barricades
  - signage
  - radios
  - generators, etc.

4 Event Day Management

Parade Flow, Timing & Staging

- Active management of parade timing, spacing, and transitions to maintain consistent flow and minimize gaps.
- Coordination with parade participants to ensure timely staging, readiness, and safe entry/exit.
- Real-time adjustments as needed to respond to pacing, crowd density, or weather conditions.

Vendor Oversight & Guest Experience

- On-site vendor check-in, support, and issue resolution throughout the event.
- Monitoring of vendor placement, power needs (if applicable), and adherence to event guidelines.
- Guest services presence to assist attendees with questions, accessibility needs, and general support.

4 Event Day Management

Volunteer Coordination

- Volunteer check-in, orientation, and role assignment.
- Clear task definition and support to ensure volunteers feel confident and effective.
- Ongoing supervision and communication to adapt to changing needs during the event.

Incident, Communication & Safety

- Proactive communication with City staff, public safety personnel, and event partners.
- Clear protocols for incident response, lost-and-found, medical needs, and emergency communication.
- Calm, professional handling of unexpected issues to minimize impact on guests and participants.

Waste Management

- Oversight of trash, recycling, and waste stations throughout the event footprint.
- Active monitoring to prevent overflow and maintain clean, welcoming public spaces.
- Coordination with cleanup teams to keep high-traffic areas clear during the event.

5 Post Event Recaps

Teardown & Site Restoration

- Coordinated teardown schedule to ensure efficient load-out and minimal disruption to the town.
- Restoration of all event areas to pre-event condition or better.
- Final walk-through with City representatives, if requested.

Vendor & Parade Participant Debrief

- Collection of feedback from vendors and parade participants regarding logistics, communication, and overall experience.
- Identification of successes and opportunities for improvement.
- Documentation of insights to inform future planning.

Recap Media Release

- Compilation and release of select event photos and/or video recap for community use and promotion.
- Assets delivered in formats suitable for City social media, website, and future marketing.

5 Post Event Recaps

Post-Event Review with the City

- Post-event meeting with City representatives to review execution, outcomes, and feedback.
- Open discussion of what worked well and what can be refined.

Post-Event Report

- Delivery of a concise post-event report summarizing:
  - Attendance and participation observations
  - Operational successes and challenges
  - Safety and incident overview (if applicable)
  - Recommendations for future years

Event Timeline & Milestones

This timeline provides a general framework for planning and execution, with greater detail to be developed as we align on programming, marketing efforts, key milestones, and event logistics.

March		
March 1, 2026	**Kick Off Meeting with City**	
March 8, 2026	Graphics for Event Created/Finished	
March 10, 2026	Create Sponsor Application	
March 10, 2026	Create Vendor Application	
March 10, 2026	Create Volunteer Form	
March 10, 2026	Create Parade Entry Form	
	Create Social / Email Marketing Plan	
March: City Meeting Topics	Event Graphics, Sponsor Application, Vendor Application, Volunteer Form, Parade Entry Form	
April		
	Create Initial Schedule of Events	
	Update Website	
	Create Sponsor Packet	
April: City Meeting Topics	Social / Email Marketing Plan, Initial Schedule of Events, Sponsor Packet	
May		
	Start Selling Sponsorships	
	Publish Media Assets	
	Finalize & Test Online Forms	
May: City Meeting Topics		
June		
	Site Layout Creation	
	New Ideas Brainstorm/Present	
	Sponsor Outreach Continues	
June: City Meeting Topics	Site Layout	
July		
	Vendor Applications Open	
	Email previous vendors for early sign ups	
	Sponsor Outreach Continues	
	Site Layout Updates	
	Create City Street Closure maps	
	Create Refreshed Social Graphics	
July: City Meeting Topics	Review Vendor Applications, Fall Social Refresh Graphics	
August		
	City Permits, Planning Meetings	

Click here

Yearly Timeline Details

References

James Woodruff
Crux Events Owner | 530-386-3792

Layla McGinnis
VIP Event Director BottleRock | 925-785-0713

Kelsey Frazier
Former Social Media Manager BottleRock | 707-287-8403

Ana Rizzo
Former Creative Director BottleRock | 707-927-8160

Insurance Compliance

We maintain and are able to meet all insurance requirements required for this special event, including but not limited to general liability, workers' compensation, and any additional coverage required by the City of Winters. Proof of insurance and certificates naming the City of Winters as an additional insured will be provided upon award of the contract and prior to the execution of services.

Past Projects











BottleRock Napa Valley

Roles: Festival Director, Creative Director, Designer, Ops Install Lead, Custom Construction













Sonoma Harvest Music Festival

Roles: Festival Director, Creative Director & Designer











Craw Thaw Festival

Roles: Operations Director, Web Designer











Squaw's Subaru Winterfest

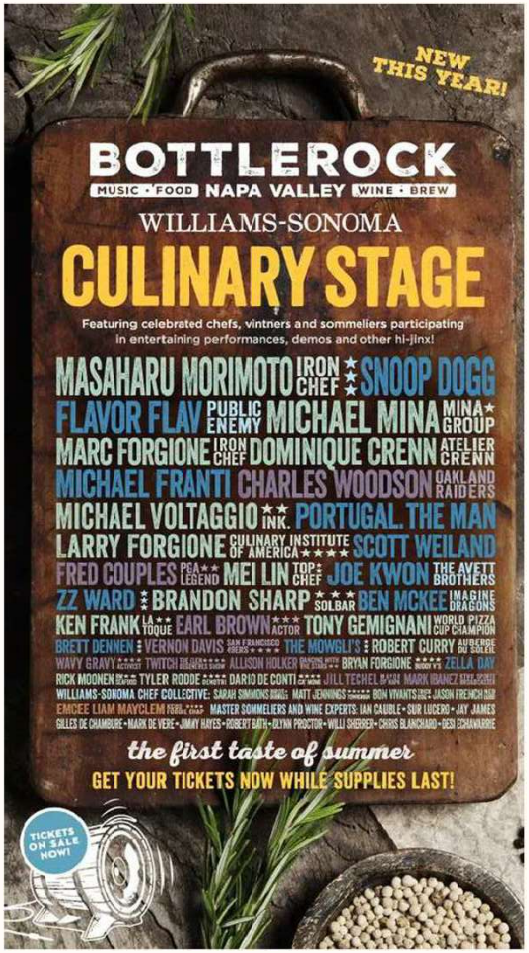
Roles: Operations Director & Stage Install







Promotion Examples









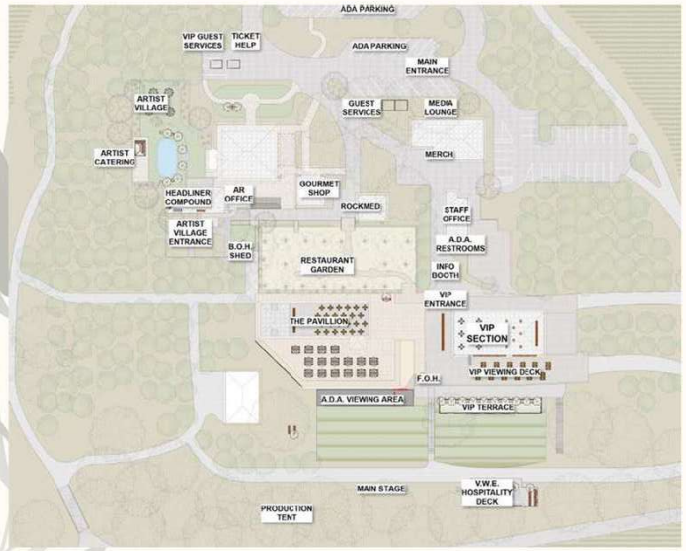


Map Examples

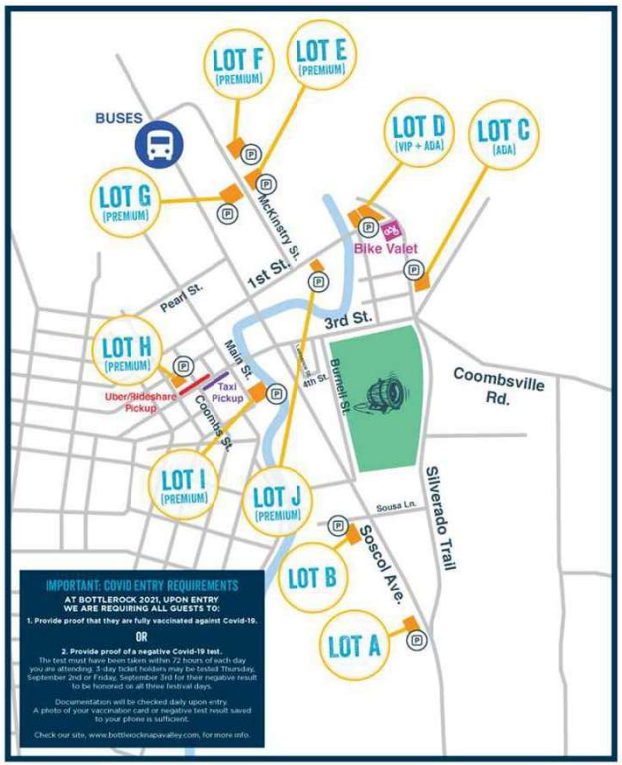




Map Examples





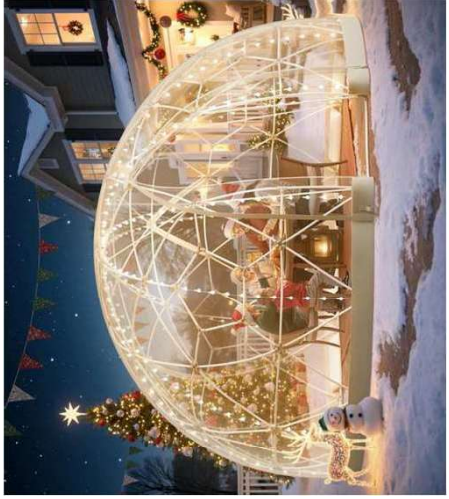


Future Ideas

Logo Update Ideas

- Include Winters, CA in the logo
- Include current year into logo
- Incorporate holiday font
- Update tractor image, but keep rustic look

















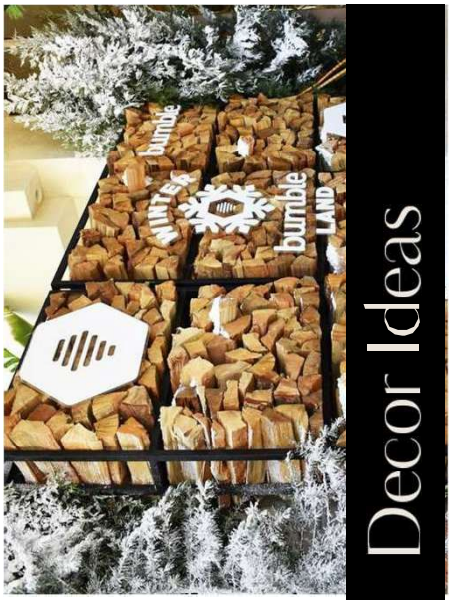












Decor Ideas





Activity Ideas



Peppermint Lane Vendor Row

cohesive holiday booth décor concept

Santa's Tractor Workshop

A FAMILY ACTIVITY ZONE

Tractor Glow-Up

a station where kids decorate mini wooden tractors

Warm-Up Station

fire pits + cocoa (with local business sponsor tie-ins)

Holiday Photo Row

rustic tractor-themed photo ops with lighting

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: April 21, 2026

THROUGH: Jeremy Craig, City Manager

FROM: Barbara Carr, Housing Analyst
(Staff Contact: Barbara Carr 530-795-4910)

SUBJECT: Review Request to Initiate the Surplus Land Act Process for City owned property at Taylor Street and Moody Slough Road (APN: 030-220-061-000) and Provide Staff Direction

RECOMMENDATION:

By simple motion, receive the update on the land and direct staff whether to proceed with the Surplus Land Act process for the Property. Prior to taking any action to dispose of surplus land or participating in negotiations to dispose of surplus land with a prospective transferee, the City of Winters shall send a written Notice of Availability (NOA). The Notice of Availability is only done after a declaration of either “Surplus Land” or “Exempt Surplus Land”.

ACTION FOR CONSIDERATION:

In accordance with the Surplus Land Act, a notification that the city intends to sell or lease surplus property requires following Government Code Section 54222 to begin the 60-day and 90-day notification process for any interested party seeking to acquire the property. City-owned property located at Winter Highlands on the corner of Taylor Street and Moody Slough Road in Winters, CA, Parcel number (APN- 030-220-061-000) “Property”. For a piece of property to be considered as surplus, the City Council recognizes the city has no use for the land within the local jurisdiction, and it is in excess of foreseeable needs but not yet declared surplus (AB1255). The property has been identified as suitable and available for residential development (SB6). The intention is to provide additional information on public lands for affordable housing development. The parcel has been determined and listed as part of the housing element to be suitable for housing

development, and completing the Surplus Land Determination process will result in placement on the Department of General Services State Excess Sites and Development Program webpage, which places the City of Winters in compliance with the Executive Order (EO) N-06-19. The land must be declared either “surplus land” or “exempt surplus land”.

BACKGROUND:

In 2019, the city became the owner of the property located at Winter Highlands on the corner of Taylor Street and Moody Slough Road in Winters, CA Parcel number (APN-030-220-061-000) as part of our Inclusionary Housing requirements. The location is intended for multi-family and affordable for those with an income less than 80 % of the median income. The development of this property will meet some of the requirements of our 6th Cycle Housing Element.

The Housing Needs Assessment for 2013-2021 noted affordability sites for the development of Winters Highlands, including: 26 Very Low Income, 25 Low Income, 15 Moderate Income, and 377 Above Moderate. On January 6, 2009, the City Council approved the Second Amendment to the Development Agreement, and the project included 30 multifamily residences for the vacant site. The City’s 15-percent affordable housing requirement is expected to be achieved through multifamily units, duplexes, and some small single-family lots.

The median income for 2025 is $135,900, and our Housing Plan Regional Housing Needs Allocation (RHNA) calls for an additional 552 housing units. 353 for Moderate to Above Moderate, and just under 200 for Low to Very Low Income. To facilitate an affordable housing development project, we are in search of an organization that will take a thoughtful approach in working with local community and neighborhood groups and take advantage of streamlining opportunities to ensure the project has the best opportunity to compete for critical state funding and demonstrate a deep understanding of the need for affordable housing.

The Surplus Land Act is the first step toward the proposal process and eventually our selection of a development team with the qualifications to implement their proposal in a

manner that maximizes the quality of development while also maximizing value to the City, and, by extension, the residents of the City of Winters. This will be done with a Request for Proposals (RFP). To market the RFP, the timeline under the Surplus Land Act must be followed and properly managed.

The City intends that the eventual project will further the City's public objective of facilitating the development of affordable housing to meet regional needs, and that all applicable City rights or privileges will be eligible for ministerial approval under State housing laws.

BACKGROUND:

Staff has determined that initiating the Surplus Land Act (SLA) process is the most appropriate and effective way to move forward. The SLA provides a clear statutory framework for the disposition of publicly owned land while prioritizing affordable housing development. By pursuing this path, the City ensures transparency, compliance with State requirements, and a competitive opportunity for qualified developers to bring forward viable proposals. The Excess Sites program aims to identify and prioritize excess state-owned property and aggressively pursue sustainable, innovative, cost-effective housing projects. Under Section 202 of the Updated Surplus Land Act Guidelines, prior to taking any action to dispose of surplus land, the governing board of a local agency must hold the required public meeting to declare property as surplus land. The Public Notice was submitted to Winters Express and posted on April 1, 2026. The April 21, 2026, public hearing meets the requirements for a public meeting.

This approach also directly supports the City's Housing Element and Regional Housing Needs Allocation (RHNA) obligations. By proceeding under the SLA, the City maintains eligibility to credit future development on this site toward RHNA, demonstrates to the California Department of Housing and Community Development (HCD) that the site is being actively marketed for housing, and reduces the risk of needing to identify alternate sites to replace these units.

If Council directs staff to begin the process in April 2026, the following steps will occur:

- April 2026: Council declares city-owned property located at Winter Highlands on the corner of Taylor Street and Moody Slough Road in Winters, CA, Parcel number (APN- 030-220-061-000) as “surplus land” or “exempt surplus land” and authorizes the issuance of the Notice of Availability (NOA) as described in Section 201.
- April-June 2026: State-mandated 60-day response window for affordable housing developers, school districts, and other eligible entities.
- April-June 2026: If proposals are received, the City must enter into a 90-day good-faith negotiation period with responding entities. The terms agreed to as part of the 90-day good-faith negotiation period must comply with the following:
    - A local agency cannot prohibit residential use of the surplus land as a condition of a sale or lease.
    - A local agency cannot reduce the authorized number of residential uses or the maximum lot coverage of the surplus land below what is allowed by zoning or general plan requirements.
    - A local agency may not require, as a condition of sale or lease, any design standards or architectural requirements that would have a substantial negative effect on the viability or affordability of a housing development for very low-, low- or moderate-income households, other than the minimum standards required by general plan, zoning, and subdivision standards and criteria.
- Summer-Fall 2026: If negotiations are successful, staff will return to Council with a proposed agreement for disposition. If negotiations are unsuccessful, the City may proceed with alternative disposition pathways that are consistent with SLA requirements.
- A draft copy of any restriction to be recorded against the surplus land will be provided to HCD. The Post-Negotiation Notice and Proposed Disposition Summary will be sent at least 30 days before the disposition of surplus land.
- Prior to finalizing any agreements or disposing of any surplus land, the local agency shall provide to HCD a copy of the resolution, any other formal action, a description of the NOAs sent, a description of the negotiations conducted with any responding entities, proof of deliver of the NOA to all CAlHFA-certified housing sponsors and local public entities, and a draft copy of any restrictions to be recorded against the property pursuant to Government code 54233 or 54233.5.

If Council directs staff to move forward with the Surplus Land Act process, the necessary resolution declaring the site (APN-030-220-061-000) as surplus property will formally begin the process. This action will initiate the statutory requirements under the SLA, including declaring the site on the corner of Taylor Street and Moody Slough Road in Winters, CA, Parcel number (APN- 030-220-061-000) as surplus property and issuing the Notice of Availability to eligible entities. Once initiated, the process will signal to developers and other qualified agencies that the site is available for housing and will trigger the 60-day response period followed by the required negotiation window if proposals are received.

ENVIRONMENTAL REVIEW:

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project that has the potential to result in either a physical change in the environment or a reasonably foreseeable indirect physical change in the environment, pursuant to California Code of Regulations Title 14 Section 15378 (b)(5).

FISCAL IMPACT:

No amount is requested for this item.
Funding Source in the future: 20-PLHA15631
Under Section 301 Eligible Activities:

A) Eligible Activities
   2. The predevelopment, development, acquisition, rehabilitation, and preservation of affordable rental and ownership housing that meets the needs of a growing workforce earning up to 120 percent of AMI

ALTERNATIVES:

The City Council could direct staff to delay initiation of the Surplus Land Act Process. This is not recommended, as it would prolong vacancy of a high-priority site that meets some of our Housing Element and Inclusionary Housing requirements and delay the opportunities for affordable housing development. Under Government Code 54222, a local agency, prior to disposing of property or participating in negotiations to dispose of that property, must send written notice of availability to certain local public entities, CalHFA certified housing sponsors, and other local agencies. To ensure, prior to agreeing

to terms for the disposition of surplus land, we recommend compliance with the disposition requirements and avoiding any violations.

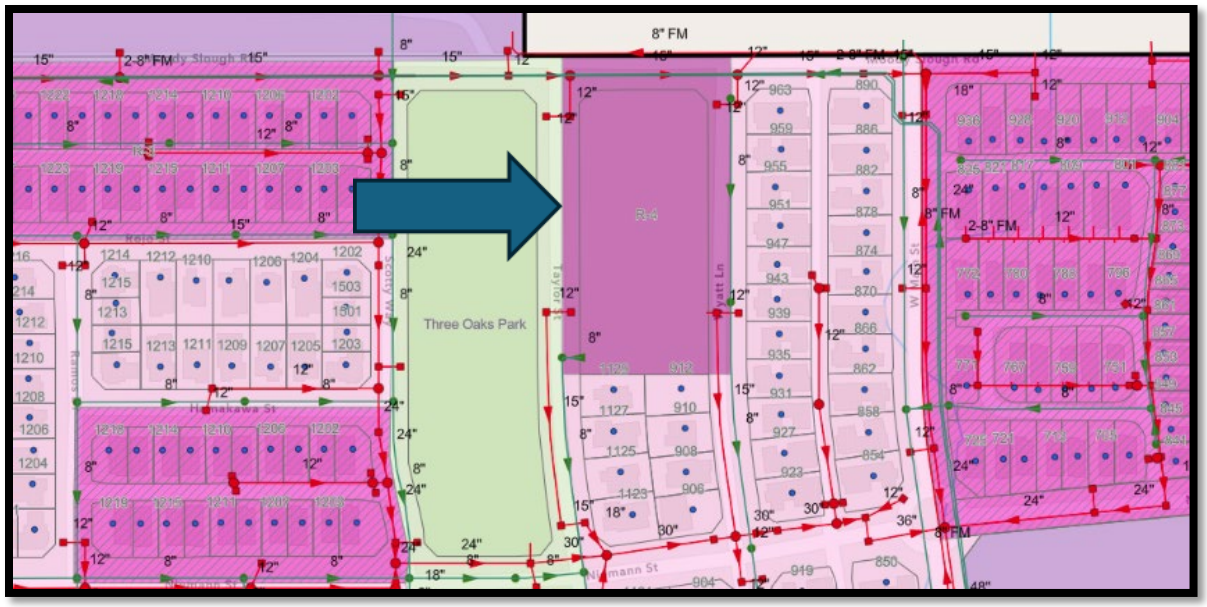
ATTACHMENTS:

1. Map
2. Resolution

a. Example Resolution for Surplus Land
b. Example Resolution for Exempt Surplus Land

3. Surplus Land Letter to Begin 60 Day notification
4. Property Description

CITY OF WINTERS
california
Est. 1875





RESOLUTION NO: 2026-22

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS DECLARING CITY-OWNED PROPERTY ON TAYLOR STREET (APN:030-220-061-000) TO BE SURPLUS LAND, AUTHORIZING THE CITY MANAGER OR THEIR DESIGNEE TO INITIATE MARKETING OF THE PROPERTY IF THE CITY DOES NOT NEGOTIATE A SALE OF THE PROPERTY TO A PREFERRED BUYER UNDER THE SURPLUS LAND ACT

WHEREAS, under the Surplus Land Act, Government Code Section 54220-54234, surplus property is defined as "land owned by any agency of the state, or any local agency, that is determined to be no longer necessary for the agency's use, except property held by the agency for the purpose of exchange."; and

WHEREAS, pursuant to Government Code Section 54222, City staff will send a written offer to sell the surplus property to the entities and agencies identified in Government Code Section 54222 et seq. If one of the entities/agencies desires to purchase the property after having received notice, it must indicate its intent to do so in writing within 60 days of receiving the notice and the City and the other entity/agency may negotiate price and terms for the disposition of the property; and

WHEREAS, in the event no agreement is reached between the City and any interested entity/agency to whom notice is provided, staff will return to the City Council to seek directions as to disposition of the property; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Winters hereby finds the real property located on Taylor Street, Winters, California, more specifically visually illustrated in the Subject Property Map APN: 030-220-061-000 (YOLO COUNTY) (RESOLUTION-ATTACHMENT 1) and any rights, title, and interest therein, surplus.

BE IT FURTHER RESOLVED that the City Manager or their designees is authorized to initiate the process of disposing of the declared surplus property pursuant to the Surplus Land Act and is authorized to initiate marketing of the property if the City does not negotiate a sale of the property to a preferred entity under the Surplus Land Act.

I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Winters, held on 21 day of April 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____

Albert Vallecillo, MAYOR

ATTEST:

_____

Jeremy Craig, CITY CLERK

ATTACHMENT 2

RESOLUTION NO: 2026-xxx

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS DECLARING CITY-OWNED PROPERTY ON TAYLOR STREET (APN:030-220-061-000) TO BE SURPLUS LAND, AUTHORIZING THE CITY MANAGER OR THEIR DESIGNEE TO INITIATE MARKETING OF THE PROPERTY IF THE CITY DOES NOT NEGOTIATE A SALE OF THE PROPERTY TO A PREFERRED BUYER UNDER THE SURPLUS LAND ACT

WHEREAS, under the Surplus Land Act, Government Code Section 54220-54234, surplus property is defined as "land owned by any agency of the state, or any local agency, that is determined to be no longer necessary for the agency's use, except property held by the agency for the purpose of exchange."; and

WHEREAS, pursuant to Government Code Section 54222, City staff will send a written offer to sell the surplus property to the entities and agencies identified in Government Code Section 54222 et seq. If one of the entities/agencies desires to purchase the property after having received notice, it must indicate its intent to do so in writing within 60 days of receiving the notice and the City and the other entity/agency may negotiate price and terms for the disposition of the property; and

WHEREAS, in the event no agreement is reached between the City and any interested entity/agency to whom notice is provided, staff will return to the City Council to seek directions as to disposition of the property; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Winters hereby finds the real property located on Taylor Street, Winters, California, more specifically visually illustrated in the Subject Property Map APN: 030-220-061-000 (YOLO COUNTY) (RESOLUTION-ATTACHMENT 1) and any rights, title, and interest therein, surplus.

BE IT FURTHER RESOLVED that the City Manager or their designees is authorized to initiate the process of disposing of the declared surplus property pursuant to the Surplus Land Act and is authorized to initiate marketing of the property if the City does not negotiate a sale of the property to a preferred entity under the Surplus Land Act.

I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Winters, held on XX day of XXX 2026, by the following vote:

AYES:

NOES:

ABSENT

ATTACHMENT 3

RESOLUTION NO: 2026-xxx

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS DECLARING CITY-OWNED PROPERTY ON TAYLOR STREET (APN:030-220-061-000) TO BE EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221 (f)(1)(a)

WHEREAS, under the Surplus Land Act, Government Code Section 54220-54234, surplus property is defined as "land owned by any agency of the state, or any local agency, that is determined to be no longer necessary for the agency's use, except property held by the agency for the purpose of exchange."

WHEREAS, the City of Winters ("City") desires that the parcel (APN: 030-220-061-000) be developed as a 100 percent affordable housing project: and,

WHEREAS, PURSUANT Government Code Section 54221 (b) (1) of the Surplus Land Act (Government Code Sections 54220-54234), the City Council must declare the Property to be "surplus land" or "exempt surplus land" before the City Council takes action to dispose of the Site; and,

WHEREAS, Government Code Section 54221 (f)(1)(a)(b)(e) ((K)(L) defines "exempt surplus land" to include surplus land that is transferred pursuant to Government Code Section 103. Exemptions in the Surplus Land Act Guidelines must meet the requirements of Government Code section 25539.4. City-owned surplus land transferred for the development of affordable housing must meet the requirements of Government Code section 37364. And submit a DDA, ENA or lease that confirms the requirements of Government code 54221 (f)(1)(a) have been met and .

WHEREAS, the Disposition and Development Agreement (DDA) must be reviewed prior to entering any agreement by the California Department of Housing and Community Development "HCD" and is an agreement that binds the developer to construct a specific development and the local agency to dispose of the property to the developer if permits and other entitlements for the project are obtained and other applicable conditions are met; and,

WHEREAS, an Exclusive Negotiating Agreement (ENA) means a legally binding agreement that binds a prospective buyer and seller under which the seller cannot negotiate with , entertain offers from, or make any similar deals with other potential buyers for a specified period regarding a particular property has been reviewed by HCD prior to entering any agreement.

WHEREAS, the development of affordable housing on the Site will increase the supply of much-needed housing that will be available to low- and moderate-income households; and

WHEREAS, an affordable housing development on the Site would assist the City in meeting the affordable housing requirements of the City's Regional Housing Needs Assessment; and,

WHEREAS, pursuant to the Surplus Land Act Guidelines issued by the HCD, any determination by a local agency that its surplus lands are exempt from the Surplus Land Act must be provided to HCD for its review at least 30 days prior to disposition.

THEREFORE, the City Council hereby declares that the Site is exempt surplus land because the City intends to dispose of the Site for the development of an affordable housing project that complies with the requirements of Government Code Section 54230,Section 54221, Section 54226, and the Site is exempt surplus land because the City intends to dispose of the Site pursuant to Government Code Section 37364 which authorizes city-owned land to be sold or leased for less than fair market value to develop affordable housing for low or moderate in households and qualifies for "exempt surplus land" under the Surplus Land Act. The City Manager is hereby authorized, jointly and severally, to take any other such actions as they deem necessary or proper to effectuate the purposes of this Resolution, and all actions previously take are hereby ratified. The City Council hereby finds that the actions are not subject to California Environmental Quality Act because they are activities that are excluded by definition of a project by section 21065 of the Public Resources Code and section 15378 (b) of the State CEQA Guidelines. This action declares the SITE exempt surplus and directs staff to effectuate the purpose of this Resolution. No commitment to a project is being made at this time.

I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Winters, held on XX day of XXX 2026, by the following vote:

AYES:

NOES:

ABSENT

Xxx xx, 2026

To All Interested Parties:

RE: Notice of Availability/Offer to Sell Surplus Property

As required by Government Code Section 54220 of the State of California, Winters is providing notification that the City intends to **sell/lease** the surplus property listed in the accompanying table.

In accordance with Government Code Section 54222, you have sixty (60) days from the date this offer was sent via certified mail or electronic mail to notify the City of Winters your interest in acquiring the property. However, this offer shall not obligate the City of Winters to sell the property to you. Instead, the City of Winters would enter into at least ninety (90) days of negotiations with you pursuant to Government Code Section 54223. If no agreement is reached on sales price and terms, or lease terms, the City of Winters may market the property to the general public.

As required by Government Code Section 54227, if the City of Winters receives more than one letter of interest during this 60-day period, it will give first priority to entities proposing to develop housing where at least 25 percent of the units will be affordable to lower income households. If more than one such proposal is received, priority will be given to the proposal with the greatest number of affordable units. If more than one proposal specifies the same number of affordable units, priority will be given to the proposal that has the lowest average affordability level.

In the event your agency or company is interested in purchasing the property, you must notify the City of Winters in writing within sixty (60) days of the date this notice was sent via certified mail or electronic mail. Notice of your interest in acquiring the property shall be delivered to Barbara Carr, Housing Analyst, at 318 First Street, Winters, CA 95694. You may also direct your questions to Barbara.Carr@cityofwinters.org or by calling 530-795-4910.

Entities proposing to submit a letter of interest are advised to review the requirements set forth in the Surplus Land Act (Government Code Section 54220-54234).

Barbara Carr
Housing Analyst
City of Winters
530-795-4910

Jurisdiction Name	Jurisdiction Type	Site Address/Intersection	City	Five Digit ZIP Code	County	Assessor Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)
City of Winters	City	Taylor St and Moody Slough Rd.	Winters	95694	Yolo	038-050-018			R-4 High Density Multi-Family Residental

Minimum Density Allowed (units/acre)	Maximum Density Allowed (units/acre)	Parcel Size (Gross Acres)	Existing Use/Vacancy	Minimum Sales Price	Last Appraised Value	Last Appraised Date	Optional Information1	Optional Information2
		30 2 acres	vacant				Affordable Rental Apartments	Review 6th Cycle Housing Plan

PUBLIC NOTICE

Notice of Public Meeting for Discussion of City of Winters Surplus Land

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a public meeting on April 21, 2026, at 6:30 p.m., at City Hall, 318 First Street, Winters, CA 95694 as required by Government Code Section 54220 of the State of California, The City of Winters is providing notification that the City intends to sell or lease the surplus property owned by the City of Winters located at Taylor and Moody Slough Rd (APN 030-220-061-000) We encourage the community to attend the public hearing to provide residents' views on housing and community development needs to improve livability within the community.

The City of Winters anticipates the surplus property, once the State of California receives notification, it will generate interest in acquiring the property. The location is intended for high-density (R-4) and affordable for those with an income less than 80% of the median income for Yolo County. The Surplus Land Act is the first step toward the proposal process and eventually our selection of a development team with the qualifications to implement a quality development while also maximizing value to the City, and by extension, the residents of the City of Winters.

The purpose of this hearing is to review compliance with the State of California's Surplus Land Act and to establish a path for a competitive process that allows qualified developers to submit viable proposals for the two-acre parcel.

At the public hearing of the City Council, the City Council shall consider all evidence and testimony for and against the proposed plans to determine by a simple motion, whether staff should proceed with the Surplus Land Act process.

At any time prior to the public hearing, any person may file in writing with the City a statement of his or her objections to the proposed request for this propoerty and the proposed project. The staff report will be available on the City's website at least 72 hours before the hearing.

https://www.cityofwinters.org/194/Meetings

The following information related to the project is available at 318 First Street between the hours of 8 a.m. to 5 p.m. on Monday-Thursday or by emailing the contact listed below:

A. Amount of funds available and range of activities that may be undertaken.

B. Information on proposed project(s).

C. Estimated amounts of funds proposed are to be used for activities benefiting persons of low- and moderate-income.

D. Plans for minimizing displacement of persons as a result of activities associated with CDBG funds and plans for providing assistance to persons displaced as a result of CDBG-funded activities.

If you are unable to attend the public hearing, you may direct written comments to the City of Winters, at the address above, or you may contact Barbara Carr by telephone or email at 530-795-4910 and barbara.carr@cityofwinters.org no later than March 2, 2026, at 3 p.m. to ensure placement in the official record of the hearing.

In compliance with the Americans with Disabilities Act, The City of Winters does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identify, age, n or disability. If you require specific accommodation to participate in the public hearing, p contact Barbara Carr at least one day prior before the scheduled hearing date and time

4/1/26#88277

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: April 21, 2026

THROUGH: Jeremy Craig, City Manager

FROM: Kelly Mumper, Contract Planner

SUBJECT: Introduction (First Reading) of Ordinance No. 2026-05 adopting regulations required by Assembly Bill 1236 pertaining to the streamlining and ministerial approval of Electric Vehicle Charging Systems & Stations in the City of Winters.

RECOMMENDATION:

1. Introduce and waive the first reading of Ordinance 2026-05, Electric Vehicle Charging Systems & Stations.

2. Direct staff to publish a summary ordinance in the Winters Express at least 5 days prior to the 2nd reading and adoption of the proposed ordinance.

BACKGROUND:

The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a general plan for the physical development of the county or city and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities. Existing law, the Electric Vehicle Charging Stations Open Access Act, prohibits the charging of a subscription fee on people desiring to use an electric vehicle charging station, as defined, and prohibits a requirement for people to obtain membership in any club, association, or organization as a condition of using the station, except as specified.

The bill requires a city, county, or city and county to approve an application for the

installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

The bill provides for appeal of that decision to the planning commission, as specified. The bill provides that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern. The bill requires electric vehicle charging stations to meet specified standards. The bill requires a city, county, or city and county with a population of 200,000 or more residents to adopt an ordinance, by September 30, 2016, that creates an expedited and streamlined permitting process for electric vehicle charging stations, as specified. The bill requires a city, county, or city and county with a population of less than 200,000 residents to adopt this ordinance by September 30, 2017. The bill authorizes the city, county, or city and county, in developing the ordinance, to refer to guidelines contained in a specified guidebook. The bill also authorized the adoption of an ordinance that modifies the checklists and standards found in the guidebook due to unique conditions. By increasing the duties of local officials, this bill creates a state-mandated local program.

DISCUSSION:

The City of Winters was contacted by the Office of Planning and Research and informed that the City of Winters had yet to submit evidence of compliance with Assembly Bill 1236 (AB1236). While the City of Winters treated all current Electric Vehicle Charging Systems & Stations in the City of Winters with the same standards as (AB1236), the City of Winters Municipal Code lacked the codified language. By adopting this ordinance, the City of Winters will become fully complaint with (AB1236).

ENVIRONMENTAL ANALYSIS:

The ordinance is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(B)(3) of the CEQA Guidelines, because adoption of the proposed ordinance amendment is covered by the general rule that CEQA applies only to projects causing a significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment.

FISCAL IMPACT:

City staff time preparing the draft, Public Hearing Notices, Code Publishing fees are charged at $26.00 per page.

ATTACHMENTS:

1) Ordinance No. 2026-05 (Exhibit A).
2) City of Winters EV Charging Station Building Permit Checklist.
3) Assembly Bill 1236 Bill Text PDF.

ORDINANCE NO. 2026–05
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING CHAPTER 15.110 (ELECTRIC VEHICLE CHARGING SYSTEMS & STATIONS) OF THE WINTERS MUNICIPAL CODE

WHEREAS, the City of Winters ("City) has authority to adopt this ordinance pursuant to the general police power granted to cities by Article XI, Section 7 of the California Constitution.

WHEREAS, Chapter 15 of the Winters Municipal Code regulates Buildings and Construction; and

WHEREAS, the Office of Planning and Research informed the Community Development Department of noncompliance with Assembly Bill 1236 via email to staff; and

WHEREAS, the City Council held a public hearing on April 21, 2026, on the proposed ordinance to allow public testimony and comment; and

WHEREAS, staff submitted the public hearing notice to the Winters Express on March 27, 2026, and was subsequently published on April 1, 2026; and

WHEREAS, the City Council desires to amend the Winters Municipal Code to gain compliance with Assembly Bill 1236 and Government Code 65850.7 as it pertains to Electric Vehicle Charging Systems & Stations to be consistent with state law.

THE CITY COUNCIL OF THE CITY OF WINTERS DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to add various sections of the text in the Winters Municipal Code necessary to ministerially regulate the permitting of Electric Vehicle Charging Systems & Stations.

Section 2. Addition to Chapter 15.110. Chapter 15 (Electric Vehicle Charging Systems & Stations) of Title 15 (Buildings and Construction) of the Winters Municipal Code is hereby amended in its entirety to read as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 3. Conflicting Laws. To the extent that there is any conflict between the provisions of this Ordinance and any provision of the Winters Municipal Code, an ordinance, or a resolution or policy, all such conflicting provisions shall be superseded by this Ordinance.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 5. CEQA. The City Council finds that no further environmental review is necessary for the project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines) because adoption of the ordinance has no potential for resulting in physical change in the environment, directly or indirectly, as it clarifies and furthers the intent and scope of the City's existing not permit or authorize new or increased intensity of uses.

Section 6. Effective Date and Publication. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law. This Ordinance shall take effect thirty (30) days following its adoption.

INTRODUCED on the ____ day of _____, 2026, and **PASSED AND ADOPTED** by the City Council of the City of Winters on this _____ day of _____, 2026, by the following vote:
AYES:
NOES:
ABSENT:
ABSTAIN:
CITY OF WINTERS

_____

Albert Vallecillo, Mayor
ATTEST:

_____

Jeremy Craig, City Clerk

Exhibit "A"

Ordinance No. 2026-05

Chapter 15.110 ELECTRIC VEHICLE CHARGING SYSTEMS & STATIONS

15.110.10 Definitions.

(a) "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electric Code and delivers electricity from a source outside an electric vehicle into a plug-in vehicle.

(b) "Electronic submittal" means the utilization of one or more of either electronic mail, the internet, or facsimile.

(c) "Feasible method to satisfactorily mitigate" or "avoid the specific adverse impact" includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the city on another similarly situated application in a prior successful application for a similar permit.

(d) "Specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Ord. 2026-05).

15.110.020 Purpose.

The purpose of this chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations. (Ord. 2026-05).

15.110.030 Applicability.

Section 65850.7 of the California Government Code provides that every city, county or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for electric vehicle charging stations.

(a) This chapter applies to the permitting of all electric vehicle charging systems in all areas of the city limits.

(b) Electric vehicle charging systems legally established or permitted prior to the effective date of the chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type or components of an electric vehicle charging system in such a way as to require

new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit. (Ord. 2026-05).

15.110.040 Electric vehicle charging system requirements.

(a) All electric vehicle charging systems shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electric Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of Public Utilities Commission regarding safety and reliability.

(b) Installation of electric vehicle charging stations shall be incorporated into load calculations of all new or existing electrical services and shall meet the requirements of the California Electric Code. Electric vehicle charging equipment shall be considered a continuous load.

(c) Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

(d) Electric vehicle charging stations shall be located on a parcel appropriately zoned for such use, as determined by the director of the planning and building services department. Any determination by the planning and building services department director that an electric vehicle charging station is not allowed on a particular parcel as a result of that parcel's zoning is appealable to the city council in accordance with Chapter 2.44 (Hearings and Appeals). The requirements detailed in this chapter for the acceptance and issuance of a building permit application for an electric vehicle charging station shall not commence until after the city council has rendered its decision on said appeal filed pursuant to Chapter 2.44 (Hearings and Appeals). (Ord. 2026-05).

15.110.050 Duties of the Chief Building Official.

(a) All documents required for the submission of an electric vehicle charging system application shall be made available to the public on the city's website.

(b) Within thirty days of the effective date of the ordinance codified in this chapter, the planning and building services department shall make a checklist of all requirements with which electric vehicle charging systems shall comply to be eligible for expedited review available to the public.

(c) The electric vehicle charging system permit process and checklist shall substantially conform to the recommendations contained in the most recent version of the Plug-in Electric Vehicle Infrastructure Permitting Checklist contained in the Zero-Emission Vehicles in California: Community Readiness Guidebook adopted by the Governor's Office of Planning and Research.

(d) The Chief Building Official shall allow the electronic submittal of the electric vehicle charging station application. (Ord. 2026-05).

15.110.060 Permit review requirements.

(a) Review of the permit application shall be limited to the Chief Building Official‘s review of whether the application meets local, state, and federal health and safety requirements. The application shall be administratively reviewed by the Chief Building Official as a nondiscretionary permit.

(b) The city shall not condition approval of an application on the approval of an association, as that term is defined by Civil Code Section 4080.

(c) An application for an electric vehicle charging station shall be deemed complete and the permit available for issuance, when the Chief Building Official determines that the application satisfies all requirements found in the checklist.

(d) If an application is deemed incomplete, a written plan check correction notice will be available to the applicant within ten working days, detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be given to the applicant for resubmission. If, at any time, legislation is adopted that requires review for acceptance and issuance of a permit in less time than indicated in this section, the Chief Building Official shall comply with said legislation. The checklist provided by the planning and building services department pursuant to Section 15.110.050, and any other pertinent information pertaining to submittal of an application, shall indicate any new time limits that may be established by the legislature after adoption of this chapter.

(e) The Chief Building Official, in consultation with the city Planner and building services department, may require an applicant to apply for a use permit if the Chief Building Official finds, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. Any such use permit shall be submitted and will be considered in accordance with Chapter 17.20 (Use Permits) of this code.

(1) If the applicant is not satisfied with the Chief Building Official’s determination that a use permit is required, he/she may, within thirty days after such action, appeal in writing to the planning commission by filing an appeal with the planning and building service department and paying the fee established by the city council for appeals to the planning commission.

(A) Public Hearing. Within sixty days of filing an appeal with the planning and building services department, the appeal shall be scheduled for public hearing before the planning commission. Notice of the hearing shall be given by publication at least one time in a newspaper of general circulation, and by mail or delivery to the subject property owner and applicant and to all record owners of property immediately adjacent

to the subject property, at least ten days prior to the hearing. If there is no newspaper in general circulation, the notice will be posted in at least three public locations, as determined by the director of the planning and building services department. Any appeal hearing shall be de novo.

(B) Appeal to the City Council. Any interested party not satisfied with the planning commission's decision may appeal to the city council within ten days of the planning commission's action regarding the appeal. Such an appeal shall be submitted in writing to the city clerk, along with the appropriate fee established by the city council for appeals and shall detail the basis for the appeal. Whenever possible, the city council shall hold a public hearing on the appeal within sixty days of receipt by the clerk. Notice of the hearing shall be given by publication at least one time in a newspaper of general circulation, and by mail or delivery to the subject property owner and to all record owners of property immediately adjacent to the subject property, at least ten days prior to the hearing. If there is no newspaper in general circulation, the notice will be posted in at least three public locations, as determined by the director of the planning and building services department. Any appeal hearing shall be de novo.

(f) If a use permit is required, the application for the use permit may be denied if the planning commission, or city council on appeal, makes written findings, based on substantial evidence in the record, that the proposed installation would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of potential feasible alternatives for preventing the specific, adverse impact. (Ord. 2026-05).

City of Winters Electric Vehicle Charging Station
Permitting Checklist

	Residential	Non-Residential
Phase 1 **Pre-Work** **Contractor**	✓ Understands intended use of the EVSE (i.e. personal)	✓ Obtain an address for the location ✓ Determine the ownership of the site and/or authorization to install equipment at site ✓ Understands intended use of the EVSE (i.e., fleet, employee, customer, visitor, etc.) ✓ Determine number of vehicles charging and connectors per charging station ✓ Determine source of power and authorization to use source
	✓ Determine type of vehicle(s) to be charged at EVSE ✓ Evaluate mounting type options (i.e., bollard, pole-mount, wall-mount, ceiling-mount) ✓ Clarify communication requirements (i.e., Ethernet, cellular, Wi-Fi, none or other) ✓ Determine the NEMA Enclosure type ✓ Determine the physical dimensions of the space(s) ✓ Inspect the type of circuit breaker panel board intended for the installation	
Phase 2 **Pre-Work** **Customer**	✓ Identify incentives or rate structures through the utility ✓ Determine size of electrical service at the site ✓ Identify and contact applicable local permit office(s) to identify specific requirements, including local fire, environmental, construction, building, concealment and engineering requirements ✓ Identify incentives available through local, state or federal programs ✓ Contact insurance company to acquire additional insurance or separate coverage as needed ✓ Hire the contractor and verify credentials with all subcontractors; ensure electrical contractor's license for electrical work is current	
Phase 3 **On-Site** **Evaluation**	✓ Verify EVSE meets UL requirements and is listed by UL or another nationally recognized testing laboratory ✓ Verify EVSE has an appropriate NEMA rated enclosure (NEC 110.28) based on environment and customer needs, such as weatherization or greater levels of resistance to water and corrosive agents ✓ Determine the level or charger meets customer's PEV requirements (most vehicles require the maximum of a 240V/32A (40A breaker) ✓ Based on proposed EVSE location, determine if cord length will reach a vehicle's charging inlet without excessive slack and does not need to be more than 25' in length (NEC 625.17) ✓ Cord management methodologies have been considered to reduce the risk of tripping hazards and accidental damage to the connector ✓ Mounting type selection based on requirements to meet site guidelines ✓ Determine whether EVSE communication options are beneficial to customer and/or local utility	

Phase 4 **On-Site Survey**	✓ Ensure overhead doors and vehicle parking spot do not conflict with EVSE location ✓ Place EVSE in a location convenient to charging port on vehicle and typical orientation of the vehicle in garage (i.e., backed in or head-first) ✓ Ensure functionality of lighting in the garage to meet NEC code 210-70	✓ Space(s) should be visible to drivers and pedestrians ✓ Determine proximity to building entrance (could be considered an incentive for PEV use) ✓ Select spaces proximate to existing transformer or panel with sufficient electrical capacity ✓ EVSE installation should maintain a minimum parking space length to comply with local zoning requirements ✓ If available, use wider spaces to reduce the risk of cord damage and minimize the intersection of cords with walking paths ✓ Ensure sufficient lighting at proposed space(s) to reduce the risk of tripping and damage to charging station from vehicle impact or vandalism; light levels above two foot candles are recommended ✓ Address accessibility requirements (refer to the Plug-In Electric Vehicle Infrastructure and Equipment Accessibility section of the Guidebook for more information) ✓ Determine availability of space for informative signing ✓ EVSE with multiple cords should be placed to avoid crossing other parking spaces ✓ All available charging station mounting options should be considered and optimized for the space ✓ Determine if hazardous materials were located at the site PARKING DECKS ✓ Place EVSE towards the interior of a parking deck to avoid weather-related impacts on equipment PARKING LOTS ✓ Avoid existing infrastructure and landscaping to mitigate costs, potential hazards and other negative impacts ON-STREET ✓ Install on streets with high foot and vehicle traffic to mitigate vandalism ✓ Avoid existing infrastructure to mitigate costs, potential hazards and other negative impacts ✓ Address accessibility requirements (refer to the Plug-In Electric Vehicle Infrastructure and Equipment Accessibility section of the Guidebook for more information)

		✓ For pull-in spaces, EVSE should be placed in front of the space and either centered on the space if placed between two spaces (if two connectors are available); EVSE with more than two connectors should not be used in on-street applications ✓ For parallel parking locations, the charging station should be installed at the front third of the parked vehicle and based on the direction of traffic flow; EVSE with a single connector is recommended to reduce potential trip hazards
	✓ Mount the connector at a height between 36" and 48" from the ground (NEC 625.29) unless otherwise indicated by the manufacturer ✓ Install wall or pole-mount stations and enclosures at a height between 36" and 48" ✓ Ensure sufficient space exists around electrical equipment for safe operation and maintenance (NEC 110.26); recommended space is 30" wide, 3' deep and 6'6" high ✓ Minimize tripping hazards and utilize cord management technologies when possible ✓ Equipment operating above 50 volts must be protected against physical damage (NEC 110.27); ensure the vehicle is out of the line of vehicle travel and use wheel stops or other protective measures ✓ EVSE must be located such that ADA routes maintain a pathway of 36" at all times	
Phase 4 **Contractor Installation Preparation**	✓ Price quote submitted to customer and approved including utility upgrades ✓ Order equipment ✓ Provide stamped engineering calculations as needed ✓ Provide site plan modification with diagrams as necessary ✓ Complete all necessary service upgrades and/or new service assessments ✓ Complete permit applications as required by local permitting department ✓ Ensure permit is approved and collected ✓ Schedule all necessary contract work (i.e., boring, concrete and/or paving restoration) and utility work (i.e., utility marking, service upgrade, new service and/or meter pull) ✓ Ensure utility marking of existing power lines, gas lines or other infrastructure is completed and utilize "call before you dig" services	
Phase 5 **Installation**	✓ Residential garages may permit the use of nonmetallic-sheathed cable in lieu of conduit	✓ Run conduit from power source to station location ✓ For EVSE greater than 60 amperes, a separate disconnect is required (NEC 625.23) and should be installed concurrently with conduit and visible from the EVSE
	✓ Post permit at site in visible location ✓ Remove material to run conduit and/or wiring (i.e., drywall, insulation, pavers, concrete, pavement, earth, etc. ✓ Contractors are encouraged to examine requirement for installation sites and types of wiring in Chapter 3 of the NEC ✓ Pull wiring; charging stations require a neutral line and a ground line and equipment is considered to be a continuous load	

	✓ Conductors should be sized to support 125% of the rated equipment load (NEC 625.21) ✓ Preparing mounting surface and install per equipment manufacturer instructions ✓ Floor-mount: typically requires a concrete foundation with J-bolts on station base; place with space to allow conductors to enter through the base ✓ Wall/pole/ceiling-mount: install brackets for mounting of the equipment ✓ Install bollard(s) and/or wheel stop(s) as needed ✓ Install informative signage to identify the EVSE and potential trip hazards ✓ Install additional electrical panels or subpanels as needed ✓ Install service upgrades, new service and/or new meter as needed; utility may also pull a meter to allow for charging station wires to be connected to a panel ✓ Make electrical connection ✓ Perform finish work to repair existing infrastructure, surfaces and landscaping
Phase 6 **Inspection**	✓ An initial electrical inspection by applicable building, fire, environmental and electrical authorities should occur after conduit has been run and prior to connecting equipment and running wires; if necessary, contractor should correct any issues and schedule a second rough inspection ✓ If required, the inspector will perform a final inspection to ensure compliance with NEC and other codes adopted within the jurisdiction by inspecting wiring, connections, mounting and finish work ✓ Contractor should verify EVSE functionality
Additional Resources	✓ National Codes and Standards ✓ American National Standards Institute (ANSI) ✓ National Fire Protection Association (NFPA) ✓ Underwriters Laboratories, Inc. (UL) ✓ International Association of Electrical Inspectors (IAEI) ✓ International Code Council (ICC) ✓ NECA-NEIS Standards ✓ NECA and NFPA Webinars ✓ Electrical Vehicle Infrastructure Training Program (EVITP) Installer Training Course/Certification

STATE OF CALIFORNIA
LEGISLATIVE COUNSEL BUREAU
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Assembly Bill No. 1236

CHAPTER 598

An act to add Section 65850.7 to the Government Code, relating to local ordinances.

[Approved by Governor October 8, 2015. Filed with Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1236, Chiu. Local ordinances: electric vehicle charging stations.

The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a general plan for the physical development of the county or city and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities. Existing law, the Electric Vehicle Charging Stations Open Access Act, prohibits the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, and prohibits a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified.

The bill would require a city, county, or city and county to approve an application for the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The bill would provide for appeal of that decision to the planning commission, as specified. The bill would provide that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern. The bill would require electric vehicle charging stations to meet specified standards. The bill would require a city, county, or city and county with a population of 200,000 or more residents to adopt an ordinance, by September 30, 2016, that creates an expedited and streamlined permitting process for electric vehicle charging stations, as specified. The bill would require a city, county, or city and county with a population of less than 200,000 residents to adopt this ordinance by September 30, 2017. The bill would authorize the city, county, or city and county, in developing the ordinance, to refer to guidelines contained in a specified guidebook. The bill would also authorize the adoption of an ordinance that modifies the checklists and standards found in the guidebook due to unique conditions. By increasing the duties of local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65850.7 is added to the Government Code, to read:

65850.7. (a) The Legislature finds and declares all of the following:

(1) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern.

(2) It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of electric vehicle charging stations and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install electric vehicle charging stations.

(3) It is the policy of the state to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use.

(4) It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of electric vehicle charging stations by removing obstacles to, and minimizing costs of, permitting for charging stations so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.

(b) A city, county, or city and county shall administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install an electric vehicle charging station shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city, county, or city and county makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the city, county, or city and county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis

for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(e) Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific, adverse impact upon the public health or safety at the lowest cost possible.

(f) (1) An electric vehicle charging station shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) An electric vehicle charging station shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(g) (1) On or before September 30, 2016, every city, county, or city and county with a population of 200,000 or more residents, and, on or before September 30, 2017, every city, county, or city and county with a population of less than 200,000 residents, shall, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, adopt an ordinance, consistent with the goals and intent of this section, that creates an expedited, streamlined permitting process for electric vehicle charging stations. In developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, or city and county, shall be deemed complete. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. However, the city, county, or city and county may establish a process to prioritize competing applications for expedited permits. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance. An application submitted to a city, county, or city and county that owns and operates an electric utility shall demonstrate compliance with the utility's interconnection policies prior to approval.

(2) The checklist and required permitting documentation shall be published on a publicly accessible Internet Web site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on

all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the city, county, or city and county may refer to the recommendations contained in the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research. A city, county, or city and county may adopt an ordinance that modifies the checklists and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions. If a city, county, or city and county determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the city, county, or city and county shall state, in the ordinance required under this subdivision, the reasons for its inability to accept electronic signatures and acceptance of an electronic signature shall not be required.

(h) A city, county, or city and county shall not condition approval for any electric vehicle charging station permit on the approval of an electric vehicle charging station by an association, as that term is defined in Section 4080 of the Civil Code.

(i) The following definitions shall apply to this section:

(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit.

(2) "Electronic submittal" means the utilization of one or more of the following:

(A) Email.

(B) The Internet.

(C) Facsimile.

(3) "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(4) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: April 21, 2026

FROM: David Dowswell, Contract Planner

SUBJECT: Public Hearing - Introduce and Waive First Reading of Ordinance No. 2026-03 amending Chapter 17.98, Accessory Dwelling Units (ADUs), of the Municipal Code regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) to comply with recent changes in State Law; and finding the action to be statutorily exempt from CEQA under Section 21080.17 of the Public Resources Code.

RECOMMENDATION: Staff recommends that the City Council:

1. Receive the staff report.
2. Conduct a public hearing on the Ordinance No. 2026-03.
3. Close the public hearing
4. Introduce and waive first reading of Ordinance 2026-03 Amending Section 17.04.140 and Chapter 17.98 of the Winters Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Finding the Action to Be Statutorily Exempt from CEQA Under Section 21080.17 of the Public Resources Code.

BACKGROUND:

In recent years, the California Legislature has approved, and the Governor has signed into law several bills amending various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs. In 2024, the California Legislature approved, and the Governor signed into law, AB 2533 and SB 1211 furthering amending state ADU law, summarized below.

AB 2533 prohibited a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, if the unpermitted ADU or JADU was built to comply with the standards in Section 17920.3 of the Health and Safety Code. It also stated that a homeowner applying to legalize an unpermitted ADU or JADU that was constructed before January 1, 2020, shall not be required to pay impact fees. Upon applying to legalize an unpermitted ADU or JADU an inspector of the local agency may inspect for compliance with the health and safety standards.

SB 1211 added a new definition: "'Livable space' means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation." (See amended Gov. Code, § 66313(e).

SB 543 – Elimination of Impact Fees for ADUs and JADUs
SB 543 limits the maximum size of a Junior ADU to 500 square feet of livable interior space. The new bill requires that within 60 days of adopting a new ordinance regulating ADUs and JADUs the city submit it to the Department of Housing and Community Development for review and require changes to be made to the ordinance to ensure compliance with state law. The City's existing ordinance prohibits the city from charging impact fees on an ADU that is less than 750 square feet. The new law also prohibits charging fees on a JADU with less than 500 square feet of livable interior space. Lastly, the new bill does not require the state to reimburse a local agency for certain costs mandated by the state regarding ADUs and JADUs.

AB 976 – Eliminates Owner-Occupancy
AB 976 eliminates the requirement that the property owner must live in the primary dwelling or ADU or JADU.

On February 24, 2026, the Planning Commission at a public hearing considered the proposed ordinance amending Chapter 17.98 Accessory Dwelling Units of the Municipal Code. At the conclusion of the hearing the Planning Commission recommended unanimously that the City Council adopt the amended ordinance (Attachment A).

ANALYSIS: The proposed ordinance amends Chapter 17.98 Accessory Dwelling Units of the Municipal Code to comply with the most recent changes to State ADU Law.

Key changes to the ADU regulations include:

- Prohibits cities/counties from collecting impact fees on ADUs with less than

750 square feet and JADUs with less than 500 square feet of livable interior space.

- Prohibits cities/counties from requiring an owner-occupancy agreement stating that the owner will live in either the primary dwelling or ADU/JADU unless the JADU shares sanitation facilities with the primary dwelling.
- Requires cities/counties to submit within 60 days of adopting a new ordinance regulating ADUs and JADUs the city submit it to the Department of Housing and Community Development for review and require changes be made to the ordinance to ensure compliance with state law.

The attached draft ordinance (Attachment A) includes changes to the City of Winters Municipal Code Chapter 17.98, Accessory Dwelling Units, substantially in the form attached.

Since the Planning Commission meeting a change has been made to the draft ordinance. Section 17.98.030 Definitions has been deleted as the city already has each of these definitions in Chapter 17.04 Introductory Provisions and Definitions of the Municipal Code. Some other minor changes were made: the Purpose and Intent section was edited to reflect the current language for this section, Also, some minor changes deleting the references to Class 1 and Class 2 ADUs were made to Section 17.98.040.

ENVIRONMENTAL ASSESSMENT: Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the Government Code, which is California's ADU law, and which also regulates JADUs, as defined by section 66313. Therefore, the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in State CEQA Guidelines section 15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. The ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot.

PROJECT NOTIFICATION: A notice advertising for the public hearing on this application was prepared by the Community Development Department in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law and was published in the Winters Express on April 8, 2026, ten days prior to the hearing.

ATTACHMENTS:

A. Draft Ordinance 2026-03 with proposed edits and clean version with edits accepted

ORDINANCE NO. 2026-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING CHAPTER 17.98 OF THE WINTERS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 21080.17 OF THE PUBLIC RESOURCES CODE

WHEREAS, the City of Winters, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

WHEREAS, Government Code sections 66310–66342 (the "State ADU Law") impose limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the City implements State ADU Law via Winters Municipal Code Chapter 17.98, Accessory Dwelling Units (the "ADU Ordinance"); and

WHEREAS, in recent years, the City has amended the ADU Ordinance as necessary to remain consistent with changes in State ADU Law. Most recently, the City amended the ADU Ordinance via City Council Ordinance No. 2025-03; and

WHEREAS, SB 543 and AB 976 took effect on January 1, 2026, which among other things, limits the maximum size of a JADU livable space to 500 square feet, prohibits cities/counties from collecting impact fees on ADUs less than 750 square feet and JADUs of less than 500 square feet, prohibits cities/counties from requiring owner-occupancy agreement for ADUs or JADUs and requires cities/counties to submit within 60 days of adopting a new ordinance regulating ADUs and JADUs to the Department of Housing and Community Development for review and require changes be made to the ordinance to ensure compliance with state law.

WHEREAS, this proposed Ordinance updates the ADU Ordinance to comply with recent changes to State ADU Law and to make other specified adjustments in order to augment the ADU Ordinance for the benefit of staff and the general public; and

WHEREAS, on February 24, 2026, the Planning Commission held a duly noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the Ordinance. Following the hearing, the Planning Commission recommended that the City Council adopt the Ordinance; and

WHEREAS, on April 21, 2026, the City Council conducted a duly noticed public hearing on the Ordinance and considered the staff report, recommendations by staff, and public testimony concerning the Ordinance; and

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

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

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

SECTION 2. Amendment. Chapter 17.98 of the Winters Municipal Code is hereby amended in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3. CEQA. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city implementing the provisions of section 65852.1 or section 66314 of the Government Code, which is California's State ADU Law and which also regulates JADUs, as defined by Government Code section 66313. Therefore, the Ordinance is statutorily exempt from CEQA in it implements State ADU Law.

SECTION 4. General Plan. The City Council hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

SECTION 5. HCD Submittal. In accordance with Government Code section 66326, the City Clerk is directed to submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after adoption.

SECTION 6. Severability. Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

SECTION 8. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and shall cause the same to be published as required by law.

INTRODUCED at a regular meeting of the City Council of the City of Winters, California, on the 21st day of April, 2026 and thereafter **ADOPTED** at a regular meeting of the City Council held on this 18th day of April, 2026 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

Albert Vallecillo, Mayor

ATTEST:

Jeremy Craig, City Clerk

Exhibit A

Chapter 17.98

ACCESSORY DWELLING UNITS

Sections:

17.98.010 Purpose and intent.
17.98.020 Effect of conforming.

17.98.030 Approvals.
17.98.040 Statutorily regulated .
17.98.050 General requirements.
17.98.060 Specific requirements.
17.98.070 Fees.
17.98.080 Nonconforming zoning code conditions, building code violations, and unpermitted structures.

17.98.010 Purpose and intent.

The purpose of this chapter is to permit accessory dwelling units in single-family and multifamily residential zoning districts consistent with state law (California Government Code Sections **65852.2** through **65852.22**). This chapter is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily "single-family" residential character of the area. Accessory dwelling units, which include junior accessory dwelling units, are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan. An accessory dwelling unit must comply with all of the provisions in this title, except as modified in this chapter.**17.98.020 Effect of conforming.** An ADU or JADU that conforms to the standards in this section will not be:

A. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.

B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

C. Considered in the application of any local ordinance, policy, or program to limit residential growth.

D. Required to correct a nonconforming zoning condition, as defined in subsection 17.98.080 0 below. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

17.98.030 Approvals. The following approvals apply to ADUs and JADUs created under this section:

A. **Ministerial ADU and Building Permits Required**. Every ADU and JADU requires an ADU permit and a building permit. The city will review and approve permit applications in accordance with subsection C below.

B. **Processing Fee**. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the community development director and approved by the city council by resolution.

C. **Process and Timing.**

1. **Completeness.**

a. **Determination in 15 days.** The city will determine whether an application to create or serve an ADU or JADU is complete and will provide written notice of the determination to the applicant within 15 business days after the city receives the application submittal.

b. **Incomplete items.** If the city's determination under Section 17.98.040C.1.a above is that the application is incomplete, the city's notice must list the incomplete items and describe how the application can be made complete.

c. **Cure.** After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the city to be incomplete.

d. **Subsequent submittals.** If the applicant submits additional information to address incomplete items, within 15 business days of the subsequent submittal the city will determine in writing whether the additional information remedies all the incomplete items that the city identified in its original notice. The city may not require the application to include an item that was not included in the original notice.

e. **Deemed complete.** If the city does not make a timely determination as required by this subsection 1, the application or resubmitted application is deemed complete for the purposes of Section 17.98.040C.3 below.

f. **Appeal of incompleteness.** An applicant may appeal the city's determination that the application is incomplete by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the completeness

determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

2. **No discretion or hearing.** Ministerial permits for an ADU or JADU are considered and approved without discretionary review or a hearing.

3. **Deadline to approve or deny ministerial approvals.** The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a complete application. If the city has not approved or denied the complete application within 60 days, the application is deemed approved unless either:

   a. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

   b. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

4. **Denial.** If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by Section 17.98.040C.3 above.

5. **Appeal of denial.** An applicant may appeal the city's denial of the application by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

6. **Concurrent review of demolition.** A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

17.98.040 Statutorily regulated .

A. **Statutorily Regulated.** ADUs and JADUs are approved under Government Code section 66323. If an ADU or JADU complies with each of the general requirements in Section 0 below, it is allowed in each of the scenarios provided in this Section 17.98.050A. An ADU and JADU approved under subsection A.1 may be combined with an ADU approved under subsection A.2, and ADUs approved under subsection A.3 may be combined with ADUs approved under subsection A.4.

1. **Converted on Lot with Single-Family:** One ADU as described in this subsection A.1 and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

    a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

    b. Has exterior access that is independent of that for the single-family dwelling; and

    c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

    d. The JADU complies with the requirements of Government Code sections 66333 through 66339.

2. **Limited Detached on Lot with Single-Family:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling, if the detached ADU satisfies each of the following limitations:

    a. The side- and rear-yard setbacks are at least four feet.

    b. The total floor area is 800 square feet of livable space or smaller.

    c. The peak height above grade does not exceed the applicable height limit in Section 17.98.060B below.

3. **Converted on Lot with Multifamily:** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection A.3, at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

4. **Limited Detached on Lot with Multifamily:** No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:

    a. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.

b. The peak height above grade does not exceed the applicable height limit provided in Section 17.98.060B below.

c. If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

B. **Locally Regulated.** ADUs are approved under Government Code sections 66314–66322. Except for ADUs approved under subsection A above, all ADUs are subject to the general requirements set forth in Sections 17.98.050.

17.98.050 General requirements. The following requirements apply to all ADUs and JADUs:

A. **Zoning**.

1. An ADU approved under Section 17.98.050A may be created on a lot in a residential or mixed-use zone.

2. An ADU approved under Section 17.98.050B above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

3. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

B. **Height**.

1. Except as otherwise provided by subsections B.2 and B.3 below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.

2. A detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 18 feet in height if it is located within one-half mile walking distance of a major transit stop or high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. The ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

3. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.

4. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection B.4 may not exceed two stories.

5. For purposes of this subsection B, height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.

C. **Fire Sprinklers.**

1. Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence.

2. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

D. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

E. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

F. **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

G. **Owner Occupancy.**

1. **ADUs.** ADUs are not subject to an owner-occupancy requirement.

2. **JADUs**.

a. **Generally.** As required by state law, JADUs are generally subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence.

b. **Exceptions.** The owner-occupancy requirement in this subsection G.2 does not apply in either of the following situations:

(i) The JADU has separate sanitation facilities (i.e., does not share sanitation facilities with the existing primary dwelling unit structure).

(ii) The property is entirely owned by another governmental agency, land trust, or housing organization.

H. **Deed Restriction.** Prior to issuance of a certificate of occupancy for an JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the community development director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

1. The JADU may not be sold separately from the primary dwelling.

2. The JADU is restricted to the approved size and to other attributes allowed by this section.

3. The deed restriction runs with the land and may be enforced against future property owners.

4. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

5. The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

I. **Building and Safety.**

1. **Must comply with building code.** Subject to subsection I.2 below, all ADUs and JADUs must comply with all local building code requirements.

2. **No change of occupancy.** Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or enforcement officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection I.2 prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

J. **Certificate of Occupancy Timing.**

1. **Generally.** No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.

2. **Limited Exception for State-declared Emergencies.** Notwithstanding subsection J.1 above, a certificate of occupancy for an ADU may be issued before a certificate of occupancy for the primary dwelling if each of the following requirements are met:

   a. The county is subject to a proclamation of a state of emergency made by the California Governor on or after February 1, 2025.

   b. The primary dwelling was substantially damaged or destroyed by an event referenced in the Governor's state of emergency proclamation.

   c. The ADU has been issued construction permits and has passed all required inspections.

   d. The ADU is not attached to the primary dwelling.

17.98.060 Specific requirements. The following requirements apply only to ADUs approved under Section 17.98.050B above. This Section 0 does not apply to ADUs or JADUs approved under Section 17.98.050A above.

A. **Maximum Size.**

1. The maximum size of a detached or attached ADU subject to this Section is 850 square feet of interior livable space for a studio or one-bedroom unit and 1,000 square feet of interior livable space for a unit with two or more bedrooms.

2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.

3. Application of other development standards in this Section, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection A.2 above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU have less than 800 square feet of interior livable space.

B. **Setbacks.**

1. ADUs that are subject to this Section must conform to 4-foot side and rear setbacks. ADUs that are subject to this Section must conform to a maximum of 20-foot front setbacks, subject to Section A.3 above.

2. No setback is required for an ADU that is subject to this Section if the ADU is constructed in the same location and to the same dimensions as an existing structure.

C. **Lot Coverage.** No ADU subject to this Section may cause the total lot coverage of the lot to exceed 45 percent for two-story buildings and 50 percent for one-story buildings, subject to subsection A.3 above.

D. **Minimum Open Space.** No ADU subject to this Section may cause the total percentage of open space of the lot to fall below 45 percent for two-story buildings and 50 percent for one-story buildings, subject to subsection A.3 above.

E. **Passageway.** No passageway, as defined by Section 17.98.0300 above, is required for an ADU.

F. **Parking.**

1. Generally. One off-street parking space is required for each ADU or bedroom, whichever is less. The parking space may be provided in setback areas or as tandem parking, as defined by Section 17.98.0300 above.

2. Exceptions. No parking under subsection F.1 is required in the following situations:

a. The ADU is located within one-half mile walking distance of public transit, as defined in Section 17.98.0300 above.

b. The ADU is located within an architecturally and historically significant historic district.

c. The ADU is part of the proposed or existing primary residence or an accessory structure.

d. When on-street parking permits are required but not offered to the occupant of the ADU.

e. When there is an established car share vehicle stop located within one block of the ADU.

f. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections F.2.a through e above.

3. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

G. **Architectural Requirements.**

1. The materials and colors of the exterior walls, roof, and windows and doors must be the same as those of the primary dwelling.

2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.

5. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.

6. No window or door of the ADU may have a direct line of sight to an adjoining residential property. Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass to prevent a direct line of sight.

7. All windows and doors in an ADU less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

H. **Historical Protections.** An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

I. **Allowed Stories.** No ADU subject to this Section may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under Section 17.98.060B.4 of this section.

17.98.070 Fees. The following requirements apply to all ADUs and JADUs that are approved under Section 17.98.050A or B above.

A. **Impact Fees.**

1. No impact fee is required for a JADU or for an ADU that has less than 750 square feet of interior livable space. For purposes of this subsection A, “impact fee” means a “fee” under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.

2. A JADU or ADU with less than 500 square feet of interior livable space does not increase assessable space by 500 square feet for purposes of Education Code section 17620(a)(1)(C), and is therefore not subject to school fees under Education Code section 17620.

3. Any impact fee that is required for an ADU that has 750 square feet or more of interior livable space must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

B. **Utility Fees.**

1. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.

2. Except as described in subsection B.1, JADUs and converted ADUs on a single-family lot that are created under Section 17.98.050A.1 above are not required to have a new or separate utility connection directly between the JADU or ADU and the utility. Nor is a connection fee or capacity charge required. Notwithstanding the rest of this paragraph, a direct utility connection is required for separate conveyance of an ADU when separate conveyance is allowed under this code.

3. Except as described in subsection B.1, all ADUs that are not covered by subsection B.2 require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.

a. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

b. The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

Section 17.98.080 Nonconforming zoning code conditions, building code violations, and unpermitted structures.

A. **Generally.** The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

B. **Unpermitted ADUs and JADUs constructed before 2020.**

1. **Permit to Legalize.** As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, unless denial is based on either of the following grounds:

   a. The ADU or JADU violates applicable building standards, or

   b. The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance (Chapter 17.98).

2. **Exceptions:**

   a. Notwithstanding subsection B.1 above, the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.

   b. Subsection B.1 above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

Exhibit A

Chapter 17.98

ACCESSORY DWELLING UNITS

Sections:

17.98.010 Purpose and intent.
17.98.020 Effect of conforming.
17.98.030 Approvals.
17.98.040 Statutorily regulated .
17.98.050 General requirements.
17.98.060 Specific requirements.
17.98.070 Fees.
17.98.080 Nonconforming zoning code conditions, building code violations, and unpermitted structures.

17.98.010 Purpose and intent.

The purpose of this chapter is to permit accessory dwelling units in single-family and multifamily residential zoning districts consistent with state law (California Government Code Sections **65852.2** through **65852.22**). This chapter is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily "single-family" residential character of the area. Accessory dwelling units, which include junior accessory dwelling units, are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan. An accessory dwelling unit must comply with all of the provisions in this title, except as modified in this chapter.**17.98.020 Effect of conforming.** An ADU or JADU that conforms to the standards in this section will not be:

A. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.

B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

C. Considered in the application of any local ordinance, policy, or program to limit residential growth.

D. Required to correct a nonconforming zoning condition, as defined in subsection 17.98.080 **Error! Reference source not found.**. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

17.98.030 Approvals. The following approvals apply to ADUs and JADUs created under this section:

A. **Ministerial ADU and Building Permits Required**. Every ADU and JADU requires an ADU permit and a building permit. The city will review and approve permit applications in accordance with subsection C below.

B. **Processing Fee**. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the community development director and approved by the city council by resolution.

C. **Process and Timing.**

1. **Completeness.**

a. **Determination in 15 days.** The city will determine whether an application to create or serve an ADU or JADU is complete and will provide written notice of the determination to the applicant within 15 business days after the city receives the application submittal.

b. **Incomplete items.** If the city's determination under Section 17.98.040C.1.a above is that the application is incomplete, the city's notice must list the incomplete items and describe how the application can be made complete.

c. **Cure.** After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the city to be incomplete.

d. **Subsequent submittals.** If the applicant submits additional information to address incomplete items, within 15 business days of the subsequent submittal the city will determine in writing whether the additional information remedies all the incomplete items that the city identified in its original notice. The city may not require the application to include an item that was not included in the original notice.

e. **Deemed complete.** If the city does not make a timely determination as required by this subsection 1, the application or resubmitted application is deemed complete for the purposes of Section 17.98.040C.3 below.

f. **Appeal of incompleteness.** An applicant may appeal the city's determination that the application is incomplete by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the completeness

determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

2. **No discretion or hearing.** Ministerial permits for an ADU or JADU are considered and approved without discretionary review or a hearing.

3. **Deadline to approve or deny ministerial approvals.** The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a complete application. If the city has not approved or denied the complete application within 60 days, the application is deemed approved unless either:

   a. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

   b. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

4. **Denial.** If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by Section 17.98.040C.3 above.

5. **Appeal of denial.** An applicant may appeal the city's denial of the application by submitting a written appeal to the city clerk. The planning commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.

6. **Concurrent review of demolition.** A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

17.98.040 Statutorily regulated .

A. **Statutorily Regulated.** ADUs and JADUs are approved under Government Code section 66323. If an ADU or JADU complies with each of the general requirements in Section 0 below, it is allowed in each of the scenarios provided in this Section 17.98.050A. An ADU and JADU approved under subsection A.1 may be combined with an ADU approved under subsection A.2, and ADUs approved under subsection A.3 may be combined with ADUs approved under subsection A.4.

1. **Converted on Lot with Single-Family:** One ADU as described in this subsection A.1 and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

    a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

    b. Has exterior access that is independent of that for the single-family dwelling; and

    c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

    d. The JADU complies with the requirements of Government Code sections 66333 through 66339.

2. **Limited Detached on Lot with Single-Family:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling, if the detached ADU satisfies each of the following limitations:

    a. The side- and rear-yard setbacks are at least four feet.

    b. The total floor area is 800 square feet of livable space or smaller.

    c. The peak height above grade does not exceed the applicable height limit in Section 17.98.060B below.

3. **Converted on Lot with Multifamily:** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection A.3, at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

4. **Limited Detached on Lot with Multifamily:** No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:

    a. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.

b. The peak height above grade does not exceed the applicable height limit provided in Section 17.98.060B below.

c. If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

B. **Locally Regulated.** ADUs are approved under Government Code sections 66314–66322. Except for ADUs approved under subsection A above, all ADUs are subject to the general requirements set forth in Sections 17.98.050.

17.98.050 General requirements. The following requirements apply to all ADUs and JADUs:

A. **Zoning**.

1. An ADU approved under Section 17.98.050A may be created on a lot in a residential or mixed-use zone.

2. An ADU approved under Section 17.98.050B above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

3. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

B. **Height**.

1. Except as otherwise provided by subsections B.2 and B.3 below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.

2. A detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 18 feet in height if it is located within one-half mile walking distance of a major transit stop or high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. The ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

3. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.

4. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection B.4 may not exceed two stories.

5. For purposes of this subsection B, height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.

C. **Fire Sprinklers.**

1. Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence.

2. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

D. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

E. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

F. **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

G. **Owner Occupancy.**

1. **ADUs.** ADUs are not subject to an owner-occupancy requirement.

2. **JADUs**.

a. **Generally.** As required by state law, JADUs are generally subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence.

b. **Exceptions.** The owner-occupancy requirement in this subsection G.2 does not apply in either of the following situations:

(i) The JADU has separate sanitation facilities (i.e., does not share sanitation facilities with the existing primary dwelling unit structure).

(ii) The property is entirely owned by another governmental agency, land trust, or housing organization.

H. **Deed Restriction.** Prior to issuance of a certificate of occupancy for an JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the community development director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

1. The JADU may not be sold separately from the primary dwelling.

2. The JADU is restricted to the approved size and to other attributes allowed by this section.

3. The deed restriction runs with the land and may be enforced against future property owners.

4. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

5. The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

I. **Building and Safety.**

1. **Must comply with building code.** Subject to subsection I.2 below, all ADUs and JADUs must comply with all local building code requirements.

2. **No change of occupancy.** Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or enforcement officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection I.2 prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

J. **Certificate of Occupancy Timing.**

1. **Generally.** No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.

2. **Limited Exception for State-declared Emergencies.** Notwithstanding subsection J.1 above, a certificate of occupancy for an ADU may be issued before a certificate of occupancy for the primary dwelling if each of the following requirements are met:

   a. The county is subject to a proclamation of a state of emergency made by the California Governor on or after February 1, 2025.

   b. The primary dwelling was substantially damaged or destroyed by an event referenced in the Governor's state of emergency proclamation.

   c. The ADU has been issued construction permits and has passed all required inspections.

   d. The ADU is not attached to the primary dwelling.

17.98.060 Specific requirements. The following requirements apply only to ADUs approved under Section 17.98.050B above. This Section 0 does not apply to ADUs or JADUs approved under Section 17.98.050A above.

A. **Maximum Size.**

1. The maximum size of a detached or attached ADU subject to this Section is 850 square feet of interior livable space for a studio or one-bedroom unit and 1,000 square feet of interior livable space for a unit with two or more bedrooms.

2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.

3. Application of other development standards in this Section, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection A.2 above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU have less than 800 square feet of interior livable space.

B. **Setbacks.**

1. ADUs that are subject to this Section must conform to 4-foot side and rear setbacks. ADUs that are subject to this Section must conform to a maximum of 20-foot front setbacks, subject to Section A.3 above.

2. No setback is required for an ADU that is subject to this Section if the ADU is constructed in the same location and to the same dimensions as an existing structure.

C. **Lot Coverage.** No ADU subject to this Section may cause the total lot coverage of the lot to exceed 45 percent for two-story buildings and 50 percent for one-story buildings, subject to subsection A.3 above.

D. **Minimum Open Space.** No ADU subject to this Section may cause the total percentage of open space of the lot to fall below 45 percent for two-story buildings and 50 percent for one-story buildings, subject to subsection A.3 above.

E. **Passageway.** No passageway, as defined by Section 17.98.030**Error! Reference source not found.**, is required for an ADU.

F. **Parking.**

1. Generally. One off-street parking space is required for each ADU or bedroom, whichever is less. The parking space may be provided in setback areas or as tandem parking, as defined by Section 17.98.030**Error! Reference source not found.**.

2. Exceptions. No parking under subsection F.1 is required in the following situations:

a. The ADU is located within one-half mile walking distance of public transit, as defined in Section 17.98.030**Error! Reference source not found.**.

b. The ADU is located within an architecturally and historically significant historic district.

c. The ADU is part of the proposed or existing primary residence or an accessory structure.

d. When on-street parking permits are required but not offered to the occupant of the ADU.

e. When there is an established car share vehicle stop located within one block of the ADU.

f. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections F.2.a through e above.

3. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction

of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

G. **Architectural Requirements.**

1. The materials and colors of the exterior walls, roof, and windows and doors must be the same as those of the primary dwelling.

2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.

5. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.

6. No window or door of the ADU may have a direct line of sight to an adjoining residential property. Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass to prevent a direct line of sight.

7. All windows and doors in an ADU less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

H. **Historical Protections.** An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

I. **Allowed Stories.** No ADU subject to this Section may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under Section 17.98.060B.4 of this section.

17.98.070 Fees. The following requirements apply to all ADUs and JADUs that are approved under Section 17.98.050A or B above.

A. **Impact Fees.**

1. No impact fee is required for a JADU or for an ADU that has less than 750 square feet of interior livable space. For purposes of this subsection A, “impact fee” means a “fee” under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). “Impact

fee" here does not include any connection fee or capacity charge for water or sewer service.

2. A JADU or ADU with less than 500 square feet of interior livable space does not increase assessable space by 500 square feet for purposes of Education Code section 17620(a)(1)(C), and is therefore not subject to school fees under Education Code section 17620.

3. Any impact fee that is required for an ADU that has 750 square feet or more of interior livable space must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

B. **Utility Fees.**

1. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.

2. Except as described in subsection B.1, JADUs and converted ADUs on a single-family lot that are created under Section 17.98.050A.1 above are not required to have a new or separate utility connection directly between the JADU or ADU and the utility. Nor is a connection fee or capacity charge required. Notwithstanding the rest of this paragraph, a direct utility connection is required for separate conveyance of an ADU when separate conveyance is allowed under this code.

3. Except as described in subsection B.1, all ADUs that are not covered by subsection B.2 require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.

   a. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

   b. The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

Section 17.98.080 Nonconforming zoning code conditions, building code violations, and unpermitted structures.

A. **Generally.** The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

B. **Unpermitted ADUs and JADUs constructed before 2020.**

1. **Permit to Legalize.** As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, unless denial is based on either of the following grounds:

a. The ADU or JADU violates applicable building standards, or

b. The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance (Chapter 17.98).

2. **Exceptions:**

a. Notwithstanding subsection B.1 above, the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.

b. Subsection B.1 above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

STATE OF CALIFORNIA
LEGISLATIVE COUNSEL BUREAU
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Assembly Bill No. 1236

CHAPTER 598

An act to add Section 65850.7 to the Government Code, relating to local ordinances.

[Approved by Governor October 8, 2015. Filed with Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1236, Chiu. Local ordinances: electric vehicle charging stations.

The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a general plan for the physical development of the county or city and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities. Existing law, the Electric Vehicle Charging Stations Open Access Act, prohibits the charging of a subscription fee on persons desiring to use an electric vehicle charging station, as defined, and prohibits a requirement for persons to obtain membership in any club, association, or organization as a condition of using the station, except as specified.

The bill would require a city, county, or city and county to approve an application for the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The bill would provide for appeal of that decision to the planning commission, as specified. The bill would provide that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern. The bill would require electric vehicle charging stations to meet specified standards. The bill would require a city, county, or city and county with a population of 200,000 or more residents to adopt an ordinance, by September 30, 2016, that creates an expedited and streamlined permitting process for electric vehicle charging stations, as specified. The bill would require a city, county, or city and county with a population of less than 200,000 residents to adopt this ordinance by September 30, 2017. The bill would authorize the city, county, or city and county, in developing the ordinance, to refer to guidelines contained in a specified guidebook. The bill would also authorize the adoption of an ordinance that modifies the checklists and standards found in the guidebook due to unique conditions. By increasing the duties of local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65850.7 is added to the Government Code, to read:

65850.7. (a) The Legislature finds and declares all of the following:

(1) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern.

(2) It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of electric vehicle charging stations and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install electric vehicle charging stations.

(3) It is the policy of the state to promote and encourage the use of electric vehicle charging stations and to limit obstacles to their use.

(4) It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of electric vehicle charging stations by removing obstacles to, and minimizing costs of, permitting for charging stations so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.

(b) A city, county, or city and county shall administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install an electric vehicle charging station shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city, county, or city and county makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the city, county, or city and county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis

for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(e) Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific, adverse impact upon the public health or safety at the lowest cost possible.

(f) (1) An electric vehicle charging station shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) An electric vehicle charging station shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(g) (1) On or before September 30, 2016, every city, county, or city and county with a population of 200,000 or more residents, and, on or before September 30, 2017, every city, county, or city and county with a population of less than 200,000 residents, shall, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, adopt an ordinance, consistent with the goals and intent of this section, that creates an expedited, streamlined permitting process for electric vehicle charging stations. In developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, or city and county, shall be deemed complete. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations. However, the city, county, or city and county may establish a process to prioritize competing applications for expedited permits. Upon receipt of an incomplete application, a city, county, or city and county shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance. An application submitted to a city, county, or city and county that owns and operates an electric utility shall demonstrate compliance with the utility's interconnection policies prior to approval.

(2) The checklist and required permitting documentation shall be published on a publicly accessible Internet Web site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on

all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the city, county, or city and county may refer to the recommendations contained in the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research. A city, county, or city and county may adopt an ordinance that modifies the checklists and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions. If a city, county, or city and county determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the city, county, or city and county shall state, in the ordinance required under this subdivision, the reasons for its inability to accept electronic signatures and acceptance of an electronic signature shall not be required.

(h) A city, county, or city and county shall not condition approval for any electric vehicle charging station permit on the approval of an electric vehicle charging station by an association, as that term is defined in Section 4080 of the Civil Code.

(i) The following definitions shall apply to this section:

(1) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, county, or city and county on another similarly situated application in a prior successful application for a permit.

(2) "Electronic submittal" means the utilization of one or more of the following:

(A) Email.

(B) The Internet.

(C) Facsimile.

(3) "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(4) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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