



**City of St. Helena
Planning Commission
Regular Meeting
Tuesday, August 15, 2023 @ 6:00 PM
465 Main Street, St. Helena**

PLEASE NOTE: Any person who wishes to speak regarding an item on the agenda or make a comment under the "Oral Communication" portion of the agenda may do so, but please observe the time limit of four minutes.

The Planning Commission meeting will be live-streamed on Comcast Channel 28 and on the City's website. Public comment for Planning Commission meetings will be accepted via email to publiccomment@cityofsthelena.org. All public comments must be emailed at least three hours prior to the meeting. Emailed public comments will not be read out loud but will be publicly available and attached to the on-line agenda.

Simultaneous Spanish interpretation services during meetings can be scheduled upon request. To ensure interpreters are available, requests must be made at least 72 hours in advance by calling the Office of the City Clerk at (707) 968-2640 or emailing cityclerk@cityofsthelena.org.

The schedule of upcoming meetings and published meeting agendas can be found on the City of St. Helena website at <https://sthelena.civicweb.net/portal/>.

Servicios de interpretación en español durante la reunión pueden ser solicitados por el público. Para asegurar que los intérpretes estén disponibles, los servicios tienen que ser solicitados al menos 72 horas antes de la reunión llamando a la oficina de la Secretaria de la Ciudad al (707) 968-2640 o por correo electrónico a cityclerk@cityofsthelena.org.

El horario de las reuniones publicadas y próximas puede ser localizado en el sitio de web de la Ciudad en <https://sthelena.civicweb.net/portal/>.

Page

1. PLEDGE OF ALLEGIANCE
2. CALL TO ORDER AND ROLL CALL
Chair: John Ponte
Vice-Chair: Chris Warner
Commissioners: Autumn Anderson, Chad Krsek, and Marika Rothfeld

City staff present at the meeting will be noted in the minutes.

3. PUBLIC FORUM:
This is an opportunity for the public to address the Commission on items of interest to the public that are NOT listed on the agenda. Because of restrictions imposed by the Brown Act, the Commission may not engage in discussion nor take action on matters not described on the agenda. **Please observe the time limit of four minutes.**
4. CONSENT ITEMS

Members of the Commission or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)

- 4.1. Approval of Minutes: June 20, 2023 7 - 9
[Planning Commission Minutes 06.20.23](#)

- 4.2. Approval of Minutes: July 18, 2023 11 - 13
[Planning Commission Minutes 07.18.23](#)

- 4.3. The applicant is requesting approval of a Voluntary Lot Merger to consolidate four parcels back into one parcel at 1486 Sulphur Springs Ave. in the Medium Density Residential zoning district. 15 - 25

CEQA Determination: Exempt pursuant to CEQA Guidelines Section 15305.

Prepared By: Aaron Hecock, Senior Planner

Recommendation:

For the reasons described above, staff recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA as a Class 5 categorical exemption pursuant to Section 15305, and
2. Accept staff approval granting a Voluntary Lot Merger of the four parcels located at 1486 Sulphur Springs Ave. in the Medium Density Residential zoning district.

[1486 Sulphur Springs Ave.- Staff Report](#)

- 4.4. Request by Tom Braegelmann for approval of a Lot Line Adjustment moving a shared property line between 1003 and 1007 Charter Oak Ave. in the Medium Density Residential zoning district. 27 - 40

CEQA Determination: Exempt pursuant to CEQA Guidelines Section 15305.

Prepared By: Aaron Hecock, Senior Planner

Recommendation:

For the reasons described above, staff recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA as a Class 5 categorical exemption pursuant to Section 15305, and
2. Accept staff approval granting a Lot Line Adjustment of the property line joining 1003 and 1007 Charter Oak Ave. in the Medium Density Residential zoning district.

[1003 & 1007 Charter Oak.- Staff Report](#)

5. PUBLIC HEARINGS

- 5.1. Request the Planning Commission recommend the City Council adopt an ordinance amending Title 17 (Zoning) of the St. Helena Municipal Code (ZOA 2023-001), amend the Zoning Map to be consistent with the General Plan land use designations and implementing an expanded Historic Preservation Overlay District (ZMA 2023-001) 41 - 1001

CEQA Determination: No further environmental review is required under CEQA Guidelines Section 15162.

Prepared By: Maya DeRosa, Community Development Director

Recommendation:

Recommend that the Planning Commission adopt a resolution (Attachment 8) recommending the City Council:

1) Find that, pursuant to CEQA Guidelines section 15162, all environmental impacts of the City of St. Helena Zoning Code Update have been addressed within the FEIR for the 2040 General Plan EIR

2) Adopt an ordinance (Attachment 9) amending Title 17 (Zoning) of the St. Helena Code (ZOA 2023-001); and

3) Amend the zoning map to be consistent with the General Plan land use map and implementing an expanded Historic Preservation Overlay District (ZMA 2023-001)

[Staff Report](#)

[PPT Presentation](#)

[1. Public comment Sandra Archibald](#)

[2. Public comment Maria Villegas](#)

[3. Public comment Michelle Covell 2](#)

[4. Public comment Michelle Covell 3](#)

[5. Public comment Polly Ogden](#)

[6. Public comment Sandra Lowry](#)

[7. Public Comment Polly Ogden](#)

[8. Public Comment Rick Crebs](#)

[9. Public Comment Miriam Hansen](#)

[10. Public Comment Tracy McBride](#)

[11. Public Comment Connie Min](#)

[12. Public Comment Katherine Austin](#)

[13. Public Comment Joel Dickerson](#)

[14. Public Comment Kristy Shelton](#)

[15. Public Comment Jarrod Denton](#)

[16. Public Comment Tamara Traeder](#)

[17. Public Comment Blue Zones Project](#)

[18. Public Comment Polly Ogden](#)

[19. Public Comment Dan Hale](#)

[20. Public Comment Steve Tradewell](#)

6. SCHEDULED MATTERS

None

7. DEPARTMENT REPORTS

This is an opportunity for staff to report on or update the Commission on any relevant matters.

8. AGENDA FORCAST

Below is a link to a list of pending and upcoming projects which may be of interest to the community.

This is also an opportunity for the Commission as a whole to request items be placed on future agendas for discussion. These items should be consistent with, and work to implement adopted Council Goals.

A list of all current planning projects is available on our city website in the link below:

http://www.cityofsthelena.org/projects?term_node_tid_depth=21

Please contact the assigned project Planner for additional questions.

9. **ADJOURNMENT**

The next Regular Planning Commission meeting is scheduled for September 5, 2023 at 6:00 p.m. in the Vintage Hall Board Room located at 465 Main Street.

This agenda was posted at City Hall, 1088 College Avenue, and at Vintage Hall, 465 Main Street, St. Helena, California on August 8, 2023.



Maya DeRosa, Planning & Building Director

Appeal. A person who is dissatisfied with a decision of the Planning Commission may appeal that decision to the City Council pursuant to Municipal Code Section 17.08.180, Appeal procedure. Actions of the Planning Commission will be listed on the City Council agenda the following Tuesday to give the City Council opportunity to review the Planning Commission's decision. Absent of an appeal by the City Council or by a citizen, the appeal period will terminate two weeks after the Planning Commission hearing.

Special Assistance for the Disabled. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 967-2792. Notification 48 hours prior to the meeting will enable City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR35.102-35.104 ADA Title II). However, City staff will attempt to assist at any time with accessibility. The City Clerk has equipment to assist those with a hearing impairment.

PUBLIC TESTIMONY PROCEDURES

Pursuant to the Government Code Section 54954.3, the public may address the Commission on each agenda item during the Commission's consideration of that item. Each speaker has the option to state his or her name for the record before testifying. Depending on the number of speakers or the interest of the item, the Planning Commission Chairman may also restrict, at his/her discretion, the speaker's time to three minutes. The Chairman may also restrict public comments if they become irrelevant to the agenda item or repetitious of prior comments. All persons interested may appear and be heard or submit written statements prior to the Planning Commission meeting. Please note that if you challenge the City's decision on any of these matters in court, you may be limited

to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the City at, or prior to, the meeting.

CHALLENGING DECISIONS OF CITY ENTITIES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of St. Helena is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing.

If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of St. Helena, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the Planning Commission regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the Planning Department's Office located at 1480 Main Street, St. Helena, California, during normal business hours. In addition, such writings or documents will be made available on the City's web site at <http://cityofsthenana.org> and will be available for public review at the respective meeting.

MINUTES
City of St. Helena
Planning Commission Meeting
Tuesday, June 20, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

A complete video recording of this meeting can be found at <https://sthelena.civicweb.net/Portal/> or by calling the City Clerk at (707) 967-2792. The Planning Commission video is the official record of the Planning Commission meeting.

Present: Chair John Ponte, Vice Chair Christopher Warner, Commissioner Marika Rothfeld, and Commissioner Chad Krsek

Absent: Commissioner Autumn Anderson

Staff Present: Maya DeRosa, Community Development Director, Aaron Hecock, Senior Planner, and Xinia Gamero, Permit Technician III and Planning Commission Secretary

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. PUBLIC FORUM:

No public comment was received.

4. CONSENT ITEMS

Vice-Chair Warner pulled item 4.1 and requested for the minutes to be considered in separate motions.

4.1 Approval of Minutes: May 2, 2023 & June 6, 2023

Vice Chair Christopher Warner moved to approve the minutes of May 2, 2023. The motion was seconded by Commissioner Marika Rothfeld and on roll call carried by the following vote:

AYES: John Ponte, Marika Rothfeld, and Christopher Warner

NOES: None

ABSENT: Autumn Anderson

ABSTAIN: Chad Krsek

RECUSE: None

Commissioner Chad Krsek moved to approve the minutes of June 6, 2023. The motion was seconded by Commissioner Marika Rothfeld and on roll call carried by the following vote:

AYES: Chad Krsek, John Ponte, and Marika Rothfeld

NOES: None

ABSENT: Autumn Anderson

ABSTAIN: Christopher Warner

RECUSE: None

4.2 ITEM 4.2 WILL BE CONTINUED TO A DATE UNCERTAIN

Request by John N. Heffner on behalf of John and Pamela Raybould for approval of a Lot Line Adjustment moving shared property lines of three parcels located at 800 Crane Avenue in the Industrial and Open Space zoning districts and Highway 29 Specific Plan.

Prepared By: Jennifer Williams, Planning Consultant

5. PUBLIC HEARINGS

ITEM 5.1 WILL BE CONTINUED TO A DATE CERTAIN OF JULY 18, 2023.

- 5.1 Request by Ryan Beliakoff for adoption of a resolution approving design review for the construction of a new single-family residence on the vacant parcel located at 1640 Stockton Street in the Medium Density Residential zoning district.

Prepared By: Aaron Hecock, Senior Planner

- 5.2 Request by Clark Sather on behalf of Helena Vinedo, LLC. for adoption of a resolution approving a use permit and design review to accommodate the construction of a new barn and equipment garage/playroom on the property located at 900 Fulton Lane in the A-20 zoning district.

Prepared By: Aaron Hecock, Senior Planner

Chair Ponte opened the public hearing.

No ex-parte communication was disclosed by the Planning Commission.

Senior Planner Aaron Hecock reported on the item and gave a presentation.

Architect Clark Sather and owner representative George Gianos addressed the Planning Commission.

Chair Ponte closed the public hearing.

Chair Ponte re-opened the public hearing.

Maureen Moulton, George Gianos, and Clark Sather addressed the Planning Commission.

Chair Ponte closed the public comment.

Vice Chair Christopher Warner moved to determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15303 with an amendment to the resolution adding a determination of similar use in conformance with SHMC Section 17.08.030; and accept the required findings and approve the attached resolution granting use permit and design review approval for the proposed construction on the property located at 900 Fulton Lane in the A-20 zoning district. The motion was seconded by Commissioner Rosaura Segura and on roll call carried by the following vote:

AYES: Chad Krsek, John Ponte, Marika Rothfeld, and Christopher Warner

NOES: None

ABSENT: Autumn Anderson

ABSTAIN: None

RECUSE: None

6. SCHEDULED MATTERS

None.

7. DEPARTMENT REPORTS

Community Development Director Maya DeRosa reported on the following:

- Next Regular Planning Commission Meeting scheduled for July 18, 2023
- Regular Planning Commission meeting of July 4, 2023 is cancelled.

8. AGENDA FORCAST

9. ADJOURNMENT

Chair Ponte adjourned the meeting at **6:36 p.m.**

The June 20, 2023 minutes were approved at the _____ Planning Commission meeting.

APPROVED:

ATTEST:

John Ponte, Planning Commission Chair

Maya DeRosa, AICP
Community Development Director

MINUTES
City of St. Helena
Planning Commission Meeting
Tuesday, July 18, 2023 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

A complete video recording of this meeting can be found at <https://sthelena.civicweb.net/Portal/> or by calling the City Clerk at (707) 967-2792. The Planning Commission video is the official record of the Planning Commission meeting.

Present: Acting Chair Christopher Warner Commissioner, Commissioner Autumn Anderson, and Commissioner Chad Krsek
Absent: Commissioner Marika Rothfeld and Chair John Ponte
Staff Present: Aaron Hecock, Acting Community Development Director and Senior Planner, and Xinia Gamero, Permit Technician III and Planning Commission Secretary

- 1. PLEDGE OF ALLEGIANCE**
- 2. CALL TO ORDER AND ROLL CALL**
- 3. PUBLIC FORUM:**

No public comment was received.

The lack of a voting quorum resulted in the June 20, 2023 minutes on the Consent Calendar to be deferred for Planning Commission approval at the next Regular Planning Commission meeting.

4. CONSENT ITEMS

- 4.1 Approval of Minutes: June 20, 2023

5. PUBLIC HEARINGS

- 5.1 Request by Ryan Beliakoff for adoption of a resolution approving design review for the construction of a new single-family residence on the vacant parcel located at 1640 Stockton Street in the Medium Density Residential zoning district.

Prepared By: Aaron Hecock, Senior Planner

Senior Planner Aaron Hecock reported on the item and showed a presentation.

Acting Chair Warner opened the public hearing.

Ryan Beliakoff, project architect, addressed the Planning Commission.

Acting Chair Warner closed the public hearing.

Acting Chair Warner re-opened the public hearing.

Ryan Beliakoff, project architect, addressed the Planning Commission.

Acting Chair Warner closed the public hearing.

Acting Chair Christopher Warner moved to determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15303 and 15332; and accept the required findings and approve the attached resolution granting design review approval for the proposed construction of a new single-family home on the property located at 1640 Stockton Street. The motion was seconded by Commissioner Chad Krsek and on roll call carried by the following vote:

AYES: Chad Krsek and Christopher Warner

NOES: Autumn Anderson

ABSENT: Marika Rothfeld and John Ponte

ABSTAIN: None

RECUSE: None

6. SCHEDULED MATTERS

- 6.1 Nomination and election of a new Planning Commission Chair and Vice Chair and designation of the Commission Secretary.

Prepared By: Xinia Gamero, Permit Technician III

Acting Chair Christopher Warner nominated John Ponte to continue serving as the Chair of the Planning Commission. The motion was seconded by Commissioner Autumn Anderson and on roll call carried by the following vote:

AYES: Autumn Anderson, Chad Krsek, and Christopher Warner

NOES: None

ABSENT: Marika Rothfeld and John Ponte

ABSTAIN: None

RECUSE: None

Commissioner Autumn Anderson nominated Chris Warner to continue serving as Vice-Chair of the Planning Commission. The motion was seconded by Commissioner Chad Krsek and on roll call carried by the following vote:

AYES: Autumn Anderson, Chad Krsek, and Christopher Warner

NOES: None

ABSENT: Marika Rothfeld and John Ponte

ABSTAIN: None

RECUSE: None

Acting Chair Christopher Warner nominated Xinia Gamero to continue serving as Planning Commission Secretary. The motion was seconded by Commissioner Autumn Anderson and on roll call carried by the following vote:

AYES: Autumn Anderson, Chad Krsek, and Christopher Warner

NOES: None

ABSENT: Marika Rothfeld and John Ponte

ABSTAIN: None

RECUSE: None

7. DEPARTMENT REPORTS

Senior Planner Aaron Hecock reported on the following:

- Comprehensive Zoning Code Update Planning Commission meeting on August 15, 2023.

Planning Commission Secretary Xinia Gamero reported on the following:

- August 1, 2023 Planning Commission meeting is cancelled.

8. AGENDA FORCAST

9. ADJOURNMENT

Acting Chair Warner adjourned the meeting at **6:29 p.m.**

The July 19, 2023 minutes were approved at the _____ Planning Commission meeting.

APPROVED:

ATTEST:

Christopher Warner, Acting Chair

Maya DeRosa, AICP
Community Development Director



PLANNING COMMISSION REPORT

Planning Commission Meeting of August 15, 2023

FILE NUMBER: PL23-017

SUBJECT: The applicant is requesting approval of a Voluntary Lot Merger to consolidate four parcels back into one parcel at 1486 Sulphur Springs Ave. in the Medium Density Residential zoning district.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Maya DeRosa, Community Development Director

APPROVED BY: Maya DeRosa, Community Development Director

APPLICATION FILED:04/26/23

ACCEPTED AS COMPLETE:05/25/23

LOCATION OF PROPERTY: 1486 Sulphur Spring Ave.

APN: 009-362-028, 009-362-029, 009-362-030 and 009-362-031

GENERAL PLAN/ZONING: Medium Density Residential (MR)

APPLICANT: Ming Hing Kwok

PHONE: (408) 218-9760

BACKGROUND

The four subject parcels are located at 1486 Sulphur Spring Avenue (APNs 009-362-028, 009-362-029, 009-362-030 and 009-362-031) in the Medium Density Residential District. On June 5, 2007 Tentative Parcel Map 2005-77 (TPM 2005-77) was approved by the Planning Commission. TPM 2005-77 enabled the previous owners to divide the .94 acre (40,946 square foot (sf)) parcel into four parcels ranging from .21 acres to .26 acres in size (approximately 9,150 sf to 11,325 sf). By the terms of the initial approval by the Planning Commission, the map was set to expire after two-years on June 5, 2009. However, in the wake of the Great Recession, the California Legislature passed numerous bills automatically extending the expiration dates of tentative maps, vesting

tentative maps and tentative parcel maps for previously approved tentative maps in good standing at the time of the bills passing.

In the years following the automatic extensions granted by the state, the entitlement received several TPM extensions from the City keeping the map alive and on December 12, 2017, the St. Helena City Council approved the Final Map for the subdivision of the property into the four parcels as they exist today (Resolution No. 2017-160).

PROJECT DESCRIPTION

The new owner of the four contiguous parcels now wishes to voluntarily merge the parcels back into one parcel as it existed before the approved subdivision. The requested merger would not affect land use or zoning designations. The configuration of the existing and proposed parcels can be seen on the exhibits attached. No new or additional development is proposed as part of this process.

Existing Parcel Sizes

Lot 1 (APN 009-362-031) – .22 acres (9,583 sf)

Lot 2 (APN 009-362-030) – .21 acres (9,148 sf)

Lot 3 (APN 009-362-029) – .26 acres (11,326 sf)

Lot 4 (APN 009-362-028) – .25 acres (10,890 sf)

Proposed Parcel Size

1486 Sulphur Springs – .94 acres (40,946 sf)

Upon approval of the Voluntary Lot Merger and recordation of the new deeds and maps, there will be one legal parcel; there will be no change in ownership. Any future development on the site would be required to submit appropriate applications, receive Planning Commission and/or City Council approval and meet all current development standards including density, size, setbacks, etc.

ANALYSIS

CEQA

The requested lot merger is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15305, as a Class 5 categorical exemption, Minor Alterations in Land Use Limitations, which exempts adjustments not resulting in the creation of any new parcel. The project site is not located in or near an environmentally sensitive area, is not visible from a scenic highway, is not included on a hazardous waste site, and will not impact historic resources or otherwise generate or contribute to any potentially significant impact.

GENERAL PLAN

The subject property has a General Plan Land Use designation of Medium Density Residential (MDR). The MDR land use designation provides for single-family detached and attached homes, secondary residential units, and similar compatible uses. The MDR designation is the predominant residential designation occurring throughout large areas

of the City and is intended to maintain a development pattern in higher density areas of the City that is consistent with historic development patterns exhibited by St. Helena's established neighborhoods. The 2040 St. Helena General Plan and 2015-2023 Housing Element Update Goals, Policies, and Eight-Year Action Plan include the following policies that are relevant to the proposed project:

- **LU1.4** In order to minimize and postpone the need for expansion of the Urban Limit Line, encourage infill development within currently developed areas.
Staff response: Consistent in that the lot merger would occur within the Urban Limit Line and could potentially lead to additional infill development in the future.
- **LU1.5** Require new development to provide adequate infrastructure and urban services, including compliance with the policies and implementing actions affecting new development as set forth in the Public Facilities and Services Element.
Staff Response: Consistent in that the proposed lot merger would not result in any impact to existing services or infrastructure and no new development is proposed as part of the proposed lot merger. Any future development would be required to provide infrastructure and services consistent with City regulations.

ZONING

Consistent with the General Plan land use designation described above, the subject property has a zoning designation of Medium Density Residential (MR). The MR zoning designation allows for single-family detached homes, accessory dwelling units, limited agricultural use and other compatible uses.

Staff Response: The existing parcels are currently undeveloped, and no development is being proposed as part of the lot merger. Any future development on the site would be required to submit appropriate applications, receive Planning Commission and/or City Council approval and meet all current development standards including density, size, setbacks, etc. Staff referred the application to the City Attorney to confirm the lot merger process was appropriate given the past approvals and the current state of the subdivision. The City Attorney believes this is the correct path forward as it will give the new owner the opportunity to explore development options without being tied to the current parcel configuration. Future entitlements will also give the city the opportunity to require improvements in line with current city standards.

VOLUNTARY LOT MERGER

Pursuant to St. Helena Municipal Code (SHMC) Section 16.08.110 (Voluntary Merger), upon request of the legal owner of contiguous parcels, the Planner Director may approve the merger of the property without reverting to acreage. Any such request shall be in writing signed by all owners and accompanied by an executed assessor's combining agreement and such other data, documents or maps as may be required by the Planning Director to illustrate or legally describe the proposed configuration, dedications, etc. In

approving the combination of parcels, the Planning Director may impose reasonable conditions. The Planning Director's decision shall be final unless appealed to the Planning Commission. The procedure for approval, appeals, and notice of lot line adjustments, set forth in SHMC Section 16.08.070(D), (E) and (F), shall be followed for voluntary mergers.

Per SHMC Section 16.08.070(D), if a lot merger is approved or conditionally approved, the director shall make a written report thereof to the Planning Commission at its next regularly scheduled meeting. If the Planning Commission decides, by majority vote, to review the lot merger and conditions, it shall conduct a public hearing after giving notice pursuant to Section 16.04.100. The public hearing shall be held within thirty (30) days after the date of the request for review.

If the Planning Commission concurs with the staff approval, then the Planning Director must publish the action to approve the lot merger in the newspaper and send out a notice to all property owners within 300 feet of the site notifying them of the decision. Upon receipt of such notice property owners may then choose to appeal the action of the Planning Director to the Planning Commission.

The attached approval letter serves as the approval of the requested lot merger. Per SHMC Section 16.08.070(D), the approval letter and a written report were presented to the Planning Commission on August 15, 2023.

ISSUES

Staff has not identified any outstanding issues related to this application that require additional discussion.

CORRESPONDENCE

At the time of agenda publication, staff had not received any correspondence related to this application.

STAFF RECOMMENDATION

For the reasons described above, staff recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA as a Class 5 categorical exemption pursuant to Section 15305, and
2. Accept staff approval granting a Voluntary Lot Merger of the four parcels located at 1486 Sulphur Springs Ave. in the Medium Density Residential zoning district.

ATTACHMENTS

[Sulphur Springs Lot Merger Approval](#)

[APN & Aerial](#)

[Lot Merger Map](#)

[Applicant Statement](#)

LOT MERGER APPROVAL

DATE: August 15, 2023

TO: Applicants, Neighboring Property Owners and Interested Citizens

FROM: Maya DeRosa, Community Development Director

RE: Approval of a Voluntary Lot Merger between four contiguous vacant parcels located at 1486 Sulphur Springs Avenue, St. Helena, in the Medium Density Residential (MR) zoning district.



BACKGROUND

The four subject parcels are located at 1486 Sulphur Spring Avenue (APNs 009-362-028, 009-362-029, 009-362-030 and 009-362-031) in the Medium Density Residential District. On June 5, 2007 Tentative Parcel Map 2005-77 (TPM 2005-77) was approved by the Planning Commission. TPM 2005-77 enabled the previous owners to divide the .94 acre (40,946 square foot (sf)) parcel into four parcels ranging from .21 acres to .26 acres in size (approximately 9,150 sf to 11,325 sf). By the terms of the initial approval by the Planning Commission, the map was set to expire after two-years on June 5, 2009. However, in the wake of the Great Recession, the California Legislature passed numerous bills automatically extending the expiration dates of tentative maps, vesting tentative maps and tentative parcel maps for previously approved tentative maps in good standing at the time of the bills passing.

In the years following the automatic extensions granted by the state, the entitlement received several TPM extensions from the City keeping the map alive and on December 12, 2017, the St. Helena City Council approved the Final Map for the subdivision of the property into the four parcels as they exist today (Resolution No. 2017-160).

PROJECT DESCRIPTION

The new owner of the four contiguous parcels now wishes to voluntarily merge the parcels back into one parcel as it existed before the approved subdivision. The requested merger would not affect land use or zoning designations. The configuration of the existing and proposed parcels can be seen on the exhibits attached. No new or additional development is proposed as part of this process.

Existing Parcel Sizes

Lot 1 (APN 009-362-031) – .22 acres (9,583 sf)
 Lot 2 (APN 009-362-030) – .21 acres (9,148 sf)
 Lot 3 (APN 009-362-029) – .26 acres (11,326 sf)
 Lot 4 (APN 009-362-028) – .25 acres (10,890 sf)

Proposed Parcel Size

1486 Sulphur Springs – .94 acres (40,946 sf)

*Voluntary Lot Merger Approval
 August 15, 2023*

Upon approval of the Voluntary Lot Merger and recordation of the new deeds and maps, there will be one legal parcel; there will be no change in ownership. Any future development on the site would be required to submit appropriate applications, receive Planning Commission and/or City Council approval and meet all current development standards including density, size, setbacks, etc.

PROCESS

Pursuant to St. Helena Municipal Code (SHMC) Section 16.08.110 (Voluntary Merger), upon request of the legal owner of contiguous parcels, the Planner Director may approve the merger of the property without reverting to acreage. Any such request shall be in writing signed by all owners and accompanied by an executed assessor's combining agreement and such other data, documents or maps as may be required by the Planning Director to illustrate or legally describe the proposed configuration, dedications, etc. In approving the combination of parcels, the Planning Director may impose reasonable conditions. The Planning Director's decision shall be final unless appealed to the Planning Commission. The procedure for approval, appeals, and notice of lot line adjustments, set forth in SHMC Section 16.08.070(D), (E) and (F), shall be followed for voluntary mergers.

Per SHMC Section 16.08.070(D), if a lot merger is approved or conditionally approved, the director shall make a written report thereof to the Planning Commission at its next regularly scheduled meeting. If the Planning Commission decides, by majority vote, to review the lot merger and conditions, it shall conduct a public hearing after giving notice pursuant to Section 16.04.100. The public hearing shall be held within thirty (30) days after the date of the request for review.

This letter serves as the approval of the requested lot merger. Per SHMC Section 16.08.070(D), this letter and a written report were presented to the Planning Commission on August 15, 2023.

CONDITIONS OF APPROVAL

The lot merger is granted subject to compliance with the following conditions. The lot merger shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

PLANNING DEPARTMENT

1. The lot merger shall be valid for one year from the date of approval and if the revised lots are not a matter of record within that one-year period, the approval shall expire. The permit may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals. Any request for an extension of the lot merger must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
2. This permit is valid for this approval only. New permits must be applied for upon any other change in the parcel boundaries.
3. The permit shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed to the Planning Commission within that 14-day period.
4. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases no later than prior to recordation of the approved map, unless another time is set by law or by

*Voluntary Lot Merger Approval
August 15, 2023*

this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.

5. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
6. This permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.

PUBLIC WORKS DEPARTMENT

7. The applicant, or his/her representative, shall submit two (2) copies of the lot merger draft deed documents' legal descriptions with the following information:
 - a. The legal descriptions shall describe the entire boundary of each resulting parcel.
 - b. The legal descriptions shall be prepared, signed and stamped by a registered Land Surveyor or a licensed Civil Engineer.
 - c. The legal descriptions shall describe all easements, grants of right of way and deeds as applicable to the lot merger.
8. The following statements shall be included on each draft deed document:
 1. The purpose of this conveyance and the conveyances being recorded concurrently herewith is to create a lot merger pursuant to California Government Code Section 66412(d) and all local subdivision ordinances.
 2. The consolidation of underlying lots, parcels or portions thereof, as set forth in the above metes and bounds description, constitutes an expressed written statement of the Grantor, merging said underlying lots, parcels, or portions thereof pursuant to Section 1093 of the California Civil Code.
9. The applicant, or his/her representative, shall submit two (2) copies of the title reports issued within 30 days of the date of the legal descriptions and deed form submittals.
10. The applicant, or his/her representative, shall submit two (2) copies of the record maps, deed documents, etc. referred to in the lot line adjustment legal descriptions.
11. The applicant, or his/her representative, shall submit proof of payment of the mapping services fee, as required by the Napa County Board of Supervisors Resolution 92-119.

*Voluntary Lot Merger Approval
August 15, 2023*

12. The applicant, or his/her representative, shall submit proof of prepayment of property taxes.
13. Lenders should be contacted and any deeds of trust on the involved properties should be modified, to conform to the new boundary configurations, prior to recording the deed documents.

APPEALS

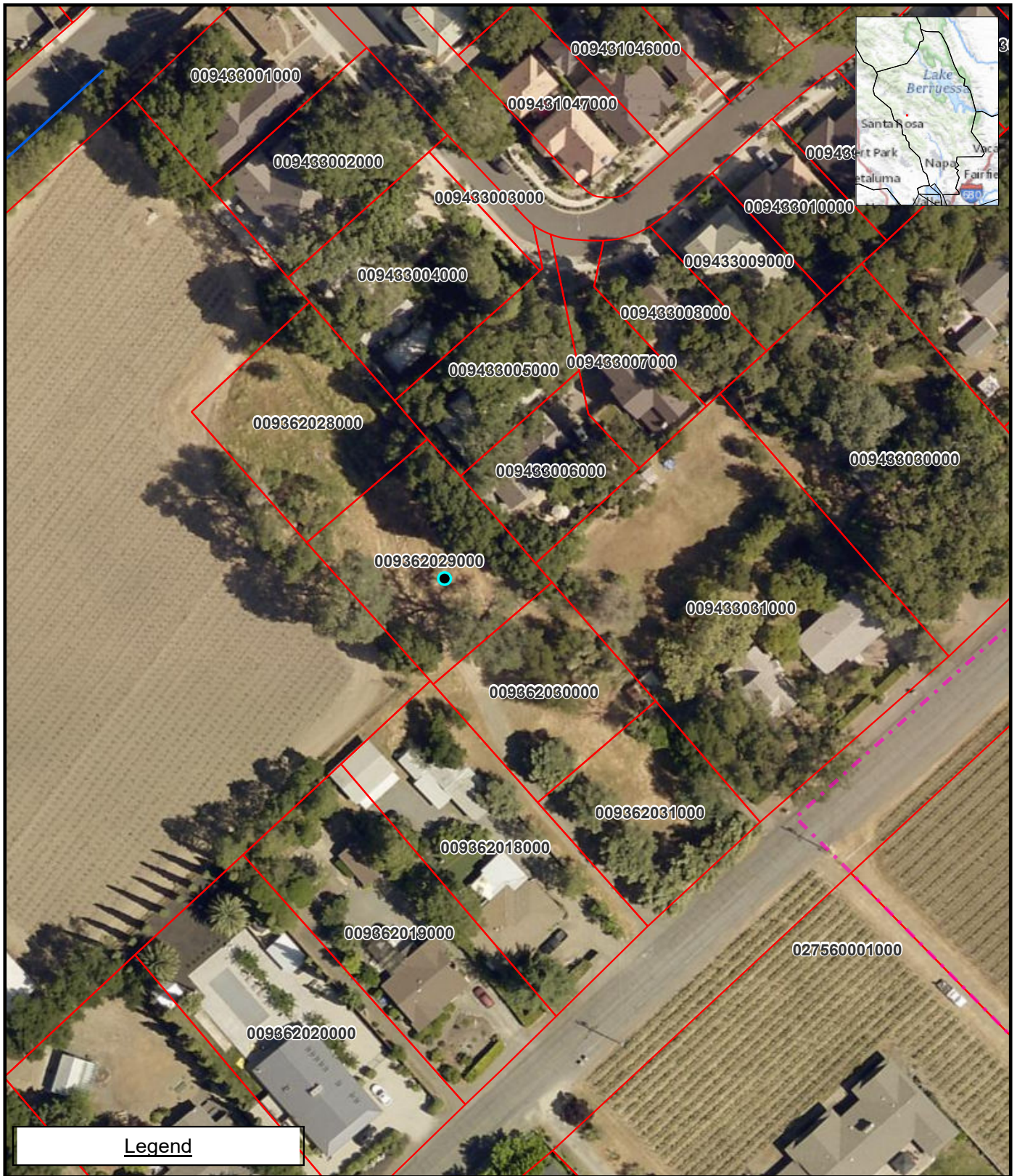
If the Planning Commission does not decide to review the lot line adjustment and conduct a public hearing pursuant to Section 16.08.030(D), notice of the approval will be published once in a newspaper of general circulation in the city. In addition, the Community Development Director will provide individual mailed notice of any such decision to owners of property as shown on the last equalized assessment roll within three hundred (300) feet of the subject properties. Any interested party may appeal such decision to the Planning Commission by filing with the Community Development Department a written statement setting forth the grounds of appeal within ten (10) days of the date of publication of such decision along with the appropriate application and associated fee. The Planning Commission would then conduct a public hearing and act on the appeal in accordance with Section 16.08.030(D).

Notice of this Voluntary Lot Merger approval was provided to the Planning Commission on August 15, 2023.

Thank you for your attention to this matter.



Maya DeRosa, AICP
Community Development Director
City of St Helena



Esri Community Maps Contributors, County of Napa, Sonoma County, California State Parks, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Swire, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NOAA, NASA, CGIAR, N Robinson, NCEAS



Produced by Napa County GIS

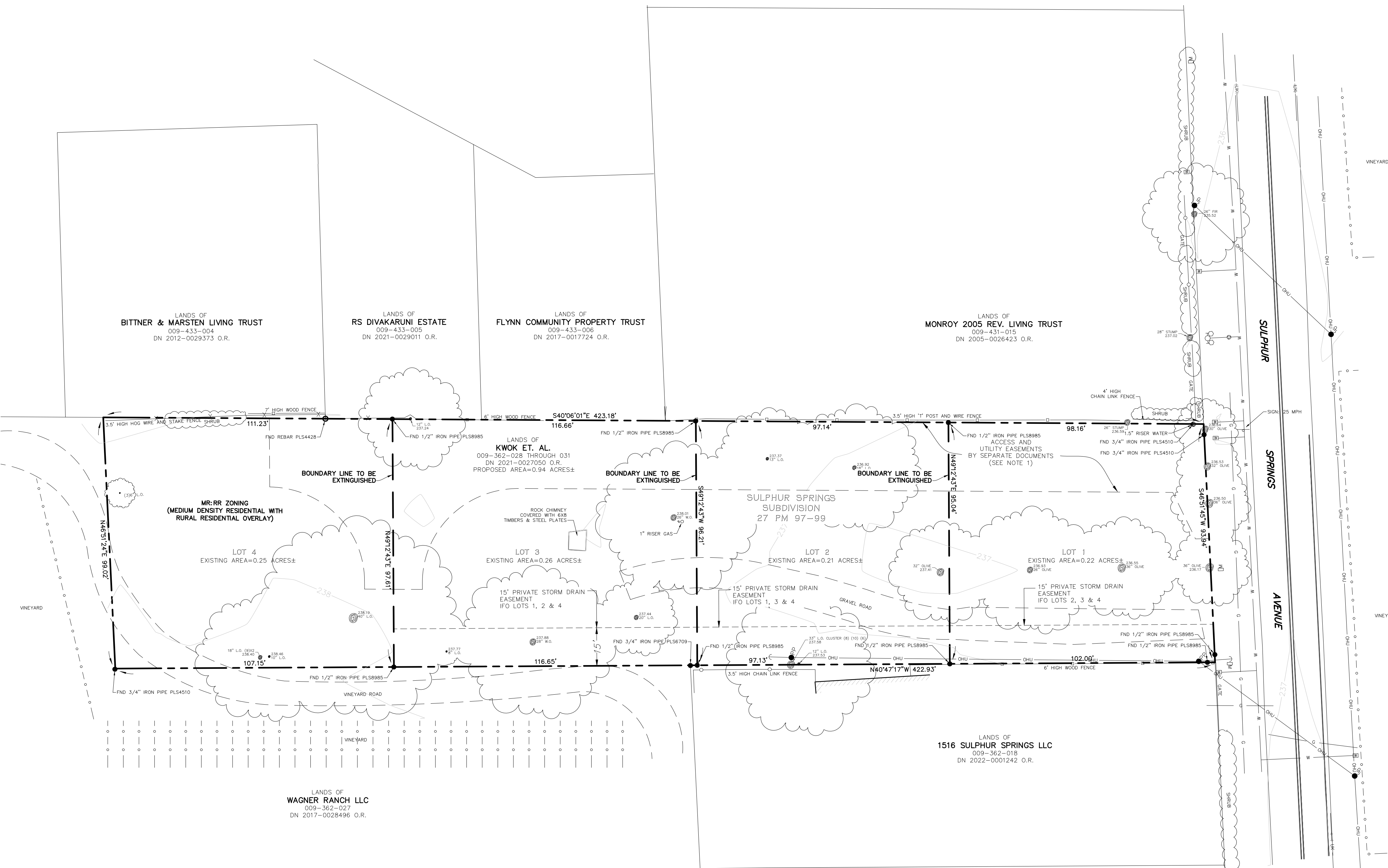
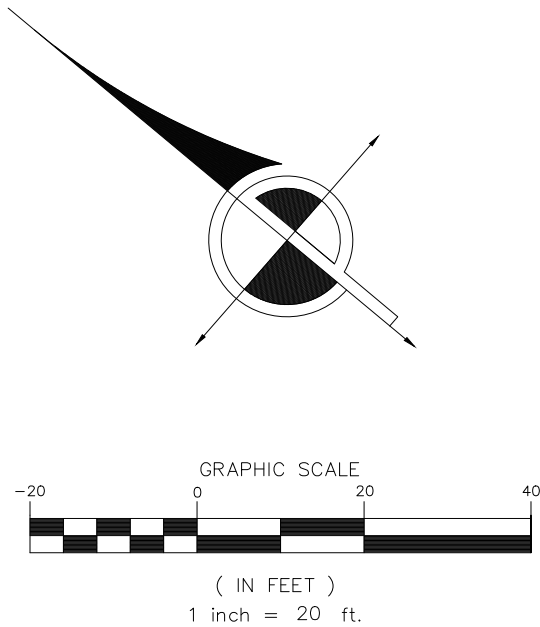
1486 Sulphur Spring Ave.

Printed On: 7/24/2023



Disclaimer: This map was prepared for informational purposes only. No liability is assumed for the accuracy of the data delineated hereon.

RECEIVED
By Xgamero at 2:04 pm, Apr 25, 2023



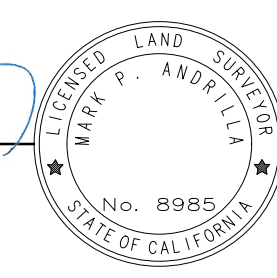
BASIS OF BEARINGS

BEING SOUTH 46°51'45" WEST BETWEEN A FOUND 3/4" IRON PIPE TAGGED L.S. 4510 4.00 FEET SOUTHWEST OF THE MOST EASTERLY CORNER OF THE LANDS OF RUTHERFORD INVESTORS, LLC, FORMERLY THE LANDS OF JOHN G. EUSER, AS SHOWN ON THAT RECORD OF SURVEY FILED FEBRUARY 17, 2005 IN BOOK 36 OF SURVEYS, PAGE 94, NAPA COUNTY RECORDS AND A FOUND 3/4" IRON PIPE, NOT TAGGED, MARKING THE EASTERLY MOST OF CORNER OF PARCEL A OF MAP NO. 642 AS SHOWN ON THAT RECORD OF SURVEY FILED DECEMBER 19, 1960 IN BOOK 6 OF SURVEYS, PAGE 35, NAPA COUNTY RECORDS.

NOTES

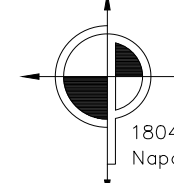
- 1) THE ACCESS AND UTILITY EASEMENTS SHOWN HEREON WERE NEVER GRANTED BY THE SUBDIVIDER OF 27PM97-99.
- 2) ONCE THE FOUR LOTS ARE MERGED INTO ONE LOT, THE 15' PRIVATE STORM DRAIN EASEMENT CAN BE EXTINGUISHED.
- 3) THERE ARE NO WILLIAMSON ACT AGREEMENTS AFFECTING THE SUBJECT PROPERTIES.

Mark P. Andrilla, P.L.S. 8985



4.17.23
DATE

Job Name:	LANDS OF KWOK, ET. AL.	DRAWN BY:	CHECKED BY: MPA
		SCALE: 1" = 20'	
		SHEET: 1 OF 1	JOB NUMBER: 7073-15
Description:	LOT MERGER SITE PLAN	DWG. PATH:	C:\Users\WANDRILL\AppData\Local\Temp\AcPlot\hp_7120\
		DWG. FILE:	7073LOT_MERGER.dwg
		DATE/TIME:	Apr 17, 2023 - 8:50am



CINQUINI & PASSARINO, INC.
LAND SURVEYING
1804 Soscol Ave. #202 Phone: (707) 690-9025
Napa, Ca. 94559 Fax: (707) 542-2106
WWW.CINQUINIPASSARINO.COM

- BOUNDARY
- TOPOGRAPHIC
- CONSTRUCTION
- SUBDIVISIONS

RECEIVED
By Xgamero at 2:02 pm, Apr 25, 2023

March 14, 2023,

To Whom It May Concern,

This is about the property at 1486 Sulphur Springs, St Helena, CA.

We bought this lot in 2018 with an intention to build 4 single family houses. However, market has changed since 2000 and is in favor of larger lot, larger houses and more amenities. The original plan is to divide this lot into roughly 4 6000-7000 ft net square footage lots, which will be the smallest lots in the entire street. As the construction costs skyrocketed in the past few years, we are not sure if we are able to reclaim our costs if we follow the original plan. By merging 4 lots, we are able to use the land more efficiently, less construction costs, and therefore less risk for investment.

Please feel free to contact me if you have any questions

Regards,



Ming Hing Kwok



PLANNING COMMISSION REPORT

Planning Commission Meeting of August 15, 2023

FILE NUMBER: PL23-005

SUBJECT: Request by Tom Braegelman for approval of a Lot Line Adjustment moving a shared property line between 1003 and 1007 Charter Oak Ave. in the Medium Density Residential zoning district.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Maya DeRosa, Community Development Director

APPROVED BY: Maya DeRosa, Community Development Director

APPLICATION FILED:02/06/23

ACCEPTED AS COMPLETE:07/19/23

LOCATION OF PROPERTY: 1003 & 1007 Charter Oak Ave.

APN: 009-112-006 & 009-112-005

GENERAL PLAN/ZONING: Medium Density Residential (MR)

APPLICANT: Tom Braegelman

PHONE: (320) 250-4727

BACKGROUND

The subject properties are located at 1003 and 1007 Charter Oak Ave. (APN 009-112-006 and APN 009-112-005) in the Medium Density Residential District. The proposed project involves two contiguous legal parcels owned by adjacent landowners. 1007 Charter Oak Ave. (Parcel A) is currently .34 acres, while 1003 Charter Oak Ave. (Parcel B) is currently 1.29 acres. The owner/applicant's desire adjust the property lines so that an existing easement over Parcel A becomes part of Parcel B. An equal amount of land (2,900 square feet (sf)) from Parcel B would be transferred to the back of Parcel A so that the size of each parcel would remain unchanged.

PROJECT DESCRIPTION

As described above, the applicant's request approval of a Lot Line Adjustment (LLA) to move shared property lines in order to give Parcel B ownership of a 20' strip of land for street frontage. The requested LLA would not affect land use or zoning designations and the total number of parcels would not change. The configuration of the existing and proposed parcels can be seen on the exhibits attached. No new or additional development is proposed.

Existing Parcel Size

1007 Charter Oak Ave. (APN 009-112-005) – .34 acres

1003 Charter Oak Ave. (APN 009-112-006) – 1.29 acres

Proposed Parcel Size (no change)

1007 Charter Oak Ave. (APN 009-112-005) – .34 acres

1003 Charter Oak Ave. (APN 009-112-006) – 1.29 acres

Upon approval of the Lot Line Adjustment and recordation of the new deeds and maps, there will be two legal parcels; there will be no change in ownership.

ANALYSIS**CEQA**

The requested LLA is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15305, as a Class 5 categorical exemption, Minor Alterations in Land Use Limitations, which exempts minor lot line adjustments not resulting in the creation of any new parcel. The project site is not located in or near an environmentally sensitive area, is not visible from a scenic highway, is not included on a hazardous waste site, and will not impact historic resources or otherwise generate or contribute to any potentially significant impact.

GENERAL PLAN

The subject property has a General Plan Land Use designation of Medium Density Residential (MDR). The MDR land use designation provides for single-family detached and attached homes, secondary residential units, and similar compatible uses. The MDR designation is the predominant residential designation occurring throughout large areas of the City and is intended to maintain a development pattern in higher density areas of the City that is consistent with historic development patterns exhibited by St. Helena's established neighborhoods. The 2040 St. Helena General Plan and 2015-2023 Housing Element Update Goals, Policies, and Eight-Year Action Plan include the following policies that are relevant to the proposed project:

- **LU1.4** In order to minimize and postpone the need for expansion of the Urban Limit Line, encourage infill development within currently developed areas.

Staff response: Consistent in that the LLA would occur within the Urban Limit Line and could potentially lead to additional infill development in the future.

- **LU1.5** Require new development to provide adequate infrastructure and urban services, including compliance with the policies and implementing actions affecting new development as set forth in the Public Facilities and Services Element.

Staff Response: Consistent in that the proposed LLA would not result in any impacts to existing services or infrastructure and no new development is proposed as part of the proposed LLA.

ZONING

Consistent with the General Plan land use designation described above, the subject property has a zoning designation of Medium Density Residential (MR). The MR zoning designation allows for single-family detached homes, accessory dwelling units, limited agricultural use and other compatible uses. Pursuant to SHMC §17.40.060, the following standards apply to properties within the MR zoning district:

STANDARD	MAXIMUM	1007(exst/prpsd)	1003 (exst/prpsd)
Lot Coverage	45%	20.6%	8.5%
SIZE	MINIMUM	1007 (exst/prpsd)	1003 (exst/prpsd)
Lot Area	7,000 sf	±14,800 sf	±56,192 sf
Lot Width	70 feet / 20 feet*	90' / 70'	0' / 20'

**Pursuant to SHMC Section 17.112.100(B), the narrow strip of land (or panhandle portion of the lot) connecting the lot with a public or private street shall have a minimum width and frontage of twenty (20) feet.*

No development is being proposed as part of the LLA and no changes to lot coverage or floor area ratio (FAR) would result from it. For informational purposes, each property is currently below FAR maximums as shown below:

1007 EXISTING FLOOR AREA:

PRIMARY DWELLING	1,750 SF
SHED	916 SF
UNENCLOSED CARPORT	381 SF
EXEMPTION	-381 SF

TOTAL 2,666 SF

FLOOR AREA RATIO: 2,666 / 14,800 = .180

1003 EXISTING FLOOR AREA:

PRIMARY DWELLING	3,899 SF
------------------	----------

GARAGE	462 SF
ADU	400 SF
EXEMPTIONS	-600 SF

TOTAL 4,161 SF

FLOOR AREA RATIO: 4,161 / 56,192* = .074

**Parcels over 20,000 sf have a maximum gross floor area of 4,200 sf.*

Staff Response: The proposed LLA would move a shared property line between two contiguous parcels so that a currently land-locked parcel accessed by an existing easement would have direct street frontage through a 20' wide panhandle. No new or modified development is proposed as part of this LLA. The adjusted property lines would not create any new non-conformities with respect to setbacks (a shed on 1007 Charter Oak currently has a non-conforming sideyard setback) and would add additional rear yard setback distance to 1007 Charter Oak. 1007 Charter Oak would maintain a minimum 70' lot width as required, and the "panhandle" conveyed to 1003 Charter Oak for street frontage would meet the required 20' width. As far as the panhandle is concerned, staff referred the application to the City Attorney for confirmation that adding ownership of the strip of land doesn't constitute the creation of a flag lot which would require use permit approval. The City Attorney states that the existing easement to 1003 Charter Oak already created a flag lot and that transferring the easement to fee ownership through the LLA does not require use permit approval.

LOT LINE ADJUSTMENT

Review procedures for Lot Line Adjustments (LLA) are regulated by the SHMC Section 16.08.070. A LLA map may be submitted and approved for a boundary adjustment between (four or fewer) existing and adjoining parcels, which does not create a greater number of lots than originally existed, if each proposed lots meets all the requirements of the California Subdivision Map Act, St. Helena General Plan, the Zoning Ordinance and building regulations.

As required by SHMC Section 16.08.070(B), each of the parcels involved in the proposed LLA are legally established parcels owned by the respective applicant(s). In addition to identifying the application requirements, Section 16.08.070 grants the Planning Director and the Public Works Director the discretion to jointly approve a LLA application which meet all development criteria. If jointly approved by the Planning Director and Public Works Director, Section 16.08.070(D) requires that the directors make a written report to the Planning Commission at its next regularly scheduled meeting, which this report is satisfying.

The Planning Commission may choose to formally review the LLA or simply provide concurrence on the Planning and Public Works Director's approval. If the Planning

Commission decides by majority vote to formally "review" the LLA, then a Planning Commission hearing date is set, public notice is sent out and the proposal is considered by the Commission.

If the Planning Commission concurs with the staff approval, then the Planning Director must publish the action to approve the LLA in the newspaper and send out a notice to all property owners within 300 feet of the site notifying them of the decision. Upon receipt of such notice property owners may then choose to appeal the action of the Planning Director/ Public Works Director to the Planning Commission.

ISSUES

Staff has not identified any outstanding issues related to this application that require additional discussion.

CORRESPONDENCE

At the time of agenda publication, staff had not received any correspondence related to this application.

STAFF RECOMMENDATION

For the reasons described above, staff recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA as a Class 5 categorical exemption pursuant to Section 15305, and
2. Accept staff approval granting a Lot Line Adjustment of the property line joining 1003 and 1007 Charter Oak Ave. in the Medium Density Residential zoning district.

ATTACHMENTS

[Lot Line Adjustment Approval](#)

[LLA Map](#)

[APN & Aerial](#)

[Second Aerial](#)

[Site Photos](#)

LOT LINE ADJUSTMENT APPROVAL



DATE: August 15, 2023

TO: Applicants, Neighboring Property Owners and Interested Citizens

FROM: Maya DeRosa, Community Development Director

RE: Approval of a Lot Line Adjustment between two adjacent properties located at 1003 & 1007 Charter Oak Avenue, St. Helena, in the Medium Density Residential (MR) zoning district.

BACKGROUND

The subject properties are located at 1003 and 1007 Charter Oak Ave. (APN 009-112-006 and APN 009-112-005) in the Medium Density Residential District. The proposed project involves two contiguous legal parcels owned by adjacent landowners. 1007 Charter Oak Ave. (Parcel A) is currently .34 acres, while 1003 Charter Oak Ave. (Parcel B) is currently 1.29 acres. The owner/applicant's desire adjust the property lines so that an existing easement over Parcel A becomes part of Parcel B. An equal amount of land (2,900 square feet (sf)) from Parcel B would be transferred to the back of Parcel A so that the size of each parcel would remain unchanged.

PROJECT DESCRIPTION

As described above, the applicant's request approval of a Lot Line Adjustment (LLA) to move shared property lines in order to give Parcel B ownership of a 20' strip of land for street frontage. The requested LLA would not affect land use or zoning designations and the total number of parcels would not change. The configuration of the existing and proposed parcels can be seen on the exhibits attached. No new or additional development is proposed.

Existing Parcel Size

1007 Charter Oak Ave. (APN 009-112-005) – .34 acres
1003 Charter Oak Ave. (APN 009-112-006) – 1.29 acres

Proposed Parcel Size (no change)

1007 Charter Oak Ave. (APN 009-112-005) – .34 acres
1003 Charter Oak Ave. (APN 009-112-006) – 1.29 acres

Upon approval of the Lot Line Adjustment and recordation of the new deeds and maps, there will be two legal parcels; there will be no change in ownership.

PROCESS

St. Helena Municipal Code (SHMC) Section 16.08 establishes review procedures for Lot Line Adjustments. The Code specifies that a LLA map may be submitted to adjust the boundary between four or fewer existing and adjoining parcels, which does not create a greater number of lots than originally existed. Per SHMC Section 16.08.070, the Planning Director and the Public Works Director, may at

*Lot Line Adjustment Approval
August 15, 2023*

their discretion jointly approve a lot line adjustment if the proposal is found to meet all required review criteria. If a lot line adjustment is approved or conditionally approved, the directors shall make a written report thereof to the planning commission at its next regularly scheduled meeting. If the planning commission decides, by majority vote, to review the lot line adjustment and conditions, it shall conduct a public hearing after giving notice pursuant to Section 16.04.100. The public hearing shall be held within thirty (30) days after the date of the request for review.

This letter serves as the approval of the requested Lot Line Adjustment. Per SHMC Section 16.08.070(D), this letter and a written report were presented to the Planning Commission on April 18, 2023 to establish concurrence with the Director's findings.

CONDITIONS OF APPROVAL

The lot line adjustment is granted subject to compliance with the following conditions. The Lot Line Adjustment shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

PLANNING DEPARTMENT

1. The lot line adjustment shall be valid for one year from the date of approval and if the revised lots are not a matter of record within that one-year period, the approval shall expire. The permit may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals. Any request for an extension of the Lot Line Adjustment must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
2. This permit is valid for this approval only. New permits must be applied for upon any other change in the parcel boundaries.
3. The permit shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed to the Planning Commission within that 14-day period.
4. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases no later than prior to recordation of the approved map, unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.
5. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
6. This permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.

*Lot Line Adjustment Approval
August 15, 2023*

PUBLIC WORKS DEPARTMENT

7. The applicant, or his/her representative, shall submit two (2) copies of the lot line adjustment draft deed documents' legal descriptions with the following information:
 - a. The legal descriptions shall describe the entire boundary of each resulting parcel.
 - b. The legal descriptions shall be prepared, signed and stamped by a registered Land Surveyor or a licensed Civil Engineer.
 - c. The legal descriptions shall describe all easements, grants of right of way and deeds as applicable to the lot line adjustment.
8. The following statements shall be included on each draft deed document:
 - a. The purpose of this conveyance and the conveyances being recorded concurrently herewith is to create a lot line adjustment pursuant to California Government Code Section 66412(d) and all local subdivision ordinances.
 - b. The consolidation of underlying lots, parcels or portions thereof, as set forth in the above metes and bounds description, constitutes an expressed written statement of the Grantor, merging said underlying lots, parcels, or portions thereof pursuant to Section 1093 of the California Civil Code.
9. The applicant, or his/her representative, shall submit two (2) copies of the title reports issued within 30 days of the date of the legal descriptions and deed form submittals.
10. The applicant, or his/her representative, shall submit two (2) copies of the record maps, deed documents, etc. referred to in the lot line adjustment legal descriptions.
11. The applicant, or his/her representative, shall submit proof of payment of the mapping services fee, as required by the Napa County Board of Supervisors Resolution 92-119.
12. The applicant, or his/her representative, shall submit proof of prepayment of property taxes.
13. Lenders should be contacted and any deeds of trust on the involved properties should be modified, to conform to the new boundary configurations, prior to recording the deed documents.

APPEALS

If the Planning Commission does not decide to review the lot line adjustment and conduct a public hearing pursuant to Section 16.08.030(D), notice of the approval will be published once in a newspaper of general circulation in the city. In addition, the Community Development Director will provide individual mailed notice of any such decision to owners of property as shown on the last equalized assessment roll within three hundred (300) feet of the subject properties. Any interested party may appeal such decision to the Planning Commission by filing with the Community Development

*Lot Line Adjustment Approval
August 15, 2023*

Department a written statement setting forth the grounds of appeal within ten (10) days of the date of publication of such decision along with the appropriate application and associated fee. The Planning Commission would then conduct a public hearing and act on the appeal in accordance with Section 16.08.030(D).

Notice of this Lot Line Adjustment approval was provided to the Planning Commission on August 15, 2023.

Thank you for your attention to this matter.



Maya DeRosa, AICP
Community Development Director
City of St Helena



Joseph Leach, PE
Public Works Director / City Engineer
Public Works Director

Lot Line Adjustment Approval
August 15, 2023

EXISTING ZONING: - MR: Medium Density Residential
SEWAGE DISPOSAL: - City of St. Helena
WATER SUPPLY: - City of St. Helena
UTILITY SERVICE: - Pacific Gas & Electric

APPLICANT:

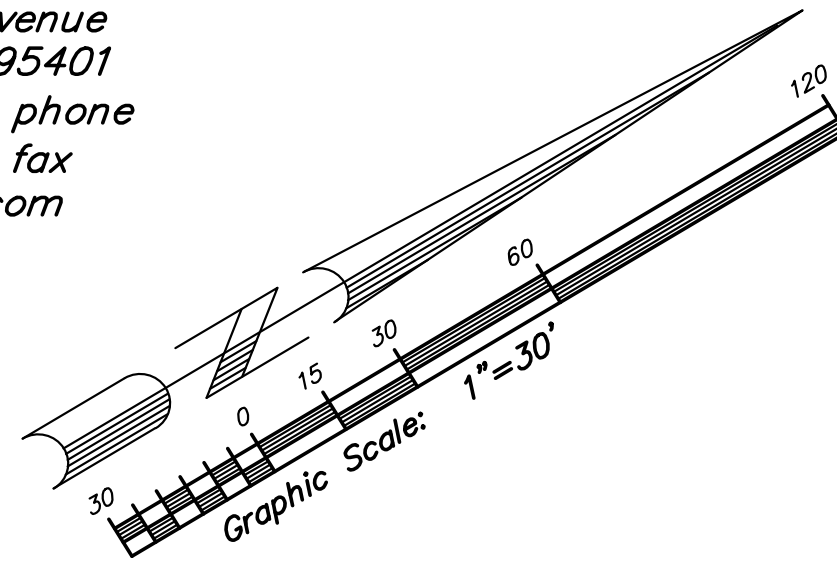
St. Helena Properties, LLC
c/o Tom Braegelmann
1003 Charter Oak Avenue
Saint Helena, Ca. 94574
(408) 212-1292 phone
tom@masteringre.com

OWNER:

Hector Lopez
1007 Charter Oak Avenue
Saint Helena, Ca. 94574

SURVEYOR/ENGINEER:

ADOBE ASSOCIATES, INC.
1220 N. Dutton Avenue
Santa Rosa, CA. 95401
(707)541-2300 phone
(707)541-2301 fax
asmith@adobeinc.com



Legend:

AD	Area Drain	L1	N 26°47'49" E 72.72'
Clstr	Cluster	L2	N 26°40'34" W 8.29'
Ex.	Existing	L3	N 30°15'26" E 72.13'
Lo	Live Oak Tree	L4	S 58°44'43" E 6.22'
Oak	Oak Tree	L5	N 31°15'26" E 74.64'
Orange	Orange Tree	L6	S 12°45'00" E 2.74'
Palm	Palm Tree	L7	S 60°00'00" E 24.95'
P.G.&E.	Pacific Gas & Electric	L8	S 15°00'00" E 11.35'
Pine	Pine Tree	L9	N 58°25'00" W 11.35'
Rdwd	Redwood Tree	L10	S 58°50'11" E 10.00'
ssco	Sanitary Sewer Cleanout		
SSMH	Sanitary Sewer Manhole		
UP	Utility Pole		
●	Found 5/8" Rebar with 1-1/2" Aluminum Cap, RCE 33407		
✱	Found 3/4" Iron Pipe, RCE 26589		
○	Found 3/4" Iron Pipe, LS 4510		
-x-x-	Fence Line		
-OHW-	Overhead Wires		
-SSMH-	Sanitary Sewer Manhole		
-SS-	Sanitary Sewer Line		
-W-	Water Line		
○	Utility Pole		
□	Water Box		
○+	Water Valve		
[Pattern]	Concrete		
[Pattern]	Gravel		
[Pattern]	Pavement		

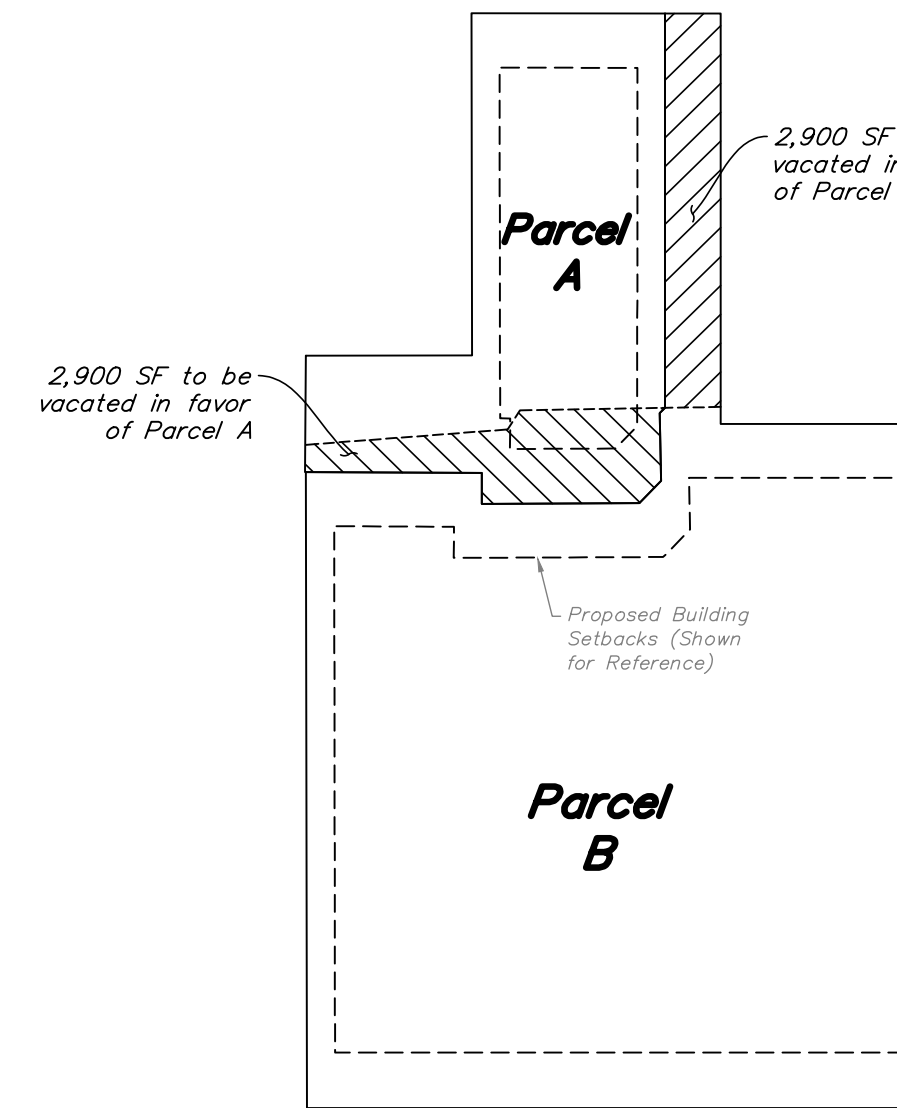
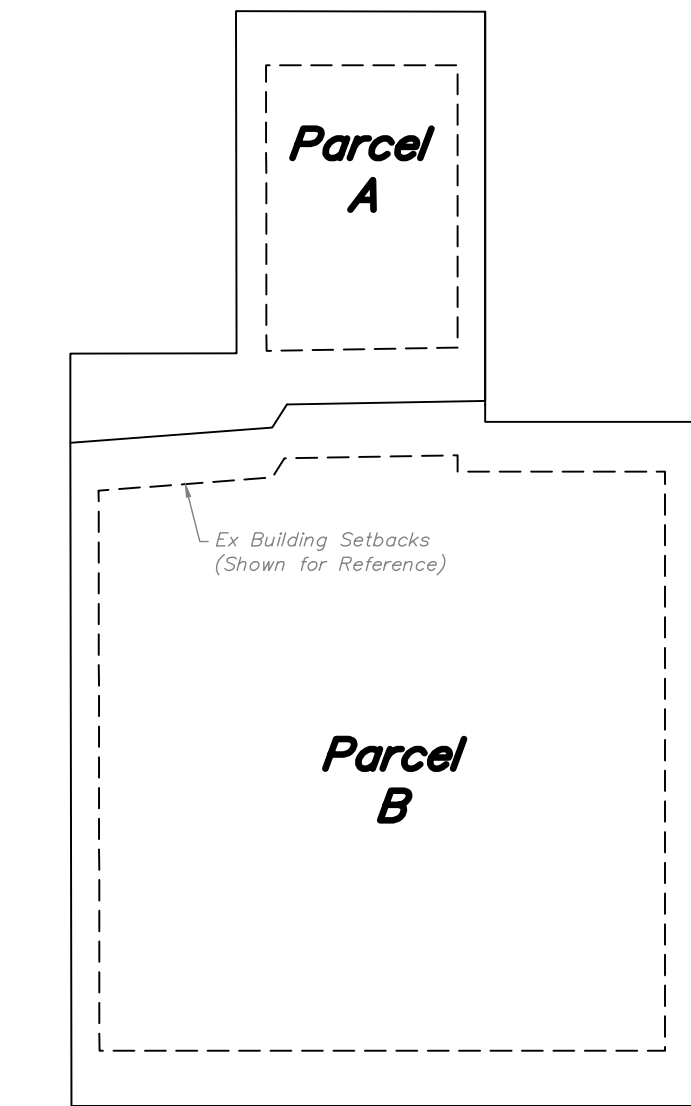
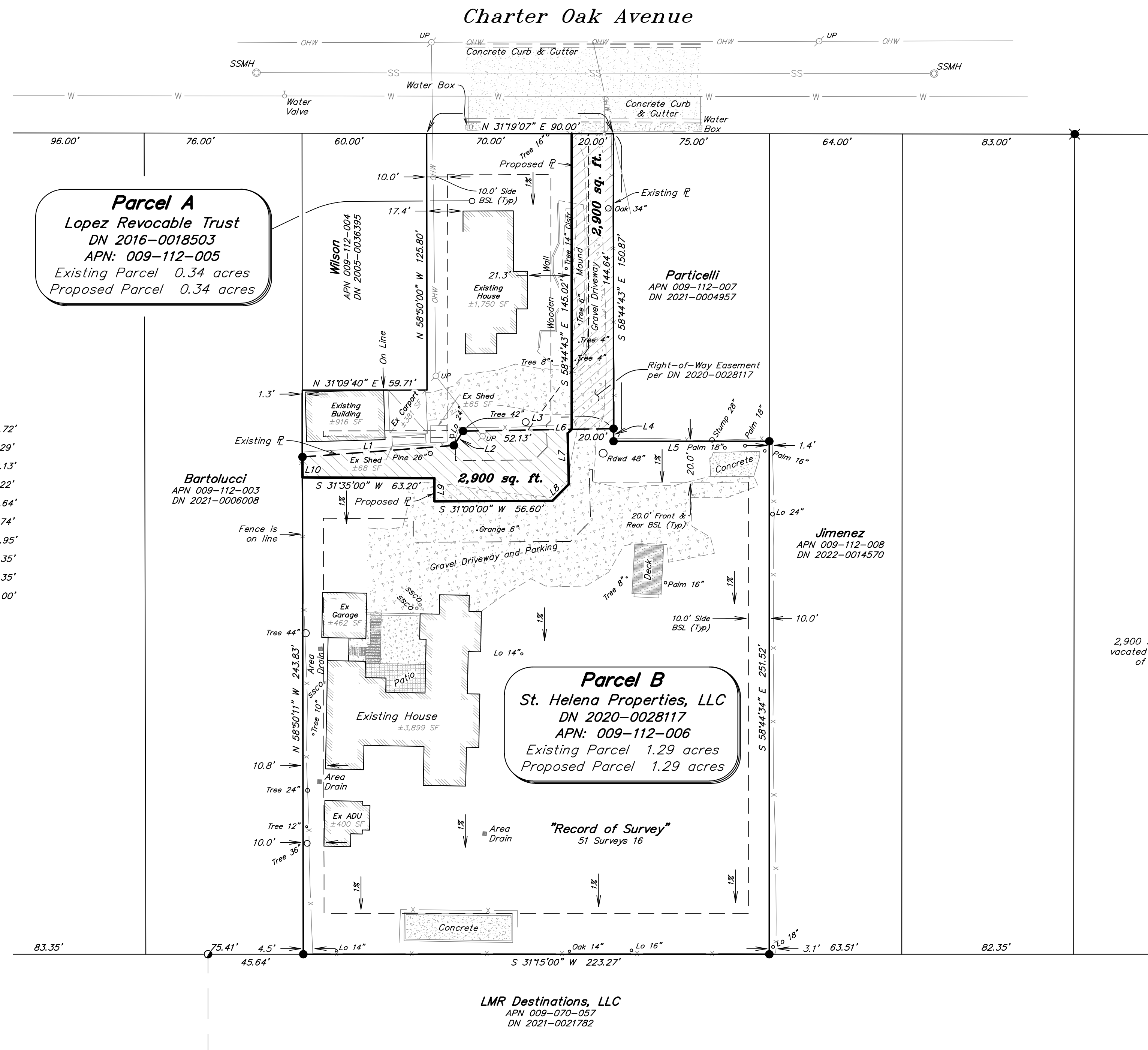
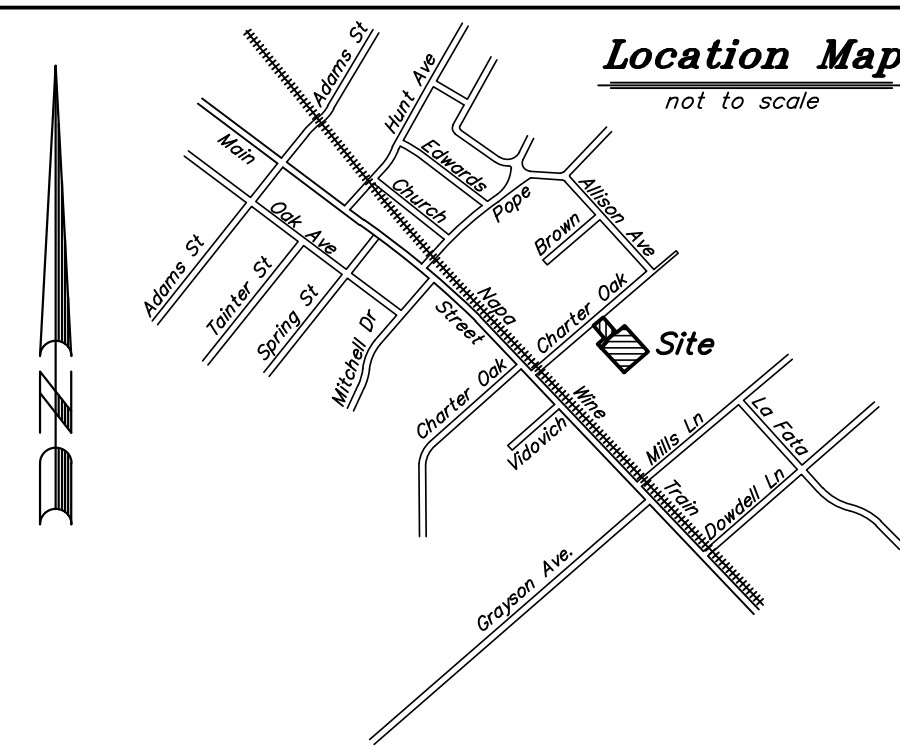
General Notes

Property lines shown hereon are based upon a field survey performed by Adobe Associates, Inc., in December of 2022 and are based upon found iron pipe monuments and record information from that map titled "Record of Survey" recorded on June 7, 2022 in Book 51 of Surveys at Page 16, Napa County Records.

Utilities and features shown hereon are based upon physical features observed at the time of this survey, such as paint markings, overhead wiring, utility poles, and utility boxes. For the location of under ground utilities, a subsurface utility locating company should be contacted.

Lot Line Adjustment Site Map

Between the Lands Of Lopez Revocable Trust
and St. Helena Properties, LLC
1003 & 1007 Charter Oak Avenue, Saint Helena, Ca.
Assessor's Parcel Numbers 009-112-006 and 005

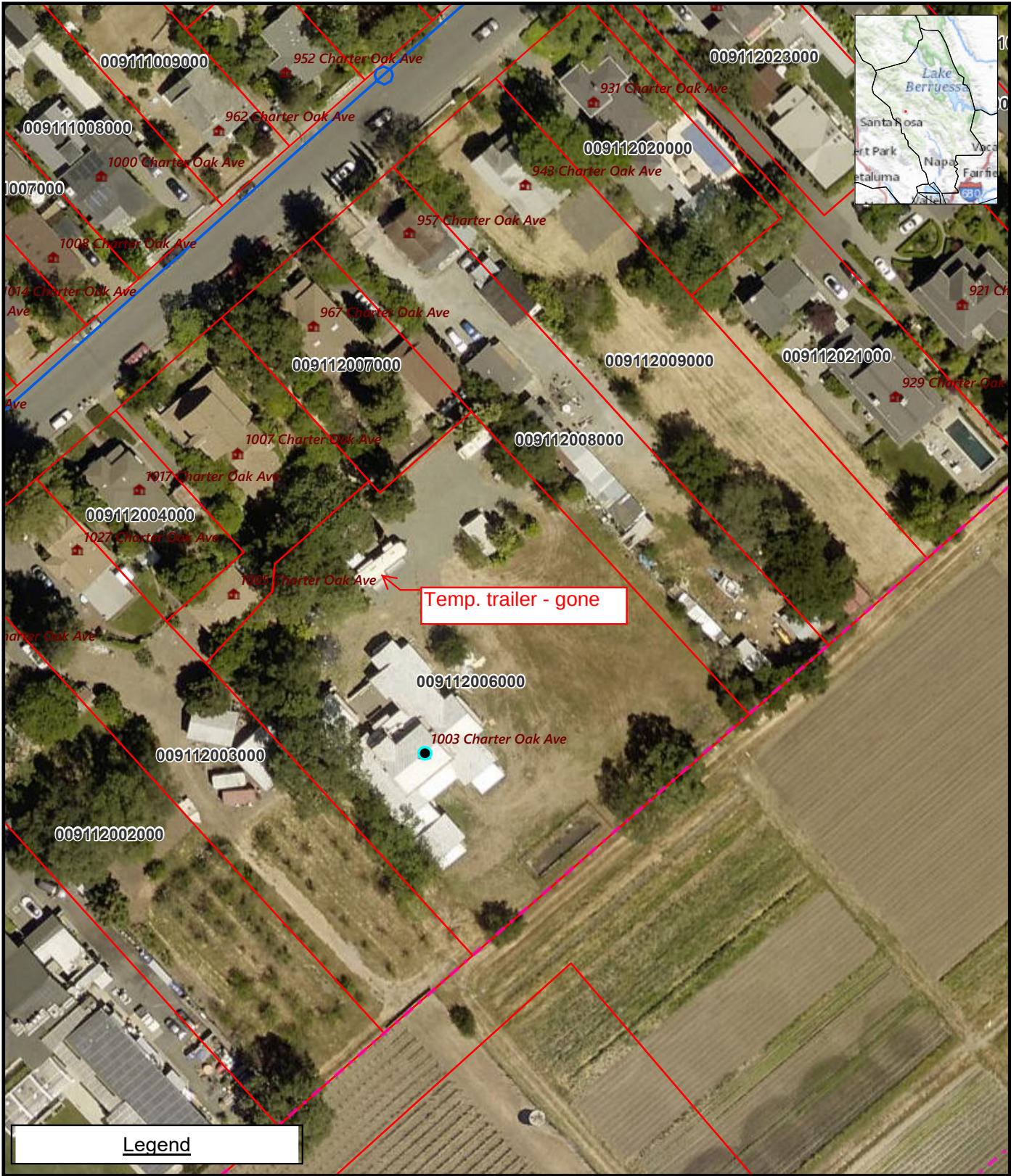


Revisions			Approved
No.	Date	Description	

adobe associates, inc.
civil engineering / land surveying / wastewater
1220 N. Dutton Ave., Santa Rosa, CA 95401
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"A Service You Can Count On!"

Site Map
Lot Line Adjustment

Scale: 1" = 30'	Sheet
Date: July 2023	1
Design by: Jagg	of 1 sheet
Drawn by: Jagg	Job No. 22252
Checked by: ARS	



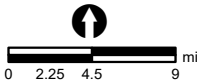
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Produced by Napa County GIS

1003 Charter Oak Ave.

Printed On: 6/26/2023



Disclaimer: This map was prepared for informational purposes only. No liability is assumed for the accuracy of the data delineated hereon.



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PLANNING COMMISSION REPORT

Planning Commission Meeting of August 15, 2023

FILE NUMBER: ZOA 2023-001; ZMA 2023-001

SUBJECT: Request the Planning Commission recommend the City Council adopt an ordinance amending Title 17 (Zoning) of the St. Helena Municipal Code (ZOA 2023-001), amend the Zoning Map to be consistent with the General Plan land use designations and implementing an expanded Historic Preservation Overlay District (ZMA 2023-001)

PREPARED BY: Maya DeRosa, Community Development Director

REVIEWED BY: Maya DeRosa, Community Development Director

APPROVED BY: Maya DeRosa, Community Development Director

LOCATION OF PROPERTY: Citywide

GENERAL PLAN/ZONING: Citywide

BACKGROUND

On June 2019, the City of St. Helena adopted a new General Plan. The comprehensive update to the 1993 General Plan included a number of implementation actions which indicated a new zoning ordinance would be needed to bring the zoning into compliance with the new General Plan. The City hired the consulting firm of Lisa Wise Consulting, Inc. (LWC) in December 2019 to lead the code update effort.

On May 5, 2020, the City held a joint City Council and Planning Commission Special meeting to discuss a summary of the stakeholder input received in February and March of 2020. Key issues that were discussed include:

- **Discretionary Review Process:** there is a lack of predictability for applicants; Design Review findings need to be less subjective.
- **Housing:** there is a need for more creative housing types, density and strategic infill.

- Neighborhood Character: new residential rebuilds are out of context with neighborhood scale and mass; floor area ratio (FAR) should be reduced; design review findings are unclear.
- Downtown: the list of permitted uses in the downtown should be expanded to create economic stimulus.
- Format: the current use-based format of the code should be maintained instead of switching to a form based code.

Some key objectives of this work effort by the City include a more user-friendly code, clear standards attracting high quality development, addressing current legislation and ensuring that new development is compatible with neighborhood character. Following the May 5, 2020 meeting, the consultant compiled a Recommendations Memo which was presented to the Planning Commission at meeting on August 24, 2020. A meeting with a group of Downtown Stakeholders occurred on June 23, 2021 to solicit feedback on constraints with the current code and additional uses that should be added to the code, particularly in the CB, Central Business District. As a result of this input, the new code now includes a broader array of permissible uses including live/work units, creative maker spaces, brewpubs and public markets (see Table 17.17.020).

The City Council created a three-member Zoning Code Subcommittee (Vice Mayor Hall, Council member Hardy and Chair Ponte) to work with staff and the consultant in the review of the draft code and provide feedback prior to release to the public. The Subcommittee conducted 12 meetings starting on March 10, 2021 and concluding on August 30, 2022.

What Does the Zoning Code Update Accomplish?

- Economic development tool
 - Promotes highest and best use on Main Street
 - Design standards create certainty for builders
 - Expanded list of active uses including public market, brewpubs, amphitheater, maker uses
 - Allows formula retail by right (up to 4) in the Service Commercial (SC) District; allows up to four formula businesses in the Central Business District (CB) with a conditional use permit and allows up to four formula businesses in the Mixed Use (MU) district. Further, adds specific use permit findings to create more certainty for retailers in the CB and MU districts
 - Eliminates parking in-lieu fee burden downtown (Parking Exemption Overlay) and waives all on-site parking requirements
- Streamlines permit process by introducing staff level review processes (Minor Use Permit and Minor Design Review) and moving many uses previously a Use Permit to a Permitted Use (staff approval)
- Eliminates arbitrary Major Design Review findings
- Adds illustrated parking design standards (previously not part of the zoning code)
- Facilitates Multi-family development

- Adds Objective Design Standards
 - Ministerial Review
 - Reduces parking requirements so more land can be for housing
- Adds Lighting and Illumination Standards
- State law compliant
 - Implements ministerial review consistent with SB 330
 - Updated Affordable Housing chapter to be compliant with state density bonus law
 - Amended Sign Code to be content neutral
- Climate Action
 - Includes standards for bicycle parking, EV chargers
 - Updated Xeriscape standards
 - Adds solar energy standards
- Ease of use
 - Compare development standards across different zones on one page
 - Compare uses across different zones on one page
 - Adds illustrated development standards diagrams to support code standard
 - Enhanced graphics in sign code
 - Illustrated rules of measurement

How Does the Zoning Code Update Align with Housing Needs, Reduce Cost, Add Diversity of Uses and Increase Density?

- Expanded small lot standards with illustrated diagrams on acceptable lot layouts
- Added Single Room Occupancy Uses (permitted by right in MU district)
- Added Live/Work land use
- Created new zoning district "Mixed Use" which allows for residential development up to 20 units/acre in areas previously not designated for this increased density
- Eliminated covered parking requirement in residential zones
- Eliminated all parking requirements and fees in the Parking Exemption District downtown
- Reduced parking requirements for multi-family development
- Updated Planned Development Overlay provides clarification of what development standards should be included

Public Outreach on the Public Review Draft Zoning Code

The Public Review Draft of the new zoning code was released on October 18, 2022. The first of three proposed public meetings to receive comments was held on October 26th as a special joint City Council and Planning Commission meeting (Meeting #1). The focused discussion topics of that meeting were sections of the code pertaining to review authority, new permit processes and residential development and design standards. Comments were received from the City

Council, Planning Commission and members of the public and are noted in the comment tracker posted with the meeting agenda.

On December 7, 2022, a third public meeting was held as a special joint City Council and Planning Commission meeting (Meeting #3) and the key topics included parking standard changes, signage regulations, affordable housing regulations, parking exemption overlay, historic preservation overlay, planned development overlay, and proposed changes to the map, including the deletion of the LR-1A district. After receiving a lot of public testimony not in favor of removing the LR-1A zoning, direction was given to staff to revise the zoning map and standards to include LR-1A. At the end of the meeting, the public comment period was extended to December 31, 2022 and all comments received during that time period were included in the comment tracker posted to that agenda. In all, over 380 comments have been responded to by staff and the consultant. Areas where changes are proposed to the draft code based on public comment are shaded in yellow.

Due to the number of comments the City received at the December joint meeting, a decision was made to have a fourth joint public meeting which was held on May 10, 2023 (meeting #4). All the public comment received as part of that meeting (and post the meeting) are attached with responses in the Comment Tracker (Attachment 1).

For each of these public meetings, the City prepared press releases and flyers posted on City website and social media to broadly communicate the date and time of these public meetings, as well as how to participate. An extensive amount of public comment on the draft code has been received to date as evidenced in the comment trackers published for each of the four public meetings noted above.

In summary, the draft code has been available for public review and comment since October 2022, which has allowed the public over 9 months to review the draft regulations.

This staff report addresses the organization of the new code, new permits and important amendments to the code.

PROJECT DESCRIPTION

ZOA 2023-001 would amend Title 17 of the St. Helena Municipal Code to ensure compliance with the adopted 2019 General Plan, applicable State and Federal laws, as well as comprehensively modify processes, uses, and standards of development to enhance usability, streamline processes and encourage development more compatible with St. Helena's built environment. The new zoning regulations (Attachment 2) and the associated zoning map (Attachment 3) have been revised in a manner that is understandable, encourages economic development and will encompass the goals of the General Plan.

ANALYSIS

A. Improving Organization and Clarity of Code

One of the stated goals of the Zoning Code Update relates to making the revised Zoning Code user friendly by way of logical organization, clear language, and easy

to understand tables and graphics. To accomplish these goals, the revised Zoning Code includes these elements and also groups similar zoning districts together in one table for uses and another table for development standards so a user can easily compare requirements by district. The addition of graphics throughout the code helps illustrate the objective design standards, signage regulations, parking standards and terms of measurement.

The new Zoning Code is outlined into five parts as follows:

- Part I General Provisions
- Part II Administration and Procedures
- Part III District Regulations
- Part IV Citywide Standards
- Part V Definitions and Rules of Measurement

B. New Non-Discretionary Permits

Some of the initial feedback from the stakeholders interviewed as part of the code update process suggested that the city should reduce the number of uses that require Use Permits and also streamline the development review process by creating staff level approvals for Design Review. The new zoning code has addressed these concerns as follows:

Minor Use Permit (17.05.090): The code specifies in the use tables throughout the code those uses that may be approved via a Minor Use Permit (MUP), which is approved by the Community Development Director. The MUP is similar to a Conditional Use Permit (CUP) in that there are required findings that must be made to approve, and a public notice is sent according to the public hearing procedures, however, the public hearing is only held if requested by an interested person prior to the date for the decision. If the hearing is requested, the Community Development Director conducts the hearing according to Chapter 17.04, Common Procedures.

Minor Design Review (17.05.080): Please refer to this chapter of the code for a full list of the types of projects that are eligible for Minor Design Review, which allows for administrative review and approval of development applications that do not have site or architectural design impacts.

Minor Modifications (17.11.010): Please refer to Table 17.11.010A for a complete list of the types of projects that may be considered for approval as a Minor Modification. The purpose of this type of application is to enable the Community Development Director to approve minor deviations from the Code standards when such requests constitute a reasonable use of property but are not otherwise permissible under the strict application of the Code. Please also refer to the

required findings in the referenced chapter in order to approve a minor modification.

Please also refer to Table 17.03.030A for a comprehensive list of all Planning Permits and review authorities.

C. Other Amendments

1. Creation of Mixed Use (MU) zone

The updated Zoning Code Update includes a new zoning district, Mixed Use (MU) in response to the adopted General Plan which created a Mixed Use Land Use designation in the Land Use Element. The purpose statement of the Mixed Use district in the code is: (17.17.010)

The MU zone is intended to provide areas for a mix of medium and high-density residential unit types and commercial, retail, office, restaurant, and open space uses. The Zone supports both vertical and horizontal residential mixed-use development. Residential densities are from 12 to 20 dwelling units per acre. This zone implements the Mixed-Use General Plan Designation.

Please refer to the proposed zoning map for the location of the Mixed Use districts.

2. Update to A-20 Standards

City staff received feedback in the code development process that stricter development standards were needed for the A-20 zoning district based on the pattern of very large mansions and compound like developments being constructed in these agricultural districts. In response, the public review draft provided 1) a limit on the maximum footprint of the primary structure; and 2) a limitation on the size of the second story (for lots over 2 acres). Also, the maximum lot coverage for parcels over 2 acres in size was reduced from 1 acre to .5 acre, a 50% reduction from the current code. At the May 10, 2023 public meeting, the City received public comment that this lot coverage standard was too limiting as well as the maximum 4500 square foot maximum ground level floor area and staff was directed to restudy this and recommend refinements.

In response, staff determined a more equitable solution would be to have three tiers of standards for A-20 depending on lot size. The recommendations are as follows (please also refer to Table 17.19.030B):

- For lots less than 2 acres, refer to the LR-1A development standards (same reference as current code)
- Create category of lots 2 acres >5 acres; recommend maximum lot coverage of .5 acres and limit maximum ground level floor area of 4500 sf (second story floor area maximum is 35% of ground floor area)

- Create category of lots over 5 acres; recommend maximum lot coverage of 1 acre and limit maximum ground level floor area of 5000 sf (second story floor area maximum is 20% of ground floor area)

3. Residential Development Standards

In response to stakeholder feedback at the onset of the code update process to create new development standards that limit the scale and massing of new homes in the single family zoning districts, the development standards Table 17.16.030 has added new development standards. In the October 2022 draft, the City had planned to merge the current LR-1A standards with the LR and remove the LR-1A from the zoning map. After receiving much public input at the December 7, 2022 meeting, the City Council directed staff to keep the LR-1A zone in the code, so the development standard table has been updated accordingly. Lot coverage remains unchanged across all residential zones with the exception of the High Density (HR) zone which was increased from 45% to 55%.

In the Medium Density (MR) zone, the City received public comment at the May 10th meeting and concern that the maximum primary building footprint standard was very limiting and would result in more second stories which could pose both structural and financial issues for those seeking to expand a one story house. As a result, the updated standards table has now deleted the maximum primary footprint standard and instead now has a maximum building gross floor area standard, based on lot size (footnote 4 on Table 17.16.030). In response to early policy direction to limit the allowable size of new construction in the established neighborhoods, the gross floor area has been reduced by 5% of the current code allowable gross floor area in MR District. Staff finds that it is in the interest of the City to encourage smaller homes as this generally creates homes that have a smaller carbon footprint and smaller homes can help create lower priced housing stock.

The Low Density Residential (LR) zone has been updated to remove the maximum primary building footprint size and similar to the MR zone, building size as maximum gross floor area is based on lot size as illustrated in the development standards Table 17.16.030.

Additionally the development standards table has a footnote that allows for floor area exemptions for square footages of ADUs, covered parking space and non-habitable accessory buildings (same as current code).

4. Objective Design Standards

State law defines objective standards as those that “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to

an external and uniform benchmark or criterion available and knowable by both the development applicant and public official prior to submittal.”

The purpose of the objective design standards found in Chapter 17.16.040 of the draft code is to articulate project design requirements for all residential and mixed-use developments. These Standards will be utilized to detail the review process by clearly stating the City of St. Helena’s objectives for high quality, residential projects that are aesthetically pleasing while still embracing the eclectic community character.

The City received much public comment on the first version of the objective standards contained within the October 2022 public review draft. In response to these comments, the City created a website to inform the community on why objective standards are included in the new zoning code. <https://www.cityofsthenana.org/planning/page/objective-standards-information-and-resources>

Further, City staff and LWC met with the design professionals to get feedback on the redline version that was presented at the May 10th public meeting. The City Attorney prepared an informational page regarding objective standards which is also on the objective standards website.

5. Formula Business

As discussed in prior public meetings, the updated zoning code has been revised to implement the Economic Development Strategy approved by the City Council in 2021. One of the initiatives in that report recommended the City relax some of the restrictions on formula businesses. In 2022, staff brought a discussion item to City Council about potential strategies to reduce regulations and the outcome of that meeting was for staff to update the zoning code as follows:

Service Commercial (SC) District: Allow up to four formula businesses by right (no CUP).

Central Business (CB) District: Allow up to four (4) formula businesses with a CUP approval.

Mixed Use (MU) District: Allow up to four (4) formula businesses with a CUP approval.

Additionally, the definition of formula restaurant has been updated in Chapter 17.33 in order to continue to prevent mainstream formula restaurants in the City, consistent with the General Plan policy but ensure that high quality food establishments, (such as those established by Thomas Keller) would still be allowed in St. Helena. Please see new definition proposed below:

Formula restaurant. “Formula restaurant” means a restaurant devoted to the preparation and offering of food and beverage for sale to the public for consumption either on or off the premises and which is required by contractual or other arrangement to offer any of the following: standardized architecture or standardized external signs which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location.

Current Code Definition: 17.48.060

- A. **Formula restaurant.** “**Formula restaurant**” means a **restaurant** devoted to the preparation and offering of food and beverage for sale to the public for consumption either on or off the premises and which is required by contractual or other arrangement to offer any of the following: standardized menus, ingredients, food preparation, decor, uniforms, architecture, or similar standardized features.

6. Expanded Historic Preservation (HP) Overlay

As historic preservation takes place at the local government level, the ordinance is the most important tool in developing and implementing a successful preservation program. The current zoning code includes a Historic Preservation Overlay and identifies a few properties listed on the National Register of Historic Places. While the current code does identify regulations for listing properties and findings for approval of changes, it does not implement the General Plan policy to create a preservation ordinance, including clear regulations for how to treat exterior changes to a historic property. Additionally the current regulations do not recognize the significant number of historic properties listed as part of the 2019 General Plan Appendix A.

Some of the key General Plan policies that this revised HP Overlay ordinance implements includes:

- Creating a preservation ordinance
- Creating a Local Register of properties (Attachment 4)

The key changes proposed as part of the amendments to the HP Overlay include:

- Updated purpose statement
- Updated applicability section
- Creates a Local Register based on the properties included in General Plan Appendix A (and updated to remove any properties that have been demolished or significantly altered based on building permits issued since 2006 (date of last survey)).
- Creates an expanded HP Overlay noted on the proposed zoning map that correlates with the properties listed in the proposed Local Register (See Attachment 5)

- Adds criteria for types of projects and review process
- Creates streamlined staff level review for smaller projects that are consistent with the standards
- Identifies regulations for changes pertaining to exterior modifications, additions and new construction that are consistent with nationally recognized standards known as “The Secretary of Interior’s Standards”.

Public Outreach

In November 2022 the City created a website for the HP Overlay regulations (<https://www.cityofsthelena.org/planning/page/historic-preservation-overlay>) and sent letters to the properties noted in the proposed Local Register regarding the status of the property listing being added to the HP Overlay District. The letter included an invitation to attend a November 30th informal meeting hosted by City staff to learn more about the HP Overlay regulations. Those letter notifications also included an invitation to attend the 12/7 public meeting where all the Overlay Districts would be topics for discussion. The November 30th meeting was attended by six property owners. Some of the comments received were interest in if the City still has a Mills Act incentive program; what was the criteria for being listed and one property owner wanted to know if possible to opt out of being included in the Local Register. Regarding requests to be removed from the proposed Local Register, the historic significance of the building should be considered but ultimately the City Council may make the final adjustments to the Local Register at the time of code adoption.

7. Revised Planned Development Overlay

The purpose of the Planned Development District is to preserve and/or create distinctive, high quality single or mixed -use developments that meet or exceed the goals of the General Plan. Through utilizing this overlay, it provides greater flexibility in the design of the developments than is otherwise possible through the strict application of the zoning regulations and promotes innovation, creativity and design excellence.

The amendments to the Planned Development (PD) Overlay include:

- Expands Purpose Statement
- Supplements and clarifies application requirements
- Expands and clarifies the necessary standards that are to be included in a PD District
- Updates the Required Findings
- Includes who may initiate a PD district
- Outlines the Preliminary Review process and Review Procedures

8. Small Wineries

The primary change to the small winery ordinance (17.22.230) involves two areas that received public comment and feedback:

- Requirement for the winery owner to live onsite has been deleted
- Requirement for a minimum of 85% of the grape source for wine production be grown on the premises to be onsite or from an adjacent parcel has been updated to require the grapes be sourced from within the City limits. This allows flexibility to the winery owner should the grapes go out of production for a period of time due to replanting or environmental factors outside the control of the winery owner.

9. Wireless Telecommunications

A Wireless Telecommunications ordinance was created to be consistent with Federal Law. The proposed Chapter 17.22.270 (Wireless Telecommunications Facilities) is intended to establish regulations consistent with Federal law. Specifically, the proposed regulations establish locational, development standards (e.g. height limitations, stealth features, landscaping and screening of ground mounted equipment) and permit requirements consistent with Federal law to: regulate placement and design of these facilities to (among other goals) preserve the unique visual character of St. Helena and to ensure the public safety and welfare.

10. Certificate of Present Extent of Legal Nonconformity

One of the new code sections in the Non-Conforming ordinance is Section 17.09.030(F), which outlines the process of documenting a legal non-conforming use. After further direction from the May 10, 2023 joint meeting, it is recommended that these determinations be placed on the consent agenda at a Planning Commission meeting, similar to the approval process for lot line adjustments.

11. Parking

The parking section (17.26) of the Zoning Code Update include a number of changes and new standards:

- Addition of bicycle standards when new development proposed
- Reduced multi-family parking standards: Example for studio/one bedroom units, standard changed from one covered space plus one half uncovered space to one space, uncovered or covered.
- Eliminated requirement for covered parking space for residential
- Integrated illustrated parking design configurations into the code (these previously were only found on the City website with other Public Works standards, so by including in the zoning document, the standards are all in one place.)
- Renamed "Parking Impact Overlay Zone" to "Parking Exemption District" (17.21.030) and deleted requirements for in lieu fees. If a site has existing onsite parking, it must remain. Post the code adoption, the city will have a

comprehensive parking study completed as part of the Downtown Specific Plan to start in 2024. If amendments are needed to the Parking Exemption District, a future zoning ordinance amendment will be processed after public input and discussions.

12. Sign Regulations

The most significant revision to the sign code as part of the zoning code update pertains to the US Supreme Court case, *Reed v Town of Gilbert* (2015), which rules that a City may not define a sign by its content anymore and all signs must be content neutral. Therefore sign codes now can only regulate the design, area, material and where the sign is located.

In response to the new legal requirements, the purpose statement has been updated, the sign definitions have been expanded, the applicability section has been updated. The Administrative Sign Permit has been renamed “Minor Sign Permit” and remains a staff approved permit. The “Planning Commission Sign Permit” has been renamed “Major Sign Permit” and remains a Planning Commission discretionary review and approval.

A new section “General Standards for All Signs” has been added and includes signage graphics and rules of measurement for a variety of sign types. The “Standards for Permanent Signs” includes height and area maximums by zoning district in addition to noting which signs are allowed in each zoning district. The “Standards for Temporary Signs” allows for A-frame or Upright signs, vertical banner signs, wall banners signs, window signs and yard signs. Key changes to this section include eliminating realtor and political signs as a defined type of sign. All temporary signs with commercial messages are prohibited in all residential zones, except that temporary signs with commercial messages advertising the lease or sale of real property is allowed in residential zones. Real estate signs are allowed to ensure that residences are not left vacant for extended periods of time. Other commercial signs are not allowed in residential zones as the intent of residential zones is to preserve the residential character of these zones.

13. Affordable Housing Ordinance

The zoning code includes two key chapters that define the affordable housing regulations in the City. Those are primarily related to Density Bonus and Impact Fees/Inclusionary Housing Ordinance. The Housing Authority of Napa and the City Attorney provided review and recommended changes to these two chapters.

Density Bonus (Chapter 17.29):

Regarding Density Bonus, the purpose of these regulations is to encourage the

development of housing affordable to all segments of the community and to provide incentives to defray the costs of providing affordable housing for very low, low, and moderate income households in the City.

It important to note that if a developer requests a concession/incentive, the City has to grant it, unless the City can show that the concession/incentive will have a specific, adverse impact on health and safety.

Key updates to the Density Bonus Chapter include:

- Updates to bring current ordinance into compliance with State Density Bonus Law
- Expands applicability section to now include units designated for transitional foster youth, disabled veterans or homeless or units designated for student housing according to prescribed income targets
- Adds new section 17.25.060, Affordable Housing Concessions or Incentives

Affordable Housing Program (Chapter 17.30)

This chapter of the zoning code establishes an affordable housing program, housing impact fees on developers of non-residential projects, inclusionary housing requirements and alternative means of compliance.

Key updates to this Chapter include:

- Adds specific additional uses that are exempt from the housing impact fee requirement (17.30.020 A) to include child care facilities of 6 or less; non-profit organizations and schools; public library, art galleries, museums, public parking lot, public works facilities, community assembly uses and wineries, large and small.
- Expands the inclusionary requirement (17.30.030 A) with regulations on project phasing and clarifies that Accessory Dwelling Units (ADUs) may not be counted as dwelling units for the purposes of counting the number of affordable units
- Adds dwelling units less than 850 square feet to the list of projects exempt from inclusionary housing requirements
- Updates Section titled "Basic Requirements for Owner-Occupied and Rental Affordable Units" (now Section 17.30.030 (H) including but not limited to:
 - The criteria is not subject to Planning Commission approval
 - Deletes arbitrary phrases such as "good quality and are consistent with contemporary standards for new housing" when comparing the quality of market rate units to affordable units and replaces with "comparable quality and comply with applicable base and overlay zone objective standards."
- Increases the term of the continued affordability of units from 30 years to 45 years (Section 17.30.030 (I)).
- Removes requirement that affordable units must be dispersed throughout a residential development as received feedback that this is an impediment to building housing in the City

- Clarifies that the affordable units shall receive a Certificate of Occupancy at the same time as the market rate units

14. Definitions and Rules of Measurement

The definitions section of the existing code has been expanded and two new definitions sections have been created. Chapter 17.32 provides definitions of terminology used throughout the zoning code. Chapter 17.33 provides definitions of specific uses found in the zoning code. Chapter 17.34 sets aside a chapter which clarifies how various standards are to be measured for correct interpretation and includes reference graphics, such as vision triangles.

D. Updated Zoning Map

The 2019 adopted General Plan identified a number of parcels that had an amended land use designation. Many of these involved changing the land use designation to Mixed Use. As part of this Zoning Code Update, staff has identified 55 parcels with map amendments for General Plan consistency and three parcels with mapping error clean up (See Attachment 6). The property owners have been mailed notification of this proposed change in November 2022 and again 10 days prior to the August 15th Planning Commission hearing. The zoning map amendments also include the expanded Historic Preservation Overlay Zone to also implement the General Plan (See Attachment 5).

E. General Plan Consistency

When a zoning ordinance or map amendment is proposed, the SHMC 17.12.110 states:

In considering an ordinance amending any of the provisions of this title including an amendment to the zoning map (rezoning), the planning commission and city council shall:

A. Take into consideration the consistency of the proposed amendment with the goals, policies and programs of the general plan, adopted planning commission (where applicable) and other existing city policies.

Staff finds that the proposed ordinance is consistent with the City's adopted 2040 General Plan. The proposed ordinance does not otherwise conflict with any of the General Plan's goals or policies.

CEQA

Please refer to Technical Memo (Attachment 7) supporting findings of consistency with the 2040 General Plan EIR.

ISSUES

Accessory building size in the A-20 District: Based on trends of development applications being submitted in the A-20 district, large accessory buildings (non-ADUs) designed as habitable space are being proposed, many which are larger than standard sized homes. To prevent compound like development, staff is recommending the Planning Commission consider a new standard added to Table 17.19.030B which would limit the size of accessory buildings in A-20 to 50% of the gross floor area of the primary house.

Next Steps

After the Planning Commission receives public testimony and comment at the August 15th meeting, they may recommend certain minor modifications to the draft zoning ordinance to be considered by the City Council. Staff and LWC will make those recommended changes to the code and forward to the City Council for consideration and adoption in October.

STAFF RECOMMENDATION

Recommend that the Planning Commission adopt a resolution (Attachment 8) recommending the City Council:

- 1) Find that, pursuant to CEQA Guidelines section 15162, all environmental impacts of the City of St. Helena Zoning Code Update have been addressed within the FEIR for the 2040 General Plan EIR
- 2) Adopt an ordinance (Attachment 9) amending Title 17 (Zoning) of the St. Helena Code (ZOA 2023-001); and
- 3) Amend the zoning map to be consistent with the General Plan land use map and implementing an expanded Historic Preservation Overlay District (ZMA 2023-001)

ATTACHMENTS

[Comment Tracker Zoning Code Input Joint Meeting #4 073123](#)

[Attachment 2-Redline Public Hearing Draft Zoning Code Aug 8-2023](#)

[Attachment 3-Proposed ZoningMap 053023](#)

[Attachment 4-HP Overlay Proposed Local Register-list alphabetical](#)

[Attachment 5-Historic Preservation Overlay Map](#)

[Attachment 6-Table of Zoning map General Plan change areas by APN and addresses 11-18-2022](#)

[Attachment 7-CEQA Findings of Consistency Memo 061423-Final](#)

[Attachment 8- Resolution for Zoning Ordinance Amendment ZOA 2023-001 \(Aug 2023\)](#)

[Attachment 9-Ordinance with zoning code attachment 8-8-2023](#)

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1							
2	City of St. Helena - Zoning Code Update						 LWC
3							
4	Tracking Public Comments - City Council/Planning Commission Joint Meeting #4 Work Session, May 10, 2023						Updated: July 31, 2023
5	Date of Comment	Name of commenter	Comment	Link to Comment	Chapter/Section/ Page	Response/Action	Notes
6	5/10/2023	Blue Zones Project Upper Napa Valley	<u>General Comment:</u> Expresses support for the comprehensive code update and hopes to see the adoption of best practices to foster a more walkable and bikeable city (active transportation), support affordable housing, and create a city where innovative businesses thrive.	Link	-	Comment noted.	
7	5/9/2023	Charles & Michelle Covell (email)	Concerned with the mandate for a 2,000 s.f. maximum footprint for a primary residence in the MR Zone as it will constrain a future addition to the residence. Also, believes the new regulations are not a good response to SB 330 which mandates against "downzoning", i.e. development density reduction".	Link	Table 17.16.030	Legally, the City may make this change, even if it prevents him from realizing his plans for his desired addition. And his arguments about government not "being in the design business" are policy concerns, not legal ones. (Note, the state is pushing cities into the design business by requiring cities to have objective standards.) SB 330 requires the city to ensure no net loss of density. As in du/acre or du/lot. Nothing about SB 330 prevents the city from restricting future expansions of existing dwellings.	
8	5/9/2023	Charles & Michelle Covell (email)	<u>General Comment:</u> Concern that the proposed regulations "will impose 'one-size fits all' design standards that have not previously existed, would increase the cost of designs, and throttle the eclectic character of St. Helena." Satisfied that a number of the design regulations have been scrapped. However, requests that they should be removed altogether and leave design matters to the professionals. Failing that, requests the City appoint a design committee to revise the zoning code.	Link	Section 17.16.040	The City is required to ensure that all design standards are objective. Please refer to the May 10th joint meeting staff report regarding proposed changes to the objective design standards and the Track Changes edits to Section 17.16.040, Design Standards. These design standards as revised allow for flexibility in design.	
9	5/11/2023	Charles Covell (email)	Resubmitted comments from December 7, 2022 that were not received. Section 17.21.040.D, Standards for Preservation - no new standards are needed as the existing standards are sufficient. The 364 pages now proposed in the new draft seem to make the process more burdensome on property owners and planning staff alike. (I suspect it will also be more burdensome to the commission.) The document should be smaller than the existing one and easier to use - not bigger, more complex and more burdensome on the community.		Section 17.21.040.D	The current HP Overlay regulations do not implement General Plan policy nor do they provide standards for the repair, rehabilitation, or additions to historic structures, or infill construction. Staff does not find the new regulations burdensome as they will allow more projects to be subject to staff level review if compliance with the standards is proposed.	
10	5/11/2023	Charles Covell (email)	Definition of floor area. Use the County of Napa and Yountville, which define floor area as the actual Floor Area EXCLUDING exterior walls, and preferably interior walls. The current definition, besides reducing usable interior space, effectively results in thin-walled architecture, which doesn't enhance the environmental, ecological, sustainability nor aesthetic quality of the design (or anything else.)		Chapter 17.32	No change recommended. The approach included in the PHD is consistent with that used by most cities in the US, is consistent with the existing zoning code and the policy in place for determining floor area, and is the City's recommended method for calculating floor area.	
11	5/11/2023	Charles Covell (email)	Reduce the 20 foot setback rule for lots with back yards facing side street frontages, so that residents may enjoy their entire back yard in privacy without resorting to water-gulping hedges. Twenty feet consumes way more of the backyard than is necessary to provide a pleasant street frontage. It seems to me the distance should be measured from the interior edge of the sidewalk (where it occurs) and the distance needn't be more than 5' to allow for a buffer for landscaping. What possible use or purpose is the current (and proposed) twenty feet between the curb and a privacy fence? Of course this exception would exclude blind traffic corners as provided for elsewhere.	Link	Table 17.16.030	Please refer to Table 17.16.030, Development Standards - Residential Zones, and the setbacks row. The new Code includes a minimum street side setback standard which is 15 feet for structures ≤ 25 feet in height.	
12	5/11/2023	Charles Covell (email)	Please allow up to 1200 s.f. ADU's if the property's FAR allows.		Section 17.22.030.F	No changes to the currently adopted ADU ordinance were recommended by the City Council. If an owner desires to construct an ADU with a 1,200 sf floor area, they may apply for a CUP.	

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5	5/11/2023	Charles Covell (email)	Where an existing accessory structure is replaced with a new ADU structure, why not allow the "within the existing space" to include not just the 'same' but also 'smaller' dimensions?		Section 17.22.030.D.2.a.i.	This subsection has been amended to be consistent with the Government Code. No further edit recommended.	
13							
14	5/9/2023	Charles and Michelle Covell (email)	Concerns with the mandate for a 2,000 s.f. maximum footprint for a primary residence in the MR Zone as it will constrain a future addition to the residence. Includes a detailed summary and visualizations of calculations for max gross floor area, FAR, and if only the allowable area based on setbacks is used.	Link	Table 17.16.030	The maximum footprint standard in the MR zone has been updated as follows: Max. Primary Building Footprint standard is deleted. Max. Building Gross Floor Area (all floors) standard added - see End Note 4 - based on lot size. Lots < 6,000 sf = 1,710 building area; lots > 20,000 sf = 3,990 sf building area; standards vary by lot size in between these ranges.	
15	5/12/2023	Michelle Covell (email)	<u>General Comment:</u> Passionate appeal to justly and thoughtfully update the Zoning Code, especially with regard to increasing housing stock and improving socio economics and diversity.	Link	-	Comments in email noted.	
16	5/11/2023	George Giannos /Alexander Viñedo (email)	Requested to be added to a list to be notified of future meetings. Concerned with 855 Pratt Ave, a historic property.	Link	Section 17.21.040	Comment noted.	
17		Daniel Hale (email)	Does not agree that keeping Sections B and C in the Demolition Permit Section (over 50 years old vs. under 50 years old) as separate sections accomplishes the goal of making the code clearer.		Section 17.05.040.B and 17.05.040.C	The National Park Service has established the threshold of 50 years for eligibility for a listing on the National Register. This is a nationally recognized criteria in evaluating whether a property is a historic resource.	
18	5/10/2023	Daniel Hale (email)	Concerned the HP Overlay is "highly problematic" and that the list of historic properties is "erratic and haphazard".	Link	Section 17.21.040	The list on which the Zoning Map and the HP Overlay was derived is included in the General Plan as Appendix A. Any updates to the HP excel file have been given to LWC to revise the HP Overlay map.	
19		Daniel Hale (email)	The requirement for applicants to erect story poles (that have no basis in property deed or code) erodes property rights and supersedes the property owner's rights by their neighbors on the basis of the Code.		Section 17.10.030	It was at the direction of the Zoning Code Subcommittee that this provision was added to the code, as noted, for use on a case-by-case basis. There is no loss of property rights if an applicant is asked to provide story poles. The City finds that the public review process can be improved in some circumstances by including physical markers such as story poles so location and height are better visualized. No change recommended.	
20	5/9/2023	Mariam Hansen (email)	Supports approval of the Historic Preservation Overlay Zone to avoid homogenous community design of "modern farmhouses".	Link	Section 17.21.040	Comment noted.	
21	5/9/2023	Jennifer La Liberté OTSH (email)	Requests a provision that makes the required open space an either/or scenario where private open space can be traded for public open space. Points towards Healdsburg's Code as a good example. Comment is based on how, for affordable projects, the financing source has limitations on project costs and it already requires public open space in its funded projects.	Link	Table 17.16.030	LWC and staff recommend that private open space will only be required for ground floor units. Balconies will not be required and may be provided if the developer chooses to do so.	
22	5/9/2023	Jennifer La Liberté OTSH (email)	Request to move away from requiring balconies due to issues like water intrusion, use of balconies as a storage area, and increases to maintenance costs. Instead, requests to promote active, usable space, especially in multi-family projects.		Section 17.16.040.A.10	LWC and staff recommend that private open space will only be required for ground floor units. Balconies will not be required and may be provided if the developer chooses to do so.	
23	5/9/2023	Joe McGrath (email)	Design standards have been improved.		Section 17.16.040	Comment noted.	
24	5/9/2023	Joe McGrath (email)	Still concerned about upstairs open space (i.e., balconies) for Multi-Family development. States 60 sf. is still too large. Asks staff to reconsider reducing this further by at least 50% more (<= 32 s.f.).	Link	Section 17.16.040.A.10	LWC and staff recommend that private open space will only be required for ground floor units. Balconies will not be required and may be provided if the developer chooses to do so.	
25	5/9/2023	Joe McGrath (email)	<u>General Comment</u> Thinks that St. Helena has enough parks and outdoor areas. Would like more workforce affordable apartment units.		-	Comment noted.	
26	5/9/2023	Terence McGrath (email)	<u>General Comment</u> Expresses support for the proposed zoning code update and urges the code to be adopted by the Planning Commission and City Council. The three listed reasons are: (1) Economic Growth, (2) Sustainable Development, and (3) Housing.	Link	-	Comment noted.	

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27		Joshua Parke (email)	"The conflict of nonconforming aspects within a site not being eliminated within the project scope of an application appears to not have been addressed within staff comments. Best not to leave this up to interpretation. Please kindly address this conflict specifically as it pertains to 17.04.040 rather than referring to 17.09.050 as a response."		Section 17.04.040/17.09.050	Section 17.04.040, Review of Applications, establishes the procedural requirements for the Director to review all development applications. Section 17.09.050, Nonconforming Buildings and Structures, establishes the rules for nonconforming buildings. The requirement for bringing an existing nonconforming building into compliance with a new development application has been removed (May 10th Planning Commission/City Council joint meeting). No further edits recommended.	
28		Joshua Parke (email)	Requests clarification and states that the staff response does not address Section 17.04.040 as requested. Rather, it refers specifically to 17.05.080. He writes: "This clarification needs to be made as the implication of rejection for any violations to the updated title would render any application for proposed work or use etc. as void until the application for the parcel is brought into compliance with all aspects of the new title. Minor design review and clearly states all site activities require planning approval including repair and maintenance, window relocation etc."		Section 17.04.040	This concern is related to the above response. The commentor may be confusing an identified code violation (See Section 17.04.040.B.1) with a legal nonconforming building or structure. These are very different. No further edits recommended.	
29		Joshua Parke (email)	Concern with the requirement for second story setbacks in the LR and MR zones as modified and presented to the Planning Commission/City Council on May 10th. Suggests that this requirement is prejudiced towards specific types of architecture and that it should not be uniformly applied to all residential projects. Recommends that the requirement should be removed or amended. As a suggestion, he recommended that if the building was placed ≥ 28 feet from the front property line, then the second story setback was not necessary.		Section 17.16.040.A.2	The requirement for second story setbacks is derived from the General Plan's Community Design Element. The updated Zoning Code now only requires a second story setback on the front façade and this is waived if instead a front porch that extends across 80 percent of the front façade is constructed.	
30		Joshua Parke (email)	Concern with the minimum garage or carport setback from the building façade of 5 or 10 feet. Argues that most houses in the MR district do not comply with it. Questions why this requirement is for the MR district.		Section 17.04.040	The Planning Commission/City Council in the May 10th joint meeting supported the reduction of this requirement from 10 feet to 5 feet. No other change recommended. The General Plan also recommends a garage setback from the building façade.	
31		Joshua Parke (email)	Questions the standard requiring the front door of any primary single-family unit to be visible to the public street.		Section 17.04.040	The requirement for the front door to face a street or internal shared pathway when provided is an established urban design principle incorporated into many zoning codes nationwide.	
32		Joshua Parke (email)	Questions what qualifies as "substantive" when determining review procedures. Advocates for a "more streamlined affordable option" for the review procedure. Also, asks if adopting this is related to "AB 2011" and builder's remedy.		Section 17.07.080	This is a standard requirement found in most zoning codes. It is intended to allow the Planning Commission to have a second review if the Council makes substantive changes beyond that considered by the Commission, such as for example, changing the site plan layout, number of units, etc. The code clarifies this in subsection A as "any substantive change ... that was not discussed by the Planning Commission". No change recommended. This is not related to AB2011 and Builder's Remedy.	
33		Joshua Parke (email)	Questions how properties within the HP Overlay were selected and what were the criteria for their selection. Also, asks what is the process for removing a property within the district?		Section 17.10.30	The list on which the Zoning Map and the HP Overlay was derived is included in the General Plan as Appendix A. The process for amendment or rescission (i.e. to remove a property from the HP Overlay designation) is provided in Section 17.10.030.	
34	5/10/2023	Joshua Parke (email)	Comments on the Secretary of Interior's Standards for "skilled labor" and concerns about eliminating the ability to utilize mechanical grinders for removing mortar.	Link	Section 17.21.040.D.3.c.iv	City staff recommend that grinders should not be used on historic masonry. Mortar joints can be eroded by the mechanical cleaning. Refer to Preservation Brief 1, page 8 on this webpage: www.nps.gov .	
35		Joshua Parke (email)	Questions why there is a provision regarding the interior space addressed within the code.		Section 17.21.040.D.3.c.v	This section is specific to pre-existing transom windows and the need to retain the existing historic storefront. In circumstances where the ceilings may have been lowered (and the transom window closed off), this provisions requires the removal of the lowered ceiling to recreate the original historic intent.	

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36		Joshua Parke (email)	What does the standard mean?		Section 17.21.040.F.2.b.vi	It requires new structures that are designed as a building wider than the traditional module width of building on Main Street to be designed as smaller modules that reflect the historic form of Main Street. This is a very typical standard found in codes for historic Main Street communities like St. Helena.	
37		Joshua Parke (email)	What's the intent of this requirement? States it's contrary to the variation of building facades and risks "sameness" of new structures within the commercial district.		Section 17.21.040.F.2.b.vi ii	The intent is as stated in this code section, to ensure that new development includes horizontal elements that align with the horizontal elements of new buildings. This is a good design principle for infill development.	
38		Joshua Parke (email)	What's the intent of the requirement? "Is it referring to adjacent buildings on separate parcels? If this is the case many of the HP parcels are adjacent non HP parcels. Does this requirement still apply in these instances?" States it should be removed if the goal is to create historic context and is contrary to SIS intentions.		Section 17.21.040.F.2.c.ii	Correct, this does refer to adjacent parcels. Staff recommends adding a clarification at the end of the sentence "... if the adjacent parcels also have an Historic Preservation Overlay designation".	
39		Joshua Parke (email)	Concern with the requirement for new accessory structures to be designed so that they incorporate the distinctive architectural features of the main structure as this is against SIS's standards. States it's important that new construction of accessory structures within the district should "not (be) relegated to poorly detailed reproductions of original actual historic pieces of architecture".		Section 17.21.040.F.2.e.ii	The design of an accessory building can have significant influence on site character. Staff recommends that "distinctive" should be replaced with "similar" and adding to the end of the sentence "... of the main structure <u>that can be less elaborate than the main structure.</u> "	
40		Joshua Parke (email)	Why is the definition of FAR in the Code because there is no district that references it's inclusion. Also, keep the existing definition of FAR rather than the one in the PRD. Also, provides alternative way of calculating FAR for habitable conditioned space.		Section 17.34.050	FAR is a standard included in the commercial, mixed use, business park, and industrial zones. The definition for FAR in Chapter 17.32, Definitions of Terms, is the same as the definition in the existing code. Section 17.34.050 was added to provide further clarification in detail of what is or is not excluded from floor area for the purpose of calculating FAR.	
41		Joshua Parke (email)	<u>General Comment</u> Requests consideration for projects currently being designed under the existing Code, and how they will be processed/approved when the new Code is adopted. Requests more certainty on the timeline for when the Code will be adopted because of the implications to projects being designed now.		-	As part of the adopting ordinance for the new Zoning Code, provisions will be included for how to address projects designed under the existing Code. A typical process is to grant an X day (it varies from one city to another) grace period for the submittal of a complete application to the City that entitles it to be reviewed under the existing Code. Any application submitted thereafter is subject to the new Code.	
42		Joshua Parke (email)	<u>General Comment</u> Concerned that the use of the comment tracker rather than a red-lined version to track text edits is confusing. The methodology of simply responding to each comment individually without analyzing the document holistically leaves implications of adopting the new title an unknown at this point.		-	The Comment Trackers are simply a method of tracking all comments received and they are not a substitute for detailed edits to the Code. The Public Hearing Draft will include all changes shown in Track Changes, i.e. new text in underline font and deleted text in strikeout.	
43	5/8/2023	Mark Smithers (email)	Concerns with the Small Winery Ordinance and the need to ensure neighborhoods are not industrialized by wineries and their character is taken away from community.		Section 17.22.230	Comment noted.	
44	5/8/2023	Mark Smithers (email)	Wrote that changes to the Small Winery Ordinance were not clearly communicated for public notice.		-	Comment noted.	

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45	5/8/2023	Mark Smithers (email)	"It is important for the family small winery owner to live on the premises as the winery itself is an industrial activity within a neighborhood and as such neighbors are able to have direct communications with their winery neighbor if there are issues due to noise, odors, non-approved activities, etc. Additionally, if the city were to remove the family small winery owner living on the premises requirement, this would encourage more second home ownership. Our housing shortage is significant. Any change to our regulations that would create more absentee owners would worsen the situation. (Additionally, as we saw with short-term rentals, corporate ownership of small neighborhood wineries would open up pandora's box. The small winery home would be a revolving door of guests not concerned with adjacent families and neighbors.) Small wineries are supposed to be family wineries."	Link	Section 17.22.230	The City Council and Planning Commission in the May 10th joint meeting agreed to remove the onsite owner residency requirement. This edit has been made in the updated Code.	
46	5/8/2023	Mark Smithers (email)	Concern with the proposed wine source revision requiring 100 percent of grapes to be sourced from within the City limits. Recommends retaining the existing provision of 85 percent.		Section 17.22.230	The City Council and Planning Commission in the May 10th joint meeting agreed to change the grape source requirement to be 100 percent within the City limits. This edit has been made in the updated Code.	
47		Tamara Traeder (email)	Main concern is the imposition of a HPOD designation upon her property at 834 Pope Street without sufficient notice. In her view the HP Overlay designation will have a detrimental effect on the value of her property and that her property rights are being taken without compensation. Requested additional time for the City to inform property owners about the HPOD		Section 17.21.040	The City mailed notices on November 18, 2023 to all properties noted on the proposed HP Overlay District list with an invitation to attend a November 30th informational open house to learn more about the provisions of the HP Overlay. The notice also included FAQ related to common questions about the HP Overlay regulations.	
48		Tamara Traeder (email)	1. Support for inclusion/process for delisting. I am wondering where I can find the support for inclusion of a particular property on the HPOD. I do not recall receiving notice that my home had been designated a historical property, the basis for the designation or the consequences, and would like to understand what historical significance my property represents. Per the proposed requirements, would I need to apply to the Planning Commission to declassify my property?		Section 17.10.020 and 17.10.030	The City does not have an official survey record on file, but the 1978 Inventory noted it as a 1885 Greek Revival. Given that the public records note a construction date of 1912 for the current property, the entry needs to be updated to change the date and architectural style of the house to reflect the current structure. The new HP ordinance in Section 17.10.030 identifies a process for removal from the HP Overlay. Owners wishing to be considered for this process are required to have a qualified architectural historian prepare a report that addresses the findings in 17.10.020 A (3). The report is referred to the Planning Commission for a hearing and decision.	
49		Tamara Traeder (email)	2. Questioned the notion that a historic designation can improve property values. Noted that the additional zoning restrictions impose a layer of regulation and limitations on changes to a property, increasing their costs of repairs and maintenance, making it more difficult to make desired updates, and likely reducing the number of available buyers.		Section 17.21.040	The State offers incentive programs such as Mills Act Programs to offset property taxes in exchange for properties that have historic designation. A Mills Act Program requires administrative staffing to process the detailed paperwork that is needed for the application review and approval process. The City Council may direct resources to allow the City to restart a Mills Act Program. Regarding property values, please also refer to the publication in the link below prepared by the firm Place Economics regarding a study about individually listed buildings and property values. https://www.placeeconomics.com/wp-content/uploads/2021/12/Property-Values-and-Landmarking-in-Palm-Beach_11.19.2021.pdf	
50		Tamara Traeder (email)	3. Do the provisions cover all sides of the property or the street facing side? On my particular property, one side faces the street, and two sides face a public walkway through a neighboring park. Are all three sides subject to these restrictions?		Section 17.21.040	Correct, the provisions of the HP Overlay regulations pertain to all elevations of the historic structure. Please also refer to Section 17.21.040 of the draft ordinance.	

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51	5/5/2023	Tamara Traeder (email)	4. Questioned whether the provisions cover all ancillary buildings on the property? In the comments, staff referred to historic resource demolition reports (required to demolish an old building) as a means to discourage "demolition by neglect." Can you define this? For instance, I have two old barns on my property, neither of which are habitable or useful except for storage of garden materials (and have not been since my purchase). They are also immediately adjacent to Sulphur Creek, and any work on them may require relief from possibly onerous environmental requirements. What am I expected to do and spend to maintain these buildings? If a homeowner cannot afford to do so, are there funds available to support such projects?	Link	Section 17.21.040	"Demolition by neglect" is a situation in which a property owner intentionally allows a historic property to suffer a severe deterioration, potentially beyond the point of repair. Staff suggest that an architectural historian evaluate the ancillary buildings at the time of the evaluation of the primary residence to determine if the barns are historic resources or if non-historic, a regular demolition permit could be issued without review by the Planning Commission.	
52		Tamara Traeder (email)	5. It appears in the comments that corrugated metal roofs are not a material that would be allowed for properties in the HPOD, although in a response to one of Dan Hale's comments, the staff indicates that these roofs will be allowed in all districts. Please clarify. If there is a restriction on HPOD properties, and if there are corrugated roofs currently on my outbuildings, would I not be able to replace them with the same material?		Section 17.21.040	The City Council and Planning Commission provided direction at the May 10th joint meeting to allow corrugated metal roofs in all zoning districts, including the HP Overlay. This edit has been made in the updated Code.	
53		Tamara Traeder (email)	6. How does one update one's home to service environmental needs? For instance, my front facing windows are extremely inefficient and were likely handcrafted. Replacing them would be an environmentally appropriate step, yet if I am required to do so with something similarly constructed, it would be prohibitively expensive. In the city's response to Roy Piper's email that asked a similar question, it was noted that "The City currently relies on historic reports prepared by architectural historians to determine what architectural features need to be retained." Are these reports currently available or are they to be prepared in each instance? At whose cost?		Section 17.21.040	The property owner who is proposing exterior modifications, particularly those that modify exterior features, is required to have a historic report prepared by an architectural historian evaluating if the proposed change would create a significant impact to a historic resource.	
54		Tamara Traeder (email)	7. If I were to replace my current barns with an ADU to support additional housing availability (presumably a desirable community goal), what would be required and how would it be different from ADU construction for a non-HPOD property? (I have had two architects look at the barns for this purpose, and both agreed that the current structures were not viable structures to convert to housing.)		Section 17.21.040	Please see response in row 51 which indicates the first step would be to determine if the barns are historic structures that need a Historic Demolition Permit. If the barns were to remain, it is likely that a modest sized ADU could be built on the property, assuming lot coverage limitations are not exceeded on the 9,830 SF parcel. Staff recommends submitting a draft site plan with the proposed location of the ADU and lot coverage/floor area information to the Community Development Department for a preliminary review prior to submitting for a building permit.	
55		Tamara Traeder (email)	I do not believe that HPOD property owners are aware of the restrictions that are being imposed on them, and need more time to understand the full extent of these provisions. Because of work obligations, I was not able to attend the November 2022 meeting about the HPOD, and the joint city council/planning commissions meeting I attended re the proposed zoning changes primarily addressed other proposed zoning provisions. I respectfully request that there be additional time to inform property owners and discuss the HPOD		-	The draft zoning code was released for public review on October 18th, 2022 and thus far the City has conducted 5 public meetings, including the November 30th meeting on the HP Overlay. Staff finds that having the document available for public review and comment for over 7 months at the time of this response is a very generous review period. Please also refer to the staff report prepared for the December 7, 2022 meeting on the City agenda webpage which included the proposed HP Overlay as one of the discussion topics identified for that meeting.	
56	5/10/2023	Christine R. Wade (email)	References letter in December 2022 and asks to be provided with notice of all public meetings. States as of the date of the letter they have not been added to the list. States failure to do so violates State law and warrants either rescheduling the meeting or continuing the meeting to a future date without closing the public comment period.		-	Comment noted.	
57	5/10/2023	Christine R. Wade (email)	States that City staff's response does not address the significant burden that the Historic Preservation regulations will place on property owners by adding time and expense to projects.		Chapter 17.10	No revisions to Chapter 17.10 are proposed. Refer to the response to all property owners written by City staff attached to the May 10th staff report.	

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58	5/10/2023	Christine R. Wade (email)	The "provisions of the proposed ordinance need to be amended to clearly indicate that listed structures are eligible for demolition under those provisions." States the ordinance must provide property owners the opportunity to establish that a building or structure does <i>not</i> meet the necessary criteria for demolition. Further, she states there is no provision for this in the current draft.	Link	Chapter 17.10	No revisions to Chapter 17.10 are proposed. Refer to the response to all property owners written by City staff attached to the May 10th staff report.	
59	5/10/2023	Christine R. Wade (email)	Concludes that the proposed standards violate due process because they are vague and unclear. Dissatisfied with staff response. Requests the City to reconsider the proposed overlay district or consider significant modification.		Chapter 17.10	No revisions to Chapter 17.10 are proposed. Refer to the response to all property owners written by City staff attached to the May 10th staff report.	
60	5/10/2023	Polly Ogden (email)	I still think that requiring a 10 foot set back on a second story is a burden. I understand the desire to break up a flat façade and appreciate the change regarding the addition of a porch. But why 10 feet? In some instances 6 or 8 feet might do the trick and allow for more useable space inside the house. I would prefer a requirement to break-up a tall, flat façade rather than setting this 10-foot arbitrary number.		Section 17.16.040.A.2	LWC and staff recommend that this standard should be changed to 8 feet to match the 8-foot depth standard for a porch.	
61	5/10/2023	Polly Ogden (email)	Am I correct that these requirements are for front facing facades only? I don't see why it would matter to break up a wall plane on the other walls of the house. One might have a closet or small theater that is longer than 10 feet that would not need or want a window or door and forcing a "design feature" just because, seems wrong.		Section 17.16.040.A.4	City staff and LWC recommend moving the phrase "apply to walls facing a sidewalk, pedestrian walkway, or publicly accessible outdoor space" to the opening paragraph to clarify the applicability of the provisions that follow.	
62	5/10/2023	Polly Ogden (email)	Does stone have to be native? There are many beautiful stones that have different colorways than the tans of Napa stone. Seems limiting.		Section 17.16.040.A.6.a	No - the updated Code section states that "native or artificial stone finishes" may be used.	
63	5/10/2023	Polly Ogden (email)	Corrugated metal has been used as a roofing material in this county for decades. I think it is one of the most historical materials so excluding it from the HP seems inconsistent with history. If I am reading the change correctly, corrugated siding would be permitted in A-20, MR and HR districts. If this is so, I heartily agree. It has been used quite successfully throughout our town.	Link	Section 17.16.040.A.6.b	This section will be amended to allow corrugated metal as a roofing and siding material in the historic districts.	
64	5/10/2023	Polly Ogden (email)	The height change and façade offset requirements could pose expensive and therefore detrimental requirements for multi-family dwellings. We need more of these kinds of projects and costs need to be controllable. Height and façade off sets are expensive. There are many other ways to make a building interesting to look that that don't prescribe actual dimensions.		Section 17.16.040.C.1	The height change and façade offset is a common multi-family design standard as these buildings are often large. A builder may request through the density bonus provisions (Chapter 17. 29, Density Bonus) a waiver to not comply with this or other standards, depending on the number of qualifying waivers or concessions requested.	
65	5/10/2023	Polly Ogden (email)	Once again, thank you for all you are doing creating this document. It is a monumental task with many, many opinions on how to accomplish it to consider. Since it will be a fact of life at some time in the near future, is there some way to change it easily should something has fallen through the cracks, or if some requirement proves to be onerous or ineffectual? I hate to think that we would have to live with the regulations for years and years before an obvious or meaningful change were required.		--	Despite best efforts by everyone involved in this project to update the Zoning Code, it is common after a new Code is adopted for amendments to be needed. The City may consider implementing amendments as needed, and determined with the Planning Commission and/or City Council.	
66	6/22/2023	Polly Ogden (email)	Recommends changing the permitted hours for serving alcohol in Section 17.22.050.C to the California State Code policy for serving alcohol between the hours of 6am - 2am.		Section 17.22.050.C	Recommendation accepted.	
67							



Public Hearing Draft

August 2023

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Part I: GENERAL PROVISIONS

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Chapter 17.01 Title, Authority, and Purpose

17.01.010 Title

- A. Title 17 of the City of St. Helena Municipal Code shall be known and cited as the "Zoning Code" or "Code."
- B. The Zoning Map that is a part of the Zoning Code shall be known as the "City of Helena Official Zoning Map" or "Zoning Map" (see Section 17.01.070, Zoning Map).
- C. The Zoning Code and the Zoning Map shall be subject to change from time to time as may be determined by the City Council.

17.01.020 Authority

The St. Helena Zoning Code is adopted pursuant to the authority contained in § 65850 of the California Government Code.

17.01.030 Purpose

The purpose of this Zoning Code is to:

- A. Protect and promote the public health, safety, peace, comfort, and general welfare;
- B. Encourage orderly, compatible, and beneficial uses of land;
- C. Minimize conflicts which might result from incompatible and inappropriate land uses;
- D. Maintain and enhance the desirable character of the City and its various neighborhoods and areas;
- E. Lessen congestion on streets;
- F. Prevent and lessen the human and property loss resulting from natural and manmade hazards;
- G. Facilitate the provision of adequate community facilities such as schools, parks, streets, fire protection, and other public requirements;
- H. Provide open space for light and air;
- I. Protect agricultural soils, vegetation, wildlife, and other natural resources from incompatible and deleterious activities;
- J. Preserve, protect, and enhance the environment of the City;
- K. Provide for a variety of housing types and housing opportunities;
- ~~K.L. Protect the City's historic resources;~~ and
- ~~L.M. Otherwise promote the general community welfare in accord with the City's General Plan.~~
~~Protect the City's historic resources.~~

Part I: General Provisions

17.01.040 Applicability

The provisions of this Title shall apply to all land and all owners of land within the incorporated limits of the City and shall be applicable not only to private persons, agencies, and organizations, but also to all public agencies and organizations to the full extent that such provisions may now or hereafter be enforceable in connection with the activities of any such public agency or organization. In their interpretation and application, the provisions of this Title shall be held to be minimum requirements.

- A. **Compliance with Use Regulations.** No land, building, structure or premises shall be used, designated or intended to be used for any purpose or in any manner other than that which is permitted by this Title, the regulations of the applicable zoning district in which such land, building, structure and premises is located, and any conditions of approval imposed upon any permit authorized by this Title.
- B. **Compliance with Development Standards.** No building or part thereof or structure shall be erected, constructed, reconstructed, structurally altered, enlarged, rebuilt or removed except in conformity to the yard, setback, building location and height regulations of this Title, the regulations of the applicable zoning district in which such building or part thereof or structure is located, and any conditions of approval imposed upon any permit authorized by this Title.
- C. **Conflicting Regulations.** Where conflict occurs between the regulations of this Title and the Building Code or other regulations effective within the City, the more restrictive regulation shall apply except in areas subject to discretionary design review provisions.
- D. **Limitations.** Except as otherwise authorized by the City Council, the City shall not process any application for a permit, approval or clearance that is sought pursuant to this Title (including, without limitation, a Conditional Use Permit, variance, zoning amendment, or General Plan amendment) for any property found in violation of this Title until the violation is corrected.

17.01.050 Relationship to the General Plan

- A. It is the policy of the City as expressed in the General Plan that the Zoning Code be consistent with the General Plan. For this purpose, consistency is achieved when the various land uses authorized by this Title are compatible with the objectives, policies, general land uses, and programs specified in the General Plan.
- B. In accord with this policy, the Zoning Code is intended to implement the General Plan of the City as expressed in the text, maps, and diagrams of all elements of the General Plan taken together. In determining consistency, the compatibility and timing of proposed developments and other uses of land shall be considered pursuant to the policies of the General Plan.
- C. This Title recognizes the supremacy of the General Plan. If an inconsistency between the Zoning Code and the General Plan should for whatever reason arise, the General Plan shall prevail over the Zoning Code; the City, shall, in good faith, make every effort to resolve the inconsistency within a reasonable period of time. Any amendment of this Title shall be consistent with the General Plan.

Part I: General Provisions

17.01.060 Interpretation of the Zoning Code

No matter how carefully constructed, the Zoning Code will require interpretation in its day-to-day administration. In adopting the Zoning Code, it is the intent of the City to interpret and administer the Zoning Code in a reasonable fashion consistent with the public interest of the residents of the City. In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements guided by the following:

- A. Where this Title imposes a greater restriction than is imposed or required by other rules, regulations or ordinances, the provisions of this Title shall control.
- B. Where other rules, regulations, or ordinances impose greater restrictions or more specific standards than those of this Title, the more specific shall control.
- C. Where provisions of this Title are in conflict, the more specific regulations shall apply over the more general; where provisions of this Title remain in conflict, the more restrictive provisions shall apply.

17.01.070 Zoning Map

The designations, locations and boundaries of the base districts and overlays established in this Title shall be shown on the Zoning Map or maps of the City. The Zoning Map accompanying and incorporated into this Title by reference shall govern the administration and enforcement of all regulations, standards, and permits. The Zoning Map as amended or changed from time to time, together with all notations, references, data and other information, is adopted and made a part of this Title. Any amendment or rezoning of a property or properties from one zoning district to another zoning district shall constitute an amendment to this Title and shall be so referenced in the amending zoning ordinance.

17.01.080 Interpretation of District Boundaries

All areas within the incorporated boundaries of the City whether land or water, public or private shall be considered to be zoned and shall be governed by the regulations of this Title. Where uncertainty exists as to the boundaries of any district as shown on the Zoning Map, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries. In its determination, the Planning Commission shall be guided by the following rules:

- A. The legal description of the lot or lots referenced by the assessor's parcel number of any prior rezoning and/or the existing Zoning Map;
- B. Unless otherwise clearly indicated on the Zoning Map, zoning district boundaries shall coincide with property lines, sectional lines, center lines of blocks, and/or the boundaries of publicly owned lands;
- C. Where the location of the zoning district boundaries cannot be determined by the above rules, the boundaries shall be located by the use of the scale on the Zoning Map.

Part I: General Provisions

17.01.090 Severability

If any section, sentence, clause, phrase, word, portion, or provision of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Title which can be given effect without the invalid provision. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this Title to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, clause, phrase, word, portion, or provision to any other property or structure not specifically included in said invalidation.

Part I: General Provisions

Chapter 17.02

Reserved

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PART II: ADMINISTRATION AND PROCEDURES

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Chapter 17.03 Zoning Code Administration

17.03.010 Purpose

The purpose of this Chapter is to identify and establish the powers and duties of the Approval Authorities with responsibilities as defined in this Code. Subsequent Sections provide detailed information regarding procedures, applications, permits, and enforcement.

17.03.020 Approval Authorities

The following Approval Authorities are established under this Chapter:

- A. **Community Development Director.** The Community Development Director shall have such duties assigned by this Code as may be required to fulfill the purposes of this Title. These duties shall be in addition to those contained in [California](#) Government Code §§ 65900 et seq., as amended. References to the Community Development Director shall also mean any employee(s) of the Community Development Department authorized by the Community Development Director to act in the [Director's](#) behalf.
- B. **Public Works Director.** The Public Works Director shall have such duties assigned by this Code as may be required to fulfill the purposes of this Title. References to the Public Works Director shall also mean any employee(s) of the Public Works Department authorized by the Public Works Director to act in the director's behalf.
- C. **Building Official.** The Chief Building Official shall have such duties assigned by this Code as may be required to fulfill the purposes of this Title. References to the Chief Building Official shall also mean any employee(s) of the [Building Division](#) of the Community Development Department authorized by the Chief Building Official to act in the Chief Building Official's behalf.
- D. **Planning Commission.** The Planning Commission is established for the purpose of taking final action on certain applications and recommending actions on other applications to the City Council. References to the Planning Commission shall also mean any employee(s) of the Community Development Department when acting in the Planning Commission's behalf while carrying out specific tasks which have been delegated to staff by the Planning Commission. The powers and duties of the Planning Commission shall include:
 1. Authority to hear and decide:
 - a. Applications for Conditional Use Permit;
 - b. Applications for Variances;
 - c. Applications for Major Design Review;
 - d. Adoption of negative declarations or [Environmental Impact Report \(EIR\)](#) certification and findings when associated with another application acted upon by the Planning Commission.
 2. Authority to review and make recommendations to the City Council on:

Part II: Administration and Procedures

- a. Applications for ordinance amendments and zoning map changes;
 - b. Applications for tentative subdivision maps;
 - c. Applications for General Plan Amendments;
 - d. Environmental documentation where the final permit approvals above are made by the City Council; [and](#)
 - e. Any other action that state law requires the Planning Commission to consider and recommend before [City](#) Council consideration.
- 3. Authority to hear an appeal taken from any determination made by an administrative or appointed official, such as the Community Development Department staff, Community Development Director, or Zoning Administrator in the administration or enforcement of this Title.
 - 4. The Planning Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Title. All meetings shall be open to the public. The Planning Commission shall keep minutes of all proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its own examinations and other official actions, all of which shall be a public record and be immediately filed with the Community Development Department.
- E. **City Council.** The City Council is established through the incorporation of the City and has final review of matters relating to planning and zoning, subject to delegation of such authority as provided in this Title. These duties shall be in addition to those contained in [California](#) Government Code §§ 65900 et seq., as amended. References to the City Council shall also mean any employee of the City who acts in the City Council's behalf while carrying out specific tasks that have been expressly delegated to staff by the City Council.

17.03.030 Summary of Approval Authorities for Decisions and Appeals

The Community Development Department shall provide the coordination of review for all planning applications for the establishment of uses and development. Table 17.03.030.A: Approval Authorities identifies the types of applications authorized by this Code and the Approval Authority responsible for recommending and making decisions on each type of application.

Part II: Administration and Procedures

Table 17.03.030.A: Approval Authorities				
Type of Action	Chapter/ Section	Recommending Authority	Approval Authority	Appeal Authority
Planning Permits and Approvals				
Conditional Use Permit	17.05.020	Community Development Director	Planning Commission	City Council
Demolition Permit	17.05.030	Community Development Director	Planning Commission	City Council
Development Agreement	17.05.050	Planning Commission	City Council	N/A
Historic Demolition Permit	17.05.040	Community Development Director	Planning Commission	City Council
Home Occupation Permit	17.05.060	N/A	Community Development Director	Planning Commission
Major Design Review	17.05.070	Community Development Director	Planning Commission	City Council
Major Sign Permit	17.27.050	Community Development Director	Planning Commission	City Council
Minor Design Review	17.05.080	N/A	Community Development Director	Planning Commission
Minor Sign Permit	17.27.040	N/A	Community Development Director	Planning Commission
Minor Use Permit	17.05.090	N/A	Community Development Director	Planning Commission
Short-Term Rental Permit	17.05.100	Community Development Director	Planning Commission	City Council
Short Term Rental Renewal	17.05.100	N/A	Community Development Director	Planning Commission
Temporary Use Permit	17.05.110	N/A	Community Development Director	Planning Commission
Amendments				
General Plan Amendments	17.06	Planning Commission	City Council	N/A
Zoning Map Amendments	17.07	Planning Commission	City Council	N/A
Zoning Text Amendments	17.07	Planning Commission	City Council	N/A
Other Actions				
Pre-Zoning for Annexation	17.07.030	Community Development Director	Planning Commission	City Council
Specific Plans	17.08	Community Development Director	Planning Commission	City Council

Part II: Administration and Procedures

Table 17.03.030.A: Approval Authorities				
Type of Action	Chapter/ Section	Recommending Authority	Approval Authority	Appeal Authority
Reestablishment of an Abandoned Non-conforming Use	17.09.030.D	Community Development Director	Planning Commission	N/A
Certificate of Present Extent of Legal Nonconformity for Uses	17.09.030.F	N/A	Community Development Director¹	Planning Commission
Minor Modifications	17.11.010	N/A	Community Development Director	Planning Commission
Variance	17.11.020	Community Development Director	Planning Commission	City Council
Notes: ¹ Item The request for Certificate of Present Extent of Legal Nonconformity for Uses is placed on the Planning Commission's consent calendar.				

17.03.040 Approvals to Conform to Code

- A. All permits, approvals, clearances, or licenses shall conform to the provisions of this Code. If any issued permit, approval, clearance, or license is in conflict with the provisions of this Code, it shall be null and void.
- B. When carrying out their assigned duties and responsibilities, all Approval Authorities shall interpret and apply the provisions of this Code as minimum requirements adopted for the promotion of the General Plan.
- C. The City shall refuse to issue any permit, approval, or clearance that is sought pursuant to this Title, where the existing or proposed use, building or structure has been found to be in violation of this Code, except as otherwise authorized by the City Council.

Chapter 17.04 Common Procedures

17.04.010 Purpose

The purpose of this Chapter is to establish common procedures and requirements for preparation, filing, and processing of development applications required by this Title. The development review process is designed to provide a consistent and efficient method for the City to implement its General Plan and other adopted goals, policies, and standards. For procedures specific to individual permit types, refer to Chapter 17.05, Planning Permits and Approvals.

17.04.020 Application Process

- A. **Applicant.** Application for any permit shall be made by the property owner, or ~~his or her~~[their](#) authorized agent, to the Community Development Director.
- B. **Applications.**
 1. **Application Forms.** Application for permits or amendments shall be made with the Community Development Director on a prescribed form and shall include information that is necessary for adequate review of the application, such as plans, elevations, facts, and information deemed by the Community Development Director to be necessary to show details of the proposed use or development. Applications shall include the property owner's written authorization for any permit, permit amendment, or permit extension to be recorded against the property, ~~and the appropriate fee, in accordance with the provisions of Section 17.04.030, Fees, unless otherwise indicated.~~
 2. **Supplemental Materials and Information.** The Community Development Director may require the submission of supplemental materials and information as part of an application submittal, including statements, photographs, plans, drawings, renderings, models, material samples, special studies, and other items necessary to describe existing conditions and the proposed project, and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).
 3. **Filing Date.** The filing date for an application shall be the date an application is certified by the City to be complete pursuant to [California](#) Government Code § 65943 et seq.
- C. **Concurrent Permit/Approval Processing.** The following provisions shall apply to multiple permit/approval processing and action by Approval Authorities:
 1. If a project requires more than one discretionary permit or other approval, all permits or other approvals shall be processed concurrently. The concurrent processing of other discretionary permits and approvals associated with but not required for the development of the project (e.g., development agreement) is encouraged.
 2. When more than one permit or other discretionary approval is required and Approval Authority rests with both the Planning Commission and City Council, the final action on all discretionary permits or other approvals shall be taken by the City Council. In such cases, the Planning Commission's actions shall consist of recommendations to the City Council.

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3. When a subdivision is proposed, the provisions of [St. Helena Municipal Code, Title 16, the Subdivisions, Ordinance](#) and this Title shall apply. Approval Authorities may combine in a single action or review such approvals as are required by this Title and the single approval shall have the same effect as though each action were taken individually, provided each separate approval required is appropriately entered in the record.
- D. **Withdrawn Applications.** An application may be withdrawn by the applicant prior to the opening of the public hearing or thereafter with the consent of the Approval Authority. A request to withdraw an application must be submitted by the applicant in writing. Withdrawal of an application shall terminate all further action on the application. Where an application has been withdrawn, an application for the same or substantially similar project may be filed within one year from the date of withdrawal. Any such subsequent application shall be considered a new application and be processed accordingly.

17.04.030 Fees

This Section is intended to ensure that the City is reimbursed for its costs of providing services to applicants for development projects and provide uniformity with respect to such provisions. The provisions listed below apply to all such projects except to the extent that more specific state or local regulations preempt its application.

- A. **Filing Fee.** Fees for processing applications shall be set by resolution of the City Council and shall be representative of the actual costs incurred by the City for processing the application.
- B. **Billing Rates.** The hourly rate to be billed by the City staff shall be periodically set by resolution of the City Council; other processing costs shall be at rates set by resolution of the City Council (e.g., costs of reproduction) or at direct cost to the City (e.g., postage). Such rates shall not exceed the costs (direct and indirect) of the services provided. Consultants shall be billed at the rate and for the expenses charged to the City plus any allocable overhead.
- C. **Billing Records.** All processing costs associated with the investigation, processing, inspection or review of development projects, or the enforcement of applicable regulations and conditions to development projects shall be recorded and charged to each project.
- D. **Payment of Processing Fees.**
 1. The City may, when the Community Development Director deems it appropriate, require an applicant to deposit funds with the City from which the costs described in this Section will be paid. Any remaining unused balance will be returned to the applicant within a reasonable time after a final decision on the application has been made.
 2. No development application may be filed without a deposit in an amount estimated to cover processing costs unless payment of processing fees has been waived by action of the City Council, or the applicant is a public entity exempted from payment of such fees. The City shall make subsequent periodic invoices to ensure that the balance in the project account remains sufficient to cover anticipated processing costs, and it shall be the responsibility of those liable for payment to make such payments.

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3. Each applicant for, or operator of, a development project, as well as the owner of the subject property, if different, shall be liable for payment of all processing fees associated with the development project.

E. Failure to Pay Processing Fees.

1. Any City body with the authority to approve or conditionally approve or deny a development project may deny such project with leave to amend if after notice the responsible party or parties fail to comply with this Section. The applicant shall be given no less than 10 calendar days' mailed notice of the City's intent to take such action.
2. The Community Development Director, Public Works Director, or Chief Building Official may issue a stop work order if the job site has previously been posted with a notice of intent to issue a stop work order for failure to comply with this Section.
3. An action may be brought in the name of the City, in any court of competent jurisdiction to enforce a lien. In such action, reasonable attorney's fees shall be awarded to the prevailing party.
4. The Finance Director may bring a civil action in the name of the City to collect the fees owing pursuant to this Section. In such action, reasonable attorney's fees shall be awarded to the prevailing party.

F. Lien on Subject Property.

1. The Finance Director may notify an applicant or operator and, if different, the owner of the subject property, of the failure to comply with this Section, the amount outstanding and of the fact that if not paid, the processing fees shall become a lien against the property. Such notice shall be given by registered or certified mail upon the owner or owner's agent, as shown on the last equalized assessment roll. Service on one property owner in multiple ownership shall be deemed in compliance with this Section. If an address for an owner cannot be reasonably obtained, the notice required by this Section may be given by posting the subject property.
2. Within 10 days from the date of posting, or date of registered or certified mail service, the applicant or operator, and if different, the owner or any person interested in the property may appeal the decision to file a lien under subsection F.1 to the City Council by filing a written appeal with the City Clerk, setting forth in detail the reasons for appeal. The Council shall hear from the appellant and subsequently approve or deny the appeal. The City Council's decision shall be final and conclusive.
3. At the expiration of the time set for appeal or upon determination of the City Council upon appeal, the processing fees due and any outstanding amounts owed become a lien upon the subject property.

17.04.040 Review of Planning Applications

- A. Initial Completeness Review.** The Community Development Director shall determine whether an application is complete within 30 days of the date the application is filed and required fee received.

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- B. **Incomplete Application.** Permits authorizing the use, construction, reconstruction, or alteration of any structure may be withheld when information submitted is inadequate or incomplete. If an application is deemed incomplete, the Community Development Director shall provide a written notification to the applicant listing information necessary to complete the application.
1. **Zoning Code Violations.** An application shall not be found complete if conditions exist on the site in violation of this Title or any permit or other approval granted in compliance with this Title, unless the proposed project includes the correction of the violations.
 2. **Appeal of Application Completeness Determination.** Determinations of incompleteness are subject to the provisions of Chapter 17.12, Procedures for Appeals, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal.
 3. **Submittal of Additional Information.** A determination will be made whether the permit may be issued or if the applicant must supply additional information to complete the permit application. The applicant shall provide the additional information within the time limit specified by the Community Development Director, which shall be no sooner than 30 days. The Community Development Director may grant one extension of up to 90 days.
 4. **Expiration of Application.** If an applicant fails to submit the information identified on the written notification of an application that is determined to be incomplete within 180 days, the application shall expire and be deemed withdrawn. After the expiration of an application, a new, complete application, along with all required fees, shall be submitted for review.
- C. **Complete Application.** In compliance with the California Permit Streamlining Act § 65920, when a planning application is deemed complete, the Community Development Director must make a record of that date and proceed with processing the application. If an application requires a public hearing, the Community Development Director shall schedule a hearing and notify the applicant of the date and time, pursuant to Section 17.04.080, Public Hearing Notice.
- D. **Procedure for Zoning Compliance.** Prior to approval of the following land use activities the Community Development Director shall first establish compliance with the provisions contained in this Title:
1. Business license requests;
 2. Issuance of building permits;
 3. The first and subsequent nonresidential occupancies or uses of any land, lot, building or structure;
 4. Any full or partial change in the nonresidential occupancy or use of any land, lot, building or structure; or
 5. The expansion of any nonresidential occupancy or use of any land, lot, building or structure.

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The Community Development Director shall confirm if the use, building or structure complies with all applicable City ordinances and the General Plan, and compliance with any conditions of approval imposed on any permit authorized by this Title. Actions of the Community Development Director taken in regard to the provisions of this Section may be appealed to the Planning Commission and City Council pursuant to Chapter 17.12, Procedures for Appeals.

E. Referral of Application.

1. When the Community Development Director is the Approval Authority, the Community Development Director has the discretion to refer the application to the Planning Commission.
2. At the discretion of the Community Development Director, or where otherwise required by this Title, state or federal law, any application filed in compliance with this Title may be referred to any City department, public agency, or interest group that may be affected by or have an interest in the proposed land use project for review and comment on the application.

F. Extensions for Review of Application. The Community Development Director may, upon written request, grant extensions of any time limit for review of applications imposed by this Title.

17.04.050 Determination of Similar Use

Each zoning district establishes a list of primary uses and accessory uses which are permitted, permitted with a Minor Use Permit (MUP), or permitted with a Conditional Use Permit (CUP). Occasionally, uses may be proposed which are not specifically listed in the Use Tables of Chapters 17.16 through 17.20. This Section provides procedures that shall be observed when an unlisted use is proposed in a zoning district. A use determined to be similar shall apply to the zoning district uniformly regardless of location.

- A. **Community Development Director.** The Community Development Director may administratively determine that the proposed uses are similar to those of the appropriate use category where the uses are clearly similar in character to those uses listed and consistent with the purposes of the zoning district and General Plan.
- B. **Planning Commission.** The Planning Commission's determination of similar use is subject to appeal to the City Council pursuant to the provisions of Chapter 17.12, Procedures for Appeals.

17.04.060 Interim Zoning Ordinance

Without following the procedures otherwise required prior to the adoption of a Zoning Ordinance, the City Council may adopt an interim ordinance as an urgency measure to prohibit any use which may be in conflict with a contemplated zoning proposal which the City Council, Planning Commission, or the Community Development Director is considering, studying, or intends to study within a reasonable time. The interim Zoning Ordinance shall require a four-fifths vote of the City Council for adoption and comply with the provisions of [California](#) Government Code § 65858.

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17.04.070 Environmental Review

The California Environmental Quality Act of 1970 (CEQA) and City guidelines, as amended, require environmental review of all projects which must obtain discretionary approval from the City. The intent of the review process is to evaluate and make publicly known the possible impacts of proposed projects on the environment and to mitigate significant adverse impacts. Each project is evaluated by the Community Development Director according to CEQA guidelines and a determination made whether additional environmental review is required.

17.04.080 Public Hearing Notice

- A. **Applicability.** Public hearing notices are required for all applications subject to a public hearing.
- B. **Noticing Procedures.** The following noticing procedures shall be observed when a public hearing is required by this Title:
 1. Notice shall include:
 - a. The date, time and place of the hearing;
 - b. The identity of the hearing body;
 - c. A brief description of the matter to be considered and permits required;
 - d. A description (text or diagram) of the location of the property involved; [and](#)
 - e. The following statement: "If you challenge the City's decision on this matter in Court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing."
 2. Notice shall be given not less than 10 calendar days prior to the public hearing.
 3. Notice shall be given by the following, except as provided below in subsection C, Special Provisions:
 - a. Mailed notice to the applicant, the owner of the property, persons who have requested notice of a hearing for a specific project, and all property owners within 300 feet of the proposed project site.
 - b. Publication of legal notice in a newspaper determined to be a newspaper of general circulation in St. Helena.
 4. Notice for all applications considered by the City Council at a public hearing which have been considered previously by the Planning Commission shall consist of the same notice required for the Planning Commission hearing.
- C. **Special Provisions.** The following special public hearing notice provisions shall apply to the adoption of a General Plan, General Plan element, substantive text amendment of the General Plan, substantive text amendment of the Zoning Ordinance, [and](#) any project, including [a](#) General Plan land use map amendment, for which the number of property owners who would be sent a public hearing notice pursuant to this Title is greater than 1,000:

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1. Placing a display advertisement of at least one-eighth page in a newspaper determined to be a newspaper of general circulation in ~~the City~~ St. Helena; or
2. Placing an insert with any generalized mailing sent by the county or City to property owners in the area affected by the proposed ordinance or amendment, such as billing for City services.

The public hearing notice required pursuant to this Section shall be in lieu of that required by subsection B, Noticing Procedures, except for the applicant and property owner.

17.04.090 Continuance of Public Hearing

The hearing body, on its own motion, may continue a hearing from time to time. No additional notice shall be required for the continuance of a noticed public hearing to a specific date. At their own discretion, applicants may request that their project be acted upon rather than continued.

17.04.100 Timing and Notice of Action

When making a decision to approve, approve with conditions, modify, revoke, or deny any discretionary permit under this Title, the responsible authority shall issue a Notice of Action and make any findings that are required by the Zoning Code.

A. Time of Action.

1. A decision shall be deemed to have been made at the time action is taken by the City Council.
2. A decision of the Planning Commission shall be deemed to be made 10 days following the Commission's action on a Conditional Use Permit.
3. A decision shall be deemed to have been made on the date of issuance of a Notice of Action by the Community Development Director.

- B. Notice of Action.** When a final decision is made by Notice of Action, the decision made and the findings or conditions that were the basis for the decision shall be described. The Community Development Director shall mail the Notice of Action to the applicant at the mailing address stated in the application and to any other person or entity requesting the notification in writing.

17.04.110 Authority to Apply Conditions of Approval

In considering an application for a permit or other discretionary approval authorized by this Title, final Approval Authorities may require changes to applications and impose conditions of approval in order to effect the policies of the General Plan and the purpose of this Title. Conditions of approval, which may include dedication of land, installation of specific improvements, size, design and placement of buildings or structures, landscaping, and limitations on use and hours of operation, shall be reasonably related to the type of impacts caused by the use of the property for which the permit or other discretionary approval is requested.

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17.04.120 Effect of Approvals

- A. **Issuance of Approval.** The issuance of a permit or approval requirement described in this Title authorizes the holder to proceed in compliance with the terms of the permit. The applicant must follow the procedures of this Title for any additional applicable permits or approvals in order to complete the development and occupancy requirements for the subject property.
- B. **Conditions of Approval.** All conditions of approval shall be binding upon the applicant, their successors, and assigns; shall run with the land; shall limit and control the issuance and validity of Certificates of Occupancy; and shall restrict and limit the construction, location, use, and maintenance of all land and structures within the development.
- C. **Ownership and Transferability of Permits and Approvals.** An approved permit or other discretionary approval applies to the subject property and runs with the land, except as specifically provided in this Title. Once vested, an approved permit or other discretionary approval remains effective unless terminated, abandoned, revoked or modified even if the subject property is subsequently rezoned. An approved permit or other discretionary approval is transferable to any future owner of the subject property.
- D. **Inspections.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, the property owner, or successor property owners to comply with such conditions.

17.04.130 Terms of Approvals

- A. **Term of Permits and Approvals.**
 - 1. A discretionary approval authorized by this Title shall expire one year from the date that such approval becomes effective unless the applicant has established a vested right to proceed, or a subdivision map that was concurrently approved for the project remains valid.
 - 2. A discretionary approval takes effect the day following the expiration of the appeal period if no appeal is filed or the day following the denial of an appeal.
- B. **Validity of Permits.** The following shall establish the validity of permits or other discretionary approvals:
 - 1. **Establishment of Use.** A permit or other discretionary approval shall remain valid as long as the use authorized by the permit is lawfully established prior to the expiration of the permit, or the holder of the permit or other discretionary approval has established to the satisfaction of the Community Development Director a good faith, diligent effort to lawfully establish the use pursuant to the procedures set forth by this Section.
 - 2. **Valid Building Permit.** A permit or other discretionary approval shall remain valid as long as there is a valid building permit for construction authorized by the permit. If the building permit expires, or if no building permit has been issued for construction

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authorized by the permit or other discretionary approval during the one year that the permit is valid, the permit or other discretionary approval shall expire unless an extension of time has been granted pursuant to Section 17.04.140, Extension of Permits and Approvals, or the holder of the permit or other discretionary approval has established to the satisfaction of the Community Development Director a good faith, diligent effort to lawfully establish the use pursuant to the procedures set forth by this Section.

- C. **Expiration of Permits.** The following establish the expiration of permits or other discretionary approvals.
1. **Failure to Establish Use.** Any permit or discretionary approval that allows for the establishment of a use shall be revoked by the Community Development Director if it is determined that the use has not been established within a period of six consecutive months from the date the permit was issued or the discretionary approval was granted.
 2. **Failure to Continue Use.** Any permit or discretionary approval that allows for the establishment of a use shall be revoked by the Community Development Director if it is determined that the use has been abandoned, ceased operations, or has been vacated for a period of six consecutive months from the date the permit was issued or the discretionary approval was granted, unless the holder of the permit or other discretionary approval has confirmed to the satisfaction of the Community Development Director a good faith, diligent effort to continue the use pursuant to the procedures set forth by this Section.
 3. **Incompletion of a Project.** If only a portion of a project is completed pursuant to a permit authorizing its development, the permit or other discretionary approval for the balance of the project shall expire if no substantial action is taken toward completion of the balance of the project in a one-year period.
- D. **Determination of Expiration or Extension.** The following provides for determination of the expiration or extension of permits or other discretionary approvals.
1. **Notification of Determination of Expiration.** If the Community Development Director determines that the holder of the permit or other discretionary approval has not attempted to establish or continue the approved use diligently and in good faith, the Community Development Director shall notify the holder of the permit or other discretionary approval in writing of that determination, and that the permit or other discretionary approval is expired, lapsed and null and void. The Community Development Director's determination that the permit or other discretionary approval has expired may be appealed to the Planning Commission by the holder of the permit or other discretionary approval.
 2. **Notification of Determination of Extension.** If the Community Development Director determines that the holder of the permit or other discretionary approval has attempted to establish or continue the approved use diligently and in good faith, the Community Development Director shall notify the holder of the permit or other discretionary approval in writing of that determination, and that the permit or other discretionary approval has been extended for an additional period. Any such extension shall be for a period of one year and shall be subject to the requirements

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set forth in subsection ~~C~~ B of this Section for establishing the use within that time period and the requirements set forth in subsection D.1 for submitting additional information prior to the expiration of any such extension. The Community Development Director's determination to extend the permit or other discretionary approval shall be final.

17.04.140 Extension of Permits and Approvals

A permit or other discretionary approval may be extended for not more than two, one-year periods, or for as long as any subdivision concurrently approved is extended, whichever is longer, provided that an application is filed at least 30 days prior to its expiration date.

The Community Development Director may grant an extension of an approval where there has been no proposed change in the original permit or approval. Extensions may be granted subject to additional conditions or amendments; however, if the permit or other discretionary approval is no longer in conformance with this Title, General Plan, or other City regulations, no extension shall be granted. A permit or other discretionary approval shall remain valid during the time an application for an extension is processed and considered by the appropriate Approval Authority.

17.04.150 Modifications to an Approval

- A. **Minor Modifications to an Approval.** At the discretion of the Community Development Director, a minor modification to a discretionary approval may require only administrative review and approval, but no minor modification may change the approved use, density, or intensity.
- B. **Major Modifications to an Approval.** Any modification to a discretionary approval that is not a minor modification under subsection A above is a major modification and must be approved by the Approval Authority that issued the discretionary approval.

17.04.160 Effect of Denials

- A. **Denial with Leave to Amend.** If an application for a permit or other discretionary approval is denied with leave to amend, an application for the same or a substantially similar project may be filed within one year from the date of the denial without being considered a new application. A denial without leave to amend must be accompanied by a statement that no right or privilege of the applicant is waived or lost by the denial if an amended application is resubmitted within one year from the denial.
- B. **Denial without Leave to Amend.** If an application for a permit or other discretionary approval is denied without leave to amend, in compliance with subsection A, no new application for the same or a substantially similar project may be filed for a period of one year from the date of the denial.
 - 1. If an application for a permit or discretionary approval on the same property is received within one year from the date of denial, the Community Development Director shall make the threshold decision whether the project is substantially similar to the rejected project and therefore cannot be filed for processing.

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2. The Community Development Director shall provide the applicant, each member of the Approval Authority and any person who has submitted a written request for notice a copy of the Community Development Director's proposed decision. Unless an appeal is filed, the proposed decision shall become final 15 days after notice is given by mail and provided to the Approval Authority.
3. Upon request of Community Development Director, the matter shall be placed on the agenda for a decision whether the project is substantially similar.

17.04.170 Appeals

Any person, firm, or corporation aggrieved by a decision of the Approval Authority in interpreting, applying, or enforcing this Chapter may file an appeal in compliance with the appeal provisions established in Chapter 17.12, Procedures for Appeals.

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Chapter 17.05 Planning Permits and Approvals

17.05.010 Purpose

This Chapter provides the procedures for the preparation, filing, and processing of applications for planning permits and other entitlements required by this Title.

17.05.020 Conditional Use Permit (CUP)

- A. **Purpose.** The purpose of a Conditional Use Permit (CUP) is to allow the proper integration in the City of essential or desirable uses while ensuring that such uses are and will continue to be compatible with surrounding existing and planned uses. The purpose is also to establish conditions as necessary to ensure the harmonious integration and compatibility of uses in the neighborhood and with surrounding areas.
- B. **Applicability.** Part III, District Regulations and Overlays, identifies land uses and activities that require a CUP.
- C. **Application.**
 - 1. **Application.** An application for a CUP shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 - 2. **Responsibility.** It is the responsibility of the applicant to provide support for the findings required by subsection E.
- D. **Public Hearing and Procedure.**
 - 1. Public hearings shall be properly noticed in compliance with Section 17.04.080, Public Hearing Notice.
 - 2. The Planning Commission shall hold a public hearing on the CUP application and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the requirements for conditional uses and other applicable Sections of this Code.
- E. **Findings.** The Planning Commission may approve the CUP only after making the following findings:
 - 1. The proposed use is consistent with the goals and policies of the General Plan and any applicable Specific Plan;
 - 2. The proposed use is appropriate for the zoning district in which it is located, compatible with uses allowed in the zoning district, and complies with all other applicable provisions of the Zoning Code;
 - 3. The proposed use will not be materially detrimental to the health, safety, and welfare of the public or the property and residents in the vicinity;
 - 4. The subject site is physically suitable for the use and compatible with existing and future land uses, buildings and structures in the vicinity;

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5. For formula businesses, the proposed use is consistent with the findings of Section 17.22.120, Formula Businesses; is consistent with the unique and historic character of ~~St. Helena~~the City; will preserve the distinctive visual appearance and shopping experience of ~~St. Helena~~the City for its residents and visitors; and will be compatible with existing uses in the zoning district;
6. The subject site is served by streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate or that the streets in question are physically or financially impossible to be improved and that the proposed use is deemed to be beneficial to the City; and
7. The project is categorically exempt under CEQA or other applicable ~~e~~Environmental ~~d~~Documents have been certified as complete and adequate.

F. Conditions of Approval.

1. The Planning Commission may attach conditions of approval to a CUP as are necessary to carry out the purposes of the General Plan, other adopted plans, or findings of subsection E. Some of the conditions may include limitations on size, bulk, and location; requirements for additional landscaping or buffers; mitigation of adverse environmental impacts; and other conditions such as the duration of the permit, hours of operation, and time limits on construction.
2. Conditions of approval will only be imposed if they are necessary to ensure:
 - a. The intent and purpose of the General Plan and this Code are met;
 - b. Compatible and complementary development and operation of the property; and
 - c. The provision of appropriate off-site improvements.

G. Master Use Permit.

1. **Purpose and Applicability.** A Master Use Permit is a special type of Conditional Use Permit which authorizes more than one conditional use, including future uses, from the list of conditional uses of the zoning district in which a property is located. The Planning Commission may approve a Master Use Permit on properties with one or more buildings which are occupied or designed for occupancy by multiple nonresidential uses.
2. **Application Requirements.** See subsection C above for application requirements.
3. **Public Hearing and Procedure.** The procedure and findings for a Master Use Permit shall be the same as that of a CUP as described above. Following approval of a Master Use Permit, any uses so authorized may be established subject only to compliance with any conditions of approval. Each Master Use Permit shall list all of the conditional uses authorized by the Permit and may be subject to conditions or requirements over and above those which might be applied for any particular use.

H. Notice of Action, Appeals, Expiration, Extensions, and Modifications.

1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.

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2. **Appeals.** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.
3. **Expiration, Extensions, and Modifications.** Conditional Use Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

17.05.030 Demolition Permit

- A. **Purpose.** The purpose of this Section is to provide the procedure for processing a demolition permit for non-historic structures.
- B. **Applicability.** This Section applies to all buildings and structures less than 50 years old that are proposed for demolition.
- C. **Application Requirements.**
 1. **Application.** An application for a Demolition Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process. If the structure is 50 years or older, a historic resource determination report may be needed from a qualified architectural historian. Applicants should contact the Community Development Department to verify requirements.
 2. **Responsibility.** It is the responsibility of the applicant to provide information regarding the findings described by subsection D.
- D. **Findings.** No permit authorizing the demolition of any building within any zoning district shall be issued until approved by the Planning Commission in accordance with the following findings:
 1. The building is determined not to be a significant architectural or historical building based on the public record and testimony presented at a public hearing;
 2. The demolition would not eliminate elements that are required to maintain the essential character of the neighborhood;
 3. Design review of the proposed replacement structure is approved prior to, or in conjunction with, approval of the demolition of a structure; and
 4. The building to be demolished does not reflect neglect by the owner.
- E. **Notice of Action, Appeals, Expiration, Extensions, and Modifications.**
 1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.
 3. **Expiration, Extensions and Modifications.** Demolition Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

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17.05.040 Historic Demolition Permit

- A. **Purpose.** The purpose of this Section is to provide procedures for the processing of a demolition permit for potential historic structures.
- B. **Applicability.** This Section applies to:
1. All structures over 50 years old within the Historic Preservation Overlay District or determined to be a historic resource by a qualified architectural historian; and
 2. Any structure listed on the City's Historic Resources Master List (Local Register).
 3. **Exemptions.** The following are exempt from the Historic Demolition Permit requirement:
 - a. Buildings and structures determined by the Chief Building Official to pose a serious and immediate threat to the public health, safety, or general welfare.
 - b. A building or structure included in the City's Local Register but whose listing is determined by the Community Development Department to be based on erroneous information, based on evidence in the record.
 - c. The structure or building is determined by the Community Development Department to not meet criteria for historical significance as defined by Public Resources Code § 5020.1 or 5024.1, based on evidence in the record.
 - d. Demolition of interior partitions, walls, or any other demolition that will not modify the exterior appearance of the structure or building.
- C. **Application Requirements.**
1. **Application.** An application for an Historic Demolition Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process. Specific requirements unique to the Historic Demolition Permit are listed on the Application.
 2. **Responsibility.** It is the responsibility of the applicant to provide information regarding the findings described by subsection F.
- D. **Environmental Review.** Environmental review of a historic demolition permit application shall be conducted in accordance with CEQA.
- E. **Public Hearing and Procedures.**
1. Public hearings shall be properly noticed in compliance with Section 17.04.080, Public Hearing Notice.
 2. The Planning Commission shall hold a public hearing on a Historic Demolition Permit application and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the provisions of Chapter 17.04, Common Procedures.
- F. **Findings.** In order to approve an application for a historic demolition permit, the Planning Commission must make at least three of the following findings:
1. The building or structure does not represent a unique and irreplaceable historic or architectural resource.

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2. The adaptive reuse of the structure is infeasible or inappropriate, due to economic considerations, structural conditions or land use incompatibility.
 3. The relocation of the structure is infeasible due to cost, structural conditions or lack of an interested party.
 4. Restoration of the building or structure is not feasible or practical using current building codes including, but not limited to, the Historic Building Code provisions of the California Building Standards Code.
 5. No public or other funding is available for financing renovation or purchase of the property on which the building or structure is located.
 6. The characteristics of the building or structure that originally supported its inclusion in a cultural resources survey are no longer present and such absence is not a result of:
 - a. Willful or negligent acts by the owner that resulted in structural deterioration;
 - b. Failure to perform normal maintenance and repairs;
 - c. Failure to diligently solicit and retain tenants; and
 - d. Failure to secure and board the structure if vacant.
 7. The base zoning of the site is incompatible with the intended reuse of the existing structure.
 8. The structure cannot be restored without repairs that would exceed 50 percent of the value of the structure itself. This finding shall be supported by 1) an appraisal prepared by a certified appraiser to determine the value of the structure and 2) at least two bids from qualified contractors to determine the cost of repairs to the structure.
 9. The historic resource must be removed from the site in order for the property to be utilized for a structure or use that substantially benefits the public.
 10. Demolition of the structure will not have a significant impact on the historic integrity of the designated or potential historic district.
- G. **Notice of Action, Appeals, Expiration, Extensions, and Modifications.**
1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** A decision of Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.
 3. **Expiration, Extensions and Modifications.** Historic Demolition Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.
- H. **Conditions of Approval.** Potential conditions of approval that may be adopted by the Planning Commission in approving a historic demolition permit include, but are not limited to, the following:

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1. Prior to demolition, the applicant shall provide archival quality photographs, floor plans and elevation drawings, as appropriate, to record the building(s) or structure(s) being demolished.
2. Prior to issuance of the Historic Demolition Permit, the Planning Commission shall approve a design review application for new construction for the site of the demolished structure(s) and a building permit shall be issued for the replacement structure(s). In addition to the findings required under Section 17.05.070, Major Design Review, the Planning Commission shall find that the proposed design is compatible with the historic character of the surrounding historic neighborhood, if applicable.
3. The applicant shall donate to the St. Helena Historical Society any artifact or other architectural element identified by the preservation consultant or Planning Commission. The artifact or architectural element shall be carefully removed and delivered to the St. Helena Historical Society in good condition to be used in future conservation work.
4. The applicant shall offer any reputable firm, group or individual, the opportunity to move the building to another site for restoration.
5. The City may require the applicant ~~shall to~~ bond for no less that 25 percent of the estimated construction cost of the replacement structure or structures approved under subsection H.2.

17.05.050 Development Agreement

- A. **Purpose.** The purpose of this Section is to provide procedures for the processing of development agreements.
- B. **Applicability.** The City may enter into an agreement with a qualified applicant for the development of real property as provided in this Chapter under the authority of California Government Code §§ 65864 through 65869.5.
- C. **Qualifications.** Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property that is the subject of the development agreement. The Community Development Director may require an applicant to submit proof of his or her interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the Community Development Director shall obtain the opinion of the City Attorney to confirm the sufficiency of the applicant's interest in the real property to enter into the agreement.
- D. **Application Requirements.**
 1. **Application.** An application for a development agreement shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 2. **Form of Agreement.** Each application shall be accompanied by the form of development agreement proposed by the applicant. This requirement may be met by designating the City's standard form of development agreement and including specific proposals for changes in, or additions to, the language of the standard form.

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E. **Public Hearing and Procedures.**

1. A public hearing on an application for a development agreement shall be held by the Planning Commission and the City Council. Notice of intention to consider adoption of a development agreement shall be given as provided in [California](#) Government Code §§ 65100 and 65110. These notice requirements are declaratory of existing law. If state law prescribes a different notice requirement, notice shall be given in that manner.
2. The failure of any person entitled to notice required by law or this Chapter to receive such notice does not affect the authority of the City to enter into a development agreement.
3. The failure of any person entitled to notice required by law or this Chapter to receive such notice does not affect the authority of the City to enter into a development agreement.
4. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice finding, record, hearing, report, recommendation or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown.

F. **Planning Commission Determination.** After the hearing by the Planning Commission, the Planning Commission shall make its recommendation in writing to the City Council. The recommendation shall include the Planning Commission's determination whether or not the development agreement proposed:

1. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan;
2. Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
3. Is in conformity with public convenience, general welfare and good land use practice;
4. Will be detrimental to the health, safety and general welfare;
5. Will adversely affect the orderly development of property or the preservation of property values. The recommendation shall include the reasons for the recommendation; and
6. Will have a sufficient water supply for subdivisions pursuant to the requirements of [California](#) Government Code § 66473.7 and new non-residential development.

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G. City Council Decision.

1. After the City Council completes its public hearing, it may accept, modify, or disapprove the recommendation of the Planning Commission. The City Council may refer matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for report and recommendation. The Planning Commission may hold a public hearing on matters referred back to it by the City Council.
2. The City Council may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the General Plan and any applicable specific plan.
3. If the City Council approves the development agreement, it shall do so by the adoption of an ordinance. When the ordinance approving the development agreement takes effect, the City may enter into the agreement.

H. Amendment or ~~C~~cancellation. Either party, by mutual consent, may propose an amendment to or cancellation in whole or in part of the previously approved development agreement ~~previously entered into~~.

1. **Minor Amendments.** At the discretion of the Community Development Director, a minor amendment to a Development Agreement requires only administrative review and approval.
2. **Major Amendments or Cancellations.** The procedure for proposing and adoption of a major amendment to or cancellation in whole or in part of the development agreement is the same as the procedure described in subsection E.

I. Recordation.

1. Within 10 days after the City enters into the development agreement, the City Clerk shall record ~~have~~ the agreement ~~recorded~~ with the County ~~R~~ecorder.
2. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in subsection H, or if the City terminates or modifies the agreement as provided in subsection K for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall record ~~have a~~ notice ~~notice~~ of such action ~~recorded~~ with the County ~~R~~ecorder.

J. Periodic Review. The City shall review the development agreement every 12 months from the date the agreement is entered.

1. The time for review may be modified either by agreement between the parties or by initiation in one or more of the following ways:
 - a. Recommendation of the Community Development Director;
 - b. Affirmative vote of at least three members of the City Council.
2. The Community Development Director shall begin the review proceedings by giving notice that the City intends to undertake a periodic review of the development agreement to the property owner. The notice shall be given at least 15 days in advance

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of the time at which the matter will be considered. The review shall be conducted by the City Council.

3. The City Council shall conduct a public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.
4. The City Council shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.
5. If the City finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded.
6. If the City finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the City may modify or terminate the agreement.

K. **Modification or Termination.** If, upon a finding under subsection J, the City determines to proceed with modification or termination of the agreement, the City shall give notice to the property owner of its intention to do so. The notice shall contain:

1. The time and place of the hearing;
2. A statement as to whether or not the City proposes to terminate or to modify the development agreement; [and](#)
3. Other information that the City considers necessary to inform the property owner of the nature of the proceeding.

At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The City Council may refer the matter back to the Planning Commission for further proceedings or for report and recommendation. The City Council may impose conditions to the action it takes as it considers necessary to protect the interests of the City. The decision of the City Council is final.

17.05.060 Home Occupation Permit

- A. **Purpose.** The purpose of the Home Occupation Permit is to allow for the conduct of a business in the residential districts and to prescribe the conditions under which limited nonresidential activities may be conducted when incidental to residential activities.
- B. **Applicability.** Section 17.22.130, Home Occupations, identifies uses and activities that require a Home Occupation Permit.
- C. **Application.**
 1. **Application.** An application for a Home Occupation Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 2. **Responsibility.** It is the responsibility of the applicant to comply with the standards identified in Section 17.22.130, Home Occupations and the findings of subsection D.

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- D. **Findings.** The Community Development Director or the Planning Commission after an appeal shall approve a Home Occupation Permit if it is determined that the proposed home occupation would:
1. Be consistent with the General Plan, any applicable Specific Plan, and the development and design standards of the subject residential zoning district;
 2. Be consistent with the home occupation criteria and standards of ~~this~~ Section 17.22.130, Home Occupations; [and](#)
 3. Be consistent with all other municipal codes and applicable laws.
- E. **Conditions of Approval.** In approving an application for a Home Occupation Permit, the Approval Authority may impose additional conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the provision of Section 17.22.130, Home Occupations.
- F. **Notice of Action, Appeals, Expiration, Extensions, and Modifications**
1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Expiration, Extensions and Modifications.** Home Occupation Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

17.05.070 Major Design Review

- A. **Purpose.** This Section establishes procedures for the review and approval or denial of development applications requiring Major Design Review. The purpose of Major Design Review is:
1. To promote those qualities in the environment that bring value to the community;
 2. To foster the attractiveness and functional utility of the community as a place to live and work;
 3. To preserve the character and quality of our heritage by maintaining the integrity of those areas that have a discernible character or are of special historic significance;
 4. To protect certain public investments in the area;
 5. To ensure that new residential development within existing neighborhoods is respectful of the existing scale of development and promotes harmonious design;
 6. To encourage, where appropriate, a permissible mix of uses; and
 7. To raise the level of community expectations for the quality of its environment.
- B. **Applicability.** Major Design Review shall be required for the following:
1. Any new commercial, industrial, or agricultural building or exterior modification to an existing commercial, industrial, or agricultural building that involves the construction

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of 500 square feet or more, is visible from a public street or alley, and is not subject to Minor Design Review as stipulated in Section 17.05.080.B, ~~Applicability~~.

2. Any new public facility or modification to an existing public facility, excluding structures for utilities.
3. New construction and additions to structures in the Historic Preservation Overlay district. Exterior façade changes that are consistent with the standards in Section 17.21.040, Historic Preservation (HP) Overlay District are not subject to Major Design Review.
4. Any development within an approved PD Overlay district.
5. Any new structure or exterior modification to an existing structure where a Conditional Use Permit is required, excluding multi-family residential projects.
6. The construction of a new single-family home (Enacted by Ord. 87-8 effective 06-26-1987) except as provided in sub~~Section~~ Section 17.05.080.B.8.
7. Additions to a single-family home that create a second or third floor, story, or living space in an upper story where one does not currently exist including an addition to an existing second or third story.
8. Any residential and residential mixed-use buildings that do not comply with the applicable design standards of Chapters ~~17.16~~, Residential Zoning Districts and Chapter 17.17, Commercial and Mixed-Use Zoning Districts.

C. Application.

1. **Application.** An application for a Major Design Review shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
2. **Responsibility.** It is the responsibility of the applicant to provide support for the design review findings criteria required by subsection E.

D. Public Hearing and Procedures.

1. Public hearings shall be properly noticed in compliance with Section 17.04.080, Public Hearing Notice.
2. The Planning Commission shall hold a public hearing on an application requiring a Major Design Review and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with this Code.
3. The Community Development Director may, on a case-by-case basis, require the applicant to erect story poles on the project site to illustrate the height and or scale of a two story (or more) proposal, particularly when there are adjacent neighboring structures.

E. Findings. The Planning Commission may approve the Major Design Review only after making the following findings:

1. **Nonresidential Projects.**
 - a. The project is in conformance with the General Plan and applicable design standards in the Zoning Code;

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- b. The proposed siting, form and architectural style are appropriate for the project site and with the surrounding sites and structures;
 - c. In the CB district, the façade composition, door placement and design, and building fenestration encourage urban design which provides a connection to the street;
 - d. The roof design, building massing, and building articulation are reflected on all sides of the building that together create a visually engaging structure;
 - e. Project details including materials and colors are used in a manner that creates a visually cohesive design;
 - f. The building design and landscaping support public safety and security by allowing for a visual connection between the building frontages and the right-of-way, common open spaces, and other buildings on the site; and
 - g. In a National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines.
2. ***New Single-Family Dwellings and Additions of Second or Third Stories to Existing Single-Family Dwellings.***
- a. Consistency and compatibility with applicable elements of the General Plan (Enacted by Ord. 87-8 effective 06-26-1987); and
 - b. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions (Enacted by Ord. 87-8 effective 06-26-1987).

F. Review Limitations.

- 1. The Planning Commission shall not design or assist in the design of any buildings or projects submitted for approval except as requested by an applicant. The Planning Commission shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant.
- 2. Individual initiative and experimentation by the applicant are to be encouraged.
- 3. Only the applicant's failure to take reasonable account of the items discussed in subsections A and E shall justify the Planning Commission's disapproving [of](#) a proposal solely on the basis of design.
- 4. In its endeavor to improve the quality of a design, the Planning Commission shall keep considerations of cost in mind. However, consideration of cost shall not override the other objectives of this Title.
- 5. The Planning Commission shall not use the Major Design Review process to intentionally or inadvertently exclude housing for minority groups or housing for low- and moderate-income persons.

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6. The Planning Commission shall not use the Major Design Review process to intentionally or inadvertently ~~to~~ prohibit or unduly restrict building types, materials, or methods or to vary the specific allowances or other development controls.
- G. **Exemptions.** This Community Development Director has the discretion to exempt a proposal from Design Review upon finding that the proposal:
 1. Is clearly consistent with the findings of this Section and the remaining requirements of this Title and the General Plan; or
 2. Consists of the replacement of existing architectural features that do not involve substantial design changes or changes in materials.
 3. Involves a conforming residential dwelling where less than 50 percent of the gross floor area has been destroyed by a natural disaster and the proposal to reconstruct uses the same materials and design, is located on the same footprint, and does not increase the gross floor area of the previously existing structure.
- H. **Notice of Action, Appeals, Expiration, Extensions, and Modifications**
 1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.
 3. **Expiration, Extensions and Modifications.** Major Design Review approval expires after one year. Major Design Review approval may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

17.05.080 Minor Design Review

- A. **Purpose.** The purpose of the Minor Design Review process is to allow for the administrative review and approval of development applications that do not have site or architectural design impacts.
- B. **Applicability.** The following activities are subject to all design criteria of the City ~~of St. Helena;~~ however, the review shall be conducted administratively by ~~City Planning Staff~~ Community Development Director as a component of the building permit review:
 1. Those activities not described in Section 17.05.070.B.
 2. New multi-family development consistent with the applicable development and design standards provided in Section 17.06.040, Design Standards.
 - ~~2-3.~~ Any form of repair or maintenance where the work solely involves the replacement of materials in like kind and form or to any such work in areas not visible to the public from the public right-of-way or areas accessible to the public.
 - ~~3-4.~~ The alteration, modification or addition to an existing single-family or multi-family residential structure or building except as identified in Section 17.05.070.B.

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~~4-5.~~ The construction of an accessory structure in keeping with all development criteria of the zoning district in which the structure is proposed.

~~5-6.~~ Minor changes to the exterior of existing non-historic nonresidential buildings that require a building permit. This includes, but is not limited to, facade changes, relocation of storefront doors, and relocation of windows.

~~6-7.~~ Changes to a nonresidential site not involving major structural or site changes or changes of use. This includes site alterations such as construction of parking shade structures or other accessory structures, ~~and~~

8. The intentional destruction and removal of less than 50 percent of the finished floor within the exterior walls of a non-historic structure in conjunction with a remodel or addition.

~~7-9.~~ The reconstruction of a single-family residence destroyed by an act of God.

C. **Application Requirements.** No permit application is required for a Minor Design Review.

D. **Findings.** In approving a Minor Design Review, the Community Development Director shall find that:

1. The project is in conformance with the General Plan and Zoning Ordinance;
2. The project is in conformance with applicable design and development standards;
3. The project's operating characteristics minimize potential negative impacts and land use conflicts;
4. Adequate utilities, access roads, drainage, sanitation and other necessary facilities will be in place;
5. The project is categorically exempt under CEQA or other applicable Environmental Documents have been certified as complete and adequate; and
6. The project will not be detrimental to the public health, safety, and general welfare.

E. **Review and Final Decision.**

1. The Community Development Director shall review the project types described in subsection B for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Minor Design Review process.
2. A determination shall be issued by the Community Development Director as part of the building permit review that verifies that the design meets all applicable development and design standards and findings for Minor Design Review approval.

F. **Appeals, Expiration, Extensions and Modifications.**

1. **Appeals.** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.
2. **Extensions and Modifications.** Minor Design Review approval may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

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17.05.090 Minor Use Permit

- A. **Purpose.** The purpose of a Minor Use Permit (MUP) is to provide an administrative review process for proposed uses and activities to ensure that they are compatible with locational, use, structural, traffic, and the character of neighboring properties.
- B. **Applicability.** Part III, District Regulations and Overlays, identifies the uses and activities that require a MUP.
- C. **Application Requirements.**
 - 1. **Application.** An application for a Minor Use Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 - 2. **Responsibility.** It is the responsibility of the applicant to provide information on the proposed use that support the findings described in subsection D.
- D. **Findings.** The Community Development Director may approve a MUP upon making the following findings:
 - 1. The proposed use is consistent with the goals and policies of the General Plan and any applicable Specific Plan;
 - 2. The proposed use is appropriate for the zoning district in which it is located, compatible with uses allowed in the zoning district, and complies with all other applicable provisions of the Zoning Code;
 - 3. The proposed use will not be materially detrimental to the health, safety, and welfare of the public or the property and residents in the vicinity;
 - 4. The subject site is physically suitable for the use and compatible with existing and future land uses, buildings and structures in the vicinity;
 - 5. The subject site is served by streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate; and
 - 6. The project is categorically exempt under CEQA or other applicable Environmental Documents have been certified as complete and adequate.
- E. **Review and Hearing Procedures.**
 - 1. The Community Development Director shall review the projects described in subsection B for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Minor Use Permit review process. Each application shall be reviewed by the Community Development Director to ensure that the proposal complies with all applicable requirements of this Title.
 - 2. Prior to a decision on a Minor Use Permit, the City shall provide notice of a public hearing in compliance with Section 17.04.080, [Public Hearing Notice](#).
 - a. **Public Notice.** The notice shall state that the [Community Development Director](#) will decide whether to approve or disapprove the Minor Use Permit application on a date specified in the notice, and that a public hearing

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will be held only if requested in writing by any interested person prior to the specified date for the decision.

- b. Hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Section 17.04.080, Public Hearing Notice, and the Community Development Director shall conduct the public hearing prior to a decision on the application in compliance with Chapter 17.04, Common Procedures.

F. Notice of Action, Appeals, Expiration, Extensions, and Modifications.

1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
2. **Appeals.** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.
3. **Expiration, Extensions and Modifications.** Minor Use Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

17.05.100 Short-Term Rental Permit

A. Purpose.

1. The City Council finds that unregulated transient occupancy uses (i.e. short term rentals) in residential and agricultural district present a threat to the public welfare.
2. The purposes of the short term rental regulations are to:
 - a. Establish a permitting process and appropriate restrictions and standards for short-term rental of single-family dwellings;
 - b. Provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City;
 - c. Ensure the collection and payment of transient occupancy taxes;
 - d. Minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods; and
 - e. Retain the character of the neighborhoods in which any such use occurs.
3. The short term rental regulations are not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals.
4. The short term rental regulations are not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this Section.
5. The City Council also finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to Short-Term Rental Permits is necessary to protect the public health, safety and welfare. The purposes of the short term rental permit regulations are to:

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- a. Provide a permit system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density;
- b. Ensure the health, safety and welfare of renters and guests patronizing short-term rentals;
- c. Impose limitations on the total number of permits issued in order to ensure the long-term availability of the affordable housing stock; and
- d. Provide for robust enforcement remedies and penalties to prevent and deter violations of this Section and unjust enrichment by those who violate this Section.

B. Application Requirements.

- 1. **Application.** An application for a [new](#) Short-Term Rental Permit [or a renewal of an existing Short-Term Permit](#) shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
- ~~2.~~ **Responsibility.** It is the responsibility of the applicant to provide information on the proposed use that support the findings described in subsection D.
- ~~3.~~ ~~2.~~

C. Public Hearing and Procedures.

- ~~1.~~ [The Planning Commission shall hold a public hearing for discretionary review for a new Short-Term Rental application. The public hearings shall be properly noticed in compliance with Section 17.04.080, Public Hearing Notice](#)
- ~~1.~~ ~~2.~~ The public hearing notice shall:
 - a. Contain a description of the proposed short-term rental operation, parking on the site, and number of bedrooms to be used for short-term rental use, together with a location map identifying the short-term rental dwelling lot in relationship to all other lots within a 300-foot distance.
 - b. State that the noticed owners may file a written protest against the proposed short-term rental use with the Community Development Director provided that the protest is postmarked or received within 14 days of the mailing of the notice of application.
- ~~2.~~ ~~3.~~ The Planning Commission shall hold a public hearing on an application for a Short-Term Rental Permit and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with this Code.

D. Findings.

The Planning Commission shall review and either approve or deny the [initial Short-Term Rental Permit](#) application pursuant to the requirements of this Section after considering the effects the proposed [short-term rental](#) use would have on surrounding uses and the cumulative impacts within the community. In approving a [new](#) Short-term Rental Permit application, the Planning Commission must make the following findings:

- 1. The short-term rental complies with applicable standards identified in Section 17.22.200, Short-Term Rentals;

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2. The establishment of a short-term rental at the subject property is consistent with the purpose of the General Plan, including policies regarding the displacement of rental units in the housing stock;
 3. The establishment of a short-term rental at the subject property will not be detrimental to a building, structure, or feature of significant aesthetic, cultural, architectural, or engineering interest or value of a historical nature;
 4. The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses;
 5. The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City and will help to ensure the collection and payment of transient occupancy taxes; and
 6. There exists no substantial evidence of operation of an unpermitted short-term rental on the part of the applicant anywhere within the City.
- E. **Conditions of Approval.** The Community Development Director may recommend, and the Planning Commission may impose, conditions on the granting of an application for a Short-Term Rental Permit to mitigate the impacts of the proposed land use.
- F. **Permit Availability.** If no Short-Term Rental Permits are available pursuant to the limitation on short-term rentals described in Section 17.22.200.D, the Community Development Director shall place interested property owners on a waiting list in the order in which they were received. If a permit becomes available, applications shall be accepted and reviewed in the order that they are listed on the waiting list subject to the local preference policy established in [Subsection 17.22.200.D.15](#).
- G. **Notice of Action, Appeals, Term of Permit, and Conditions Subsequent to Short-Term Rental Permit Approval.**
1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** Any person whose application for a short-term rental permit has been denied by the Planning Commission, or whose permit has been suspended or revoked by the Community Development Director, may appeal pursuant to Chapter 17.12, Procedures for Appeals. A third party may also file an appeal of an approval of a Short-Term Rental Permit.
 3. **Term of Permit.** Short-term rental permits shall be valid for a period of two years.
 4. **Conditions Subsequent to Approval.** Short-Term Rental Permits shall be subject to any changes to this Section approved by the City Council and conditions that the Council may impose subsequent to the issuance of the permit.
- H. **Renewals Procedure.**
1. The permit holder shall submit a short-term rental permit renewal application and pay applicable fees to the City a minimum of 30 days prior to the expiration of a current Short-Term Rental Permit.

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2. Upon receipt of a renewal application, the Community Development Director will confirm with the Finance Department that the applicant's business license is current and that all required Transient Occupancy Taxes (TOT) have been reported and paid (see Chapter 5.08, Business License Generally, for the requirements related to business licenses).
3. The Community Development Director will refer the application to the St. Helena Police Department to request all police calls for services and complaints lodged against the property over the course of the two-year permit.
4. If the permit holder has a current business license, has rented their property on a short-term basis for an average of 60 days per year (as applicable), has been properly reporting and paying TOT, and has fewer than three ~~valid complaints or~~ confirmed ~~Code-violations~~ of the Code or of state or federal law related to Short-Term Rental Permits filed over the prior two years, the Community Development Director may administratively approve the renewal which shall be valid for an additional two years. ~~The Community Development Director has the discretion to determine whether a complaint is valid.~~ If all of these provisions are not met, the renewal shall be referred to the Planning Commission for action at a public hearing. The Community Development Director also has the discretion to refer the renewal application to the Planning Commission for a decision pursuant to the process and standards set forth in subSection subsections C. and D.
5. No renewal shall be approved without written verification of tax payments by the permit holder, and no permit shall be approved if the operation of the short-term rental has created adverse impacts on the neighborhood as specified in Section 17.05.100.K, in which it is situated or has otherwise caused the loss of the character of that neighborhood.
6. The Community Development Director may deny the renewal if the applicant has violated any provision of this Section.
7. *Notice of Action, Appeals, Term of Permit, and Conditions Subsequent to Approval of a Short-Term Rental Permit Renewal.*
 - a. *Notice of Action.* Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 - b. *Appeals.* Any person whose application for a short-term rental permit renewal has been denied by the Community Development Director may appeal to the Planning Commission pursuant to Chapter 17.12, Procedures for Appeals. A third party may also file an appeal of an approval of a short-term rental permit renewal.
 - c. *Conditions Subsequent to Approval.* Short-Term Rental Permit Renewals shall be subject to any changes to this Section approved by the Planning Commission and conditions that the Commission may impose subsequent to the issuance of the permit.

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I. Inspections.

1. The Community Development Director has the right to enter upon any property at any reasonable time to make inspections and examinations for the purpose of enforcement of this Section, subject to the provisions of Code of Civil Procedure § 1822.50 et seq.
2. The Fire Department shall annually inspect the dwelling used as a short-term rental and submit the inspection report to the Community Development Department.
3. The Community Development Director shall have the right to inspect any records related to the use and occupancy of the short-term rental to determine that the objectives and conditions of this Section are being fulfilled.

J. Revocation.

1. The Community Development Director may revoke a Short-Term Rental Permit pursuant to Chapter 17.13, Enforcement, if the Community Development Director determines that:
 - a. The owner-applicant gave false or misleading information during the application process;
 - b. There has been a violation of any of the terms, conditions and restrictions on the use of the dwelling unit for short-term rental use;
 - c. The owner-applicant has violated any provision of this Section; or
 - d. The owner-applicant has failed to timely pay the transient occupancy tax as required by this Code.
2. If an owner-applicant's short-term rental permit is revoked, the owner-applicant may not reapply for another permit for two years after the date of revocation. If there is a waiting list to receive a permit, the owner-applicant will be added to the list.

K. Violations, Enforcement, and Civil Penalties.

1. Any property owner or responsible person who uses, or allows the use of, or advertises or causes to be printed, published, advertised, or disseminated in any way, the availability of residential property in violation of this Section is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this Section. Such violation shall be punishable pursuant to Chapter 1.20, General Penalty. For purposes of this Section, "responsible person" shall mean and include any manager or other person responsible for allowing property to be used for short-term rental in violation of this Section.
2. Short-term rental use, and advertisement for use, of a residential property in violation of this Section is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, Enforcement Procedures, except that the civil penalty for a violation shall be \$1,000.00. Each day the violation occurs shall constitute a separate offense.

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3. Any property owner or responsible person who violates this Section shall be liable and responsible for a civil penalty of \$1,000.00 per violation per day such violation occurs. The City may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the City, including without limitation the City's staff time, investigation expenses and attorney's fees.
 - a. Where the City proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this Section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this Section. In any such civil action the City also may abate or enjoin any violation of this Section.
 - b. Where the City proceeds by administrative citation, the City shall provide the property owner or responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.
 - i. The property owner or responsible person has the right to request ~~an~~^{the} administrative hearing within 45 days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the property owner or responsible person shall notify the City Clerk in writing within 45 days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances, and arguments upon which the appeal is based.
 - ii. The City Manager is ~~hereby~~ authorized to designate a hearing officer to hear such appeal. The City Hearing Officer shall conduct a hearing on the appeal within 90 days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall only consider those facts, circumstances, or arguments that the property owner or responsible person has presented in the appeal notification.
 - iii. The hearing officer shall render a decision in writing within 30 days of the conclusion of the hearing. The hearing officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability or inability to pay. Provided, however, that in exercising its discretion the hearing officer should consider the purpose of this Section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this Section.

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- iv. Any aggrieved party to the hearing officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County superior court in accordance with the timelines and provisions set forth in [California Government Code § 53069.4](#).
 - v. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this Section, such penalty, if unpaid within 45 days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to Chapter 1.12, Enforcement Procedures. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.
- 4. Any violation of this Section may also be abated or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, Enforcement Procedures except that the civil penalty under Chapter 1.12 for a violation shall be \$1,000.00.
 - 5. Each day the violation of this Section occurs shall constitute a separate offense.
 - 6. Any property owner who uses, or allows the use of, residential property as a short-term rental without a permit shall be liable for the transit occupancy tax that would have been owed under Chapter 3.28, Transient Occupancy Tax had the use been legal, including the penalty and interest provisions of Section 3.28.070, [Penalties and Interest](#).
 - 7. The remedies under this Section are cumulative and in addition to any and all other remedies available at law and equity.

17.05.110 Temporary Use Permit

- A. **Purpose.** This Section establishes the procedures for granting of administrative Temporary Use Permits for short-term activities [and uses \(not to exceed two years\)](#) on privately or publicly owned property with appropriate regulations so that such activities will be compatible with surrounding areas.
- B. **Applicability.** A Temporary Use Permit allows for the short-term activities described in Section 17.22.250, Temporary Uses, that may not comply with the normal development or use standards of the applicable zoning district but may otherwise be acceptable because of their temporary nature. Temporary Use Permits are not subject to design review or the standard parking requirements otherwise required by this Code.
- C. **Application Requirements.**
 - 1. **Application Requirements.** A Temporary Use Permit application submittal shall include information identified in Section 17.04.020, Application Process.

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2. **Responsibility.** It is the responsibility of the applicant to provide information on the proposed use that supports the considerations described in subsection D and findings listed in subsection F.
- D. **Considerations.** In the review a Temporary Use Permit application, the Community Development Director shall consider the type and duration of the proposed temporary activity; input from other [City](#) departments (Police, Fire, Public Works, etc.); the requirements and development criteria of the applicable zoning district and use standards established in Chapter 17.24, General Site Standards; and the following considerations:
1. Floor areas, heights, hours of operation, nuisance controls, off-street parking, setbacks, and other structure and property development features;
 2. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code;
 3. The project's compliance with the requirements of Chapter 17.27, Signs;
 4. The applicable zoning standards pertaining to the outdoor storage, display and sale of merchandise; and
 5. Limitation on duration of proposed temporary structures to a maximum of ~~12~~[two](#) ~~years~~[months](#), to ensure that the structure does not become permanent or long-term.
- E. **Conditions.** In reviewing the Temporary Use Permit, the Community Development Director may attach any conditions governing access, hours of operation, parking, and circulation, fencing and other temporary structures, drainage, dust control, trash/litter control, public safety, and other items as necessary to assure compatibility with surrounding uses and minimize potential adverse effects.
- F. **Findings.** The Community Development Director may approve the Temporary Use Permit only after finding that:
1. The temporary activity complies with applicable standards identified in Section 17.22.250, Temporary Uses; and
 2. Maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed temporary activity.
- G. **Notice of Action, Appeals, Expiration, and Modifications.**
1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.
 3. **Modifications.** Temporary Use Permits may only be modified as provided for in Section 17.04.150, Modifications to an Approval.
- H. **Post Approval Procedures.** Procedures specific to temporary use Permits include the following:

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1. ***Condition of the Site Following Temporary Activity.*** Each site occupied by a temporary activity shall be cleaned of debris, litter, or any other evidence of the temporary activity upon completion or removal of the activity and shall thereafter be used in compliance with the provisions of this Zoning Code. A performance security (including a bond or financial deposit) in a form and amount acceptable to the Community Development Director may be required before initiation of the activity to ensure cleanup after the activity is finished.
2. ***Performance Security for Temporary Structures.*** Before issuance of Temporary Use Permit the applicant shall provide performance security in a form and amount acceptable to the [Community Development Director](#) to guarantee removal of all temporary structures within 30 days following the expiration of the Temporary Use Permit.
3. ***Extensions of Temporary Use Permits Prohibited.*** The term of a Temporary Use Permit may not be extended. Applicants for activities that would exceed the allowed terms identified in Section 17.22.250.D, ~~Allowed Temporary Activities~~, shall file for a Conditional Use Permit, rather than a Temporary Use Permit, in compliance with Section 17.05.020, Conditional Use Permit, and all other applicable zoning standards.
4. ***Required Lapse of Time for Temporary Use Permits.*** Except for seasonal sales lots, a minimum of 30 days shall pass between the expiration of a Temporary Use Permit and the issuance of a new and similar Temporary Use Permit for the same property, or the actual removal of the materials and structures associated with the former activity, whichever last occurs.

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Chapter 17.06 Amendments to the General Plan

17.06.010 Purpose

The City Council finds that the community is best served by having a General Plan that is stable, widely understood, and accepted; and that such stability, understanding, and acceptance is jeopardized by too-frequent amendment of the General Plan. While recognizing that the General Plan evolves over time, the City Council intends to limit the rate and manner of amendment to the General Plan so that the community, individually and collectively, may make its own plans in reliance on a reasonable constancy of the General Plan. The purpose of this Chapter is to establish the procedures required for the adoption or amendment of the City's General Plan, including the General Plan land use map and Specific Plan(s).

17.06.020 Initiation of Amendment

- A. A General Plan amendment may be initiated by:
 - 1. A majority vote of the Planning Commission or of the City Council. Generally, initiation by the City Council shall be a direction to the Planning Commission to initiate such an action;
 - 2. The Community Development Director; and
 - 3. An application filed by a property owner or the owner's authorized agent. All General Plan amendments initiated by property owners must be processed for preliminary review pursuant to the provisions of Section 17.06.030, Applications.
- B. Individuals or groups seeking to change the General Plan land use classification independent of an application should contact the City Council.

17.06.030 Applications

- A. **Application.** A completed application for a General Plan amendment shall be submitted on a form provided by the Community Development Department accompanied by the required fee at least 30 days prior to the scheduled review date.
- B. **Application Review.** Complete applications received for a General Plan amendment shall be presented to the City Council for preliminary review at the Council's first regularly scheduled meetings in March and September of each year. Following the review, the City Council, at its discretion, may order the application to be further processed or may direct staff to cease processing the application. Any authorization to proceed does not imply in any way ultimate approval or disapproval of an application.
 - 1. If the City Council authorizes the application to be processed, it shall refer the matter to the Planning Commission, which shall hold public hearings pursuant to state law after the necessary environmental review process and staff analysis have been completed.
 - 2. In the event the City Council directs staff to cease processing an application pursuant to the provisions of this Section, a new application for a General Plan amendment

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involving substantially the same request for a parcel or area shall not be reviewed by the City Council for at least one year after such direction.

3. **Exemptions.** Applications for General Plan amendments shall be exempt from the provisions of this Section if:
 - a. The application proposes only residential development and at least 60 percent of the planned residential units shall be affordable as defined in Chapter 17.32, Definitions of Terms; or
 - b. The City Council finds for reasons documented in writing that it is in interest of the public health, safety, or welfare to allow the processing of the General Plan Amendment to proceed.

17.06.040 Public Hearing

The Planning Commission shall hold a [properly noticed](#) public hearing [in compliance with Section 17.04.080, Public Hearing Notice](#) on all proposed amendments and make a recommendation to the City Council, where a public hearing shall also be held prior to a final decision by the City Council. ~~-,~~ The Planning Commission may recommend the approval, modified approval or denial of the proposed amendment.

17.06.050 Considerations

In reviewing General Plan amendments, the Planning Commission and City Council shall:

- A. Allow for consideration of elements not initially considered at the time of approval of the General Plan;
- B. Reflect changes in goals, policy, physical, social, or economic conditions;
- C. Acknowledge when, due to naturally occurring physical constraints or changes, the anticipated land usage per the General Plan is no longer feasible;
- D. Take into consideration the consistency of the proposed amendment with the goals, policies and programs of the General Plan, adopted Planning Commission (where applicable) and other existing City policies;
- E. When considering the reduction of residential density, ensure compliance with [California Government Code § 65863](#) by either finding that the remaining sites identified in the housing element are adequate to accommodate the City's share of the regional housing need or by identifying sufficient additional, adequate, and available sites with an equal or greater density so that there is no net loss in residential density; ~~and-~~
- F. Ensure that there is no net loss of potential housing units.

17.06.060 Modifications by City Council

The following provisions shall be observed when the City Council determines to modify any proposed amendment to the General Plan:

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- A. The City Council may modify any proposed amendment by making non-substantive changes in the wording of a proposed text amendment. However, any substantive change proposed by the City Council that was not discussed by the Planning Commission shall be referred back to the Planning Commission for a report and recommendation.
- B. When the City Council has referred a matter back to the Planning Commission, it shall report back to the City Council within 30 days after the date of the City Council referral unless the City Council specifically allows for a longer period of time for the Planning Commission report and recommendation. Where action cannot be taken within 30 days by the Planning Commission, a longer period of time may be requested and the City Council may at its discretion grant such a request. Although no additional public hearing shall be required, the Planning Commission may at its discretion hold a public hearing prior to a report and recommendation on any matter referred to it by the City Council.

17.06.070 Annual review

At least once a year, generally in January, the Planning Commission shall conduct a comprehensive review of the General Plan map and text and report its findings to the City Council.

Chapter 17.07 Amendments to the Zoning Map and Text

17.07.010 Purpose

The purpose of this Section is to establish procedures to amend the Zoning Code text and to amend the City's Official Zoning Map, commonly referred to as a "rezone" or "rezoning." The purpose of text amendments is to reflect a change in policy, adopted plans such as the General Plan, or whenever the public necessity, the general community welfare, and good zoning practice warrant such amendment. All amendments to this Title or Zoning Map shall be consistent with the General Plan, any adopted Specific Plan, and other appropriate City policies.

17.07.020 General Plan Conformance Required

The Community Development Director shall make an initial determination of General Plan applicability to a specific parcel or proposal. When made verbally, such determination shall be advisory only. A formal determination in writing may be obtained upon written request of the City and payment of a fee as set forth by resolution of the City Council. Such a formal determination may be appealed in writing to the Planning Commission and ultimately the City Council pursuant to Chapter 17.12, Procedures for Appeals.

17.07.030 Pre-Zoning for Annexation

- A. **Purpose.** The purpose of ~~p~~Pre-zoning property is to determine the zoning designation that will apply to property upon subsequent annexation to the City.
- B. **Applicability.** The ~~p~~Pre-zoning process applies to unincorporated territory adjoining the City that is subject to a pending annexation.
 - 1. All properties that have been pre-zoned in such manner shall be annexed with the retention of their pre-zoning classifications.
 - 2. All properties that have not been pre-zoned in accordance with the provisions of this Chapter shall automatically be zoned Twenty Acre Agriculture (A-20), ~~agriculture zoning~~ district upon annexation.
- C. **Initiation.** Pre-zoning shall be initiated by City Council.

17.07.040 Initiation of Amendment

Amendments may be initiated by the City Council, Planning Commission, Community Development Director, or the owner or authorized agent of the owner of the property included in any proposed change. Individuals or groups seeking to change the zoning of an area independent of an application should contact the City Council.

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17.07.050 Application

- A. **Application.** An application for a zoning amendment shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
- B. **Responsibility.** It is the responsibility of the applicant to provide information regarding the findings described by Section 17.07.020, General Plan Conformance Required, and [Section 17.07.070, Considerations](#).

17.07.060 Public Hearings

The Planning Commission shall hold a [properly noticed](#) public hearing on all proposed Zoning Map and text amendments [in compliance with Section 17.04.080, Public Hearing Notice](#), and make a recommendation to the City Council. The Planning Commission may recommend the approval, modified approval, or denial of the proposed text or Zoning Map amendment. Following the Planning Commission hearing, the City Council shall hold a public hearing prior to a final decision.

17.07.070 Considerations

When considering an ordinance amending any of the provisions of this Title, including an amendment to the Zoning Map, the Planning Commission and City Council shall:

- A. Take into consideration the consistency of the proposed amendment with the goals, policies and programs of the General Plan, adopted Planning Commission (where applicable) and other existing City policies;
- B. When considering the reduction of residential density, ensure compliance with [California Government Code § 65863](#) by either finding that the remaining sites identified in the housing element are adequate to accommodate the City's share of the regional housing need or by identifying sufficient additional, adequate, and available sites with an equal or greater density so that there is no net loss in residential density; and
- C. Ensure that there is no net loss of potential housing units.

17.07.080 Modifications by City Council

The following provisions shall be observed when the City Council considers a modification to a proposed amendment:

- A. The City Council may modify any proposed amendment by making non-substantive changes in the wording of a proposed text amendment; or in the case of a rezoning, by reducing the area involved, or by adopting a more restrictive zoning classification without first referring the matter to the Planning Commission for a report and recommendation. However, any substantive change proposed by the City Council that was not discussed by the Planning Commission shall be referred back to the Planning Commission for a report and recommendation.
- B. When the City Council has referred a matter back to the Planning Commission, it shall report back to the City Council within 30 days after the date of the City Council referral unless the City Council specifically allows for a longer period of time for the Planning Commission report

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and recommendation. Where action cannot be taken within 30 days by the Planning Commission, a longer period of time may be requested and the City Council may at its discretion grant such a request. Although no additional public hearing shall be required, the Planning Commission may at its discretion hold a public hearing prior to a report and recommendation on any matter referred to it by the City Council.

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Chapter 17.08 Specific Plans

17.08.010 Purpose

The purpose of this Chapter is to establish provisions for the preparation, adoption, and implementation of Specific Plans, pursuant to [California](#) Government Code §§ 65450 et seq.

- A. Specific Plans are established to implement the policies of the General Plan that call for the preparation and adoption of Specific Plans in certain areas of the City.
- B. Specific Plans can address a wide variety of situations including:
 - 1. Large-scale projects;
 - 2. Projects proposed on sites that have multiple development constraints;
 - 3. Projects that require significant coordination among a number of properties;
 - 4. Projects in that the phasing or timing is critical;
 - 5. Projects that will generate significant infrastructure needs; and
 - 6. Projects that have important and broadly based community-wide implications.

17.08.020 Applicability

The Specific Plan shall govern the use and development of any properties included in an area to which an adopted Specific Plan applies without regard for adopted zoning regulations and standards unless the Specific Plan contains specific provisions designed to rely on the Zoning Ordinance in certain situations not covered in the Specific Plan.

17.08.030 Pre-Application Review Required

The ~~p~~Pre-~~a~~Application ~~r~~Review is required prior to preparation of a Specific Plan to determine which goals, policies and programs of the General Plan are applicable and need to be reflected in the proposed Specific Plan. A Pre-Application Review consists of the following:

- A. The applicant shall submit a letter of intent and a concept plan showing the general arrangement and design of the land uses and major elements of the proposed development to the Community Development Director for review.
- B. The Community Development Director shall forward the pre-application to the City Council for a determination of which goals, policies and programs of the General Plan are applicable and need to be reflected in the proposed Specific Plan.
- C. The Public Works Director shall determine the scope of the infrastructure improvements to be analyzed in conjunction with the Specific Plan. The scope of infrastructure to be analyzed shall be based on a review of the project impacts and a nexus of improvements necessitated by the project.

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17.08.040 Application

Following the ~~p~~Pre-aApplication ~~r~~Review described in Section 17.08.030, [Pre-Application Review Required](#), the applicant shall submit an application in compliance with the provisions of Section 17.04.020, Application Process. The proposed Specific Plan and application shall:

- A. Contain enough information to clearly demonstrate how the proposed Specific Plan will implement the applicable General Plan goals, policies and programs. This includes detailed regulations, conditions, programs, and proposed legislation necessary or convenient for the systematic implementation of the General Plan.
- B. Be prepared under the supervision of the City with all costs of the planning document including the CEQA analysis paid by the property owners unless the Community Development Director determines that all or a portion of the costs will be paid by the City.

17.08.050 Public Hearing

The Planning Commission shall conduct a [properly noticed](#) public hearing [in compliance with Section 17.04.080, Public Hearing Notice](#), and issue a recommendation to the City Council for decision.

17.08.060 Modifications by City Council

The following provisions shall be observed when the City Council considers a modification to a Specific Plan:

- A. The City Council may modify any Specific Plan by making non-substantive changes without first referring the matter to the Planning Commission for a report and recommendation. However, any substantive change proposed by the City Council that was not discussed by the Planning Commission shall be referred back to the Planning Commission for a report and recommendation.
- B. When the City Council has referred a matter back to the Planning Commission, it shall report back to the City Council within 30 days after the date of the City Council referral unless the City Council specifically allows for a longer period of time for the Planning Commission report and recommendation. Where action cannot be taken within 30 days by the Planning Commission, a longer period of time may be requested and the City Council may at its discretion grant such a request. Although no additional public hearing shall be required, the Planning Commission may at its discretion hold a public hearing prior to a report and recommendation on any matter referred to it by the City Council.

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Chapter 17.09 Nonconforming Provisions

17.09.010 Purpose

This Chapter provides regulations for nonconforming uses, lots, developments, and signs that were lawful at the time of their construction or establishment, but which no longer conform to the regulations of the Zoning Code. The intent of this Chapter is to:

- A. Encourage improvements for appearance, maintenance, and safety, while limiting the extent to which nonconforming uses and structures may continue to be used, altered, expanded, moved, or replaced. Unless specified otherwise, this Chapter is intended to be administered in a manner that encourages the eventual elimination of nonconformities.
- B. Ensure that nonconformities shall not be reestablished after abandonment or discontinuance or restored after involuntary destruction, except in compliance with this Chapter.

17.09.020 Continuation and Maintenance

- A. Any nonconforming use, building, structure, or other physical features may be continued, used, and maintained indefinitely in compliance with this Chapter.
- B. Any nonconforming lot may be used, developed, and maintained in compliance with this Chapter.
- C. A nonconforming use, lot, structure, building, or other physical feature may be transferred or sold, provided that no such use or structure, building, or other physical feature shall be enlarged or altered except as otherwise provided in this Chapter.

17.09.030 Nonconforming Uses

A nonconforming use is a legally established use of land that is not permitted in the zoning district in which it is located, or a use that is permitted with a CUP or MUP but for which no CUP or MUP has been obtained, because the use was established prior to the application of the existing zoning district due to rezoning, annexation, or a change in the regulations of the Zoning Code. Legally established nonconforming uses shall be governed by the following regulations:

- A. **Extension of Use.** A nonconforming use may not be extended to other parts of a building, or other physical feature except that on a site where existing residential uses are nonconforming, other buildings on the same site may be expanded or enlarged upon approval of a Conditional Use Permit by the Planning Commission consistent with the procedures established in Section 17.05.020, Conditional Use Permit.
- B. **Change of Use.** Consistent with the procedures of Chapter 17.04, Common Procedures and Section 17.05.020, Conditional Use Permit, the Planning Commission may grant a Conditional Use Permit for a change of use from a nonconforming use to another nonconforming use provided ~~the following:~~
 - 1. The Planning Commission determines that the resultant use is more consistent with the uses permitted in the district than the former use.

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2. The new use is less intensive in terms of hours of operation, number of employees, occupancy capacity, energy consumption, volume of traffic or noise generated by the use, or amount of parking is required.
 3. The Planning Commission establishes an amortization schedule for the nonconforming use, by setting a date after which the nonconforming use must be discontinued or replaced with a conforming use.
- C. **Reestablishment of a Nonconforming Use.** When a nonconforming use has been changed to a conforming use, the nonconforming use shall not be reestablished thereafter.
- D. **Reestablishment of an Abandoned Nonconforming Use.**
1. A residential or non-residential nonconforming use that has been given up, closed, surrendered, interrupted, terminated or discontinued for a period of 60 continuous days, regardless of intent to surrender the nonconforming use, is considered an abandoned nonconforming use.
 2. **Public Hearing and Procedures.** The Planning Commission shall hold a public hearing, noticed in compliance with Section 17.04.080, [Public Hearing Notice](#), on an application for the reestablishment of an abandoned nonconforming use and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the following criteria:
 - a. Abandonment with an Approved Conditional Use Permit. An abandoned nonconforming use that has been operating in conformance with a previously approved Conditional Use Permit may be resumed, reestablished, or reopened within a six-month time period from the date of abandonment in accordance with the following criteria:
 - i. The use is the same use which previously existed.
 - ii. Written notice of the date of reestablishment shall be given to the Community Development Director prior to reestablishment of the use.
 - iii. A City business license shall be obtained.
 - iv. All permits/approvals from any agency regulating the nonconforming use shall be obtained.
 - v. A fictitious business name shall be filed with Napa County if required by state regulations.
 - vi. All required information shall be filed with the State Board of Equalization.
 - vii. If a building permit is requested to remodel the existing building, the Conditional Use Permit remains vested, provided the building permit has been issued, construction consistent with the building permit has commenced, and construction is actively pursued toward completion prior to the six-month time period defining abandonment.

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When it has been determined that the use has been resumed, reestablished, or reopened consistent with the criteria above, the use is deemed vested.

- b. *Abandonment Without an Approved Conditional Use Permit where a Conditional Use Permit is Required.* An abandoned nonconforming use that requires but has not been granted a Conditional Use Permit may be reestablished in accordance with the following criteria:
 - i. The permit application is submitted within 60 days of written notice provided by the Community Development Director of the need for reestablishment of the Conditional Use Permit;
 - ii. The Planning Commission makes findings required of a Conditional Use Permit as defined in Section 17.05.020, [Conditional Use Permit \(CUP\)](#); and
 - iii. If the operation is substantially changed, the new use is either a permitted use in the district or a Conditional Use Permit is first be approved by the Planning Commission to allow the change in the operation of the same type of business previously established. Change in the operation of the business shall include, but not be limited to expansion of floor area, substantial modification of the type of business, change in type of merchandise which results in a different type of business, change in hours of operation which results in a different type of business (i.e., restaurant use to nightclub use) or changes to the business which will result in increased traffic, water use, or wastewater generation impacts.
- c. *Abandonment Without an Approved Conditional Use Permit where the Use Is Not Permitted.* An abandoned nonconforming use that is not permitted and has not been granted a Conditional use Permit may not be reestablished unless the Planning Commission finds that all of the following criteria are met:
 - i. The use complies with the findings required of a Conditional Use Permit as defined in Section 17.05.020, [Conditional Use Permit \(CUP\)](#);
 - ii. The building or structure was specifically designed or modified for a nonconforming use;
 - iii. The structural alterations necessary to bring the building or structure into conformance with the standards of the Municipal Code are estimated by the Chief Building Official to cost more than 50 percent of the current market value of building or structure; and
 - iv. The proposed reestablishment of a nonconforming use will not be detrimental to any existing or potential permitted use in the area in which the nonconforming use is located.

If the operation is substantially changed, the new use is either a permitted use in the district or the change in operation does not increase the degree of nonconformity. Change in the operation of the business shall include, but not be limited to expansion of floor area, substantial modification of the type of

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business, change in type of merchandise (one type of business to another type of business), change in hours of operation which results in a different type of business (i.e., restaurant use to nightclub use) or changes to the business which will result in increased traffic, water use, or wastewater generation impacts.

- E. **Extension.** The reestablishment of a legal nonconforming use may be extended for one year upon the approval of the Community Development Director, for uses which have been closed because of seismic retrofit construction authorized by a City building permit.

F. **Certificate of Present Extent of Legal Nonconformity ~~for ng-Uses.~~**

1. The owner of a legal nonconforming use:
 - a. At any time may apply for a certificate determining the present extent of a legal nonconforming use; or
 - b. Upon notification by the Community Development Director in the event of a dispute over voluntary abandonment, entitlement to issuance of a building or other permit, or the intensity and/or scope of the nonconforming use, shall apply for a certificate determining the present extent of the legal nonconforming use.

2. The application shall be filed with the Community Development Department in the form prescribed by the Department and shall be accompanied by all required fees.

3. ~~Public Hearing.~~

~~The Planning Commission shall hold a public hearing to determine the present extent of the legal nonconforming use. The hearing shall be held in accordance with the procedures set forth in Chapter 17.04, Common Procedures.~~ The owner has the burden of proof to establish the original legal nonconforming status of the use and the extent of any repair, maintenance, restoration, rebuilding, rehabilitation, remodeling, redesign or rearrangement which has occurred which conforms to the standards set forth in ~~sub~~^Ssection 17.09.030.A, ~~Extension of Use.~~

4. ~~For residential projects, the public hearing may be waived and t~~^I~~he Community Development Director is authorized to render an administrative decision in writing on the request to determine the present extent of the legal nonconforming use if, after providing notice of the intended decision and right to request a public hearing to property owners within 300 feet of the subject property, the Community Development Director finds that no member of the public has requested said hearing, and that no, If necessary, the Community Development Director may request~~ additional information ~~is required~~ to render a decision.

5. ~~At the conclusion of the hearing, t~~^{The} ~~Community Development Director Planning Commission~~ shall determine the present extent of the legal nonconforming use and issue a certificate setting forth such determination.

6. If the certificate is approved or conditionally approved, the Community Development Director shall make a written report (which will be posted to the consent item section of the agenda) to the Planning Commission at its next regularly scheduled meeting. If

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the Planning Commission decides, by majority vote, to review the certificate and conditions, it shall conduct a public hearing after giving notice pursuant to Section 17.04.080, Public Hearing Notice. The public hearing shall be held within 30 days after the date of the request for review. The Planning Commission may add, modify, or delete conditions. Within 14 days following the conclusion of the hearing, the Planning Commission shall render its decision. If the Planning Commission does not act within with time limits set forth in this Section, the certificate shall be deemed to be approved or conditionally approved as last approved or conditionally approved by the Community Development Director insofar as it complies with all other applicable provisions of this Title and the General Plan.

7. If the Planning Commission does not decide to review the certificate and not conduct a public hearing pursuant to subsection 6, the Community Development Director's decision shall be published once in a newspaper of general circulation in the City. In addition, the Community Development Director shall provide individual mailed notice of the decision on the certificate to owners of property as shown on the last equalized assessment roll within 300 feet of the subject property for which the certificate is requested.
- 5-8. The Community Development Director has discretion to refer the request to determine the present extent of the legal nonconforming use to the Planning Commission for a public hearing pursuant to the process and standards set forth in Chapter 17.04, Common Procedures.
- 6-9. The determination of the ~~Planning Commission~~Community Development Director may be appealed to the ~~City Council~~Planning Commission in accordance with the procedures set forth in Chapter 17.12, Procedures for Appeals.
- 7-10. Within 30 calendar days of issuance of the certificate or, in the event of appeal, within 30 calendar days of the final decision of the ~~City Council~~Planning Commission on appeal, the Community Development Director shall file a true and correct copy of the certificate with the Napa County ~~A~~ssessor.
- 8-11. The procedure set forth in this Section shall also be used to determine the present extent of those certain winery and winery-related uses permitted without a Use Permit pursuant to Part III, District Regulations. For purposes of such determination, all references in this Section to "legal nonconforming" shall be replaced by the term "uses permitted pursuant to Part III, District Regulations."

17.09.040 Nonconforming Lots

A nonconforming lot is a legally established lot that does not conform to the regulations regarding area, width, frontage or other such standard for the zoning district in which it is located because of rezoning, annexation, or change in the regulations of the Zoning Code, St. Helena Municipal Code, Title 16, Subdivisions ~~Ordinance~~ or the Subdivision Map Act. Legally created nonconforming lots shall be governed by the following regulations:

- A. **Change in Nonconforming Lots.** A nonconforming lot shall not be changed in any way that would increase the degree of nonconformity unless there is a corresponding decrease in the

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degree of nonconformity of an adjoining lot and no new lot(s) or additional density permitted will result.

- B. **Uses on Nonconforming Lots.** Any conforming use or conforming building, structure or other physical feature may be established on any nonconforming lot provided the use, building, structure or other physical feature conforms to the standards and regulations of the zoning district in which it is located and the provisions of this Title.
- C. **Single-family Dwellings on Nonconforming Lots.** A nonconforming lot to be used for residential purposes shall be subject to the density requirements of the zoning district and General Plan designation in which it is located. However, one single-family dwelling and customary accessory buildings may be permitted on any nonconforming lot in any zoning district in which a single-family dwelling is permitted, provided the single-family dwelling and accessory buildings shall conform to the design standards and regulations of the zoning district in which they are located and the provisions of this Title.

17.09.050 Nonconforming Buildings or Structures

A nonconforming building, structure or other physical feature is a legally established building, structure or other physical feature that does not meet the standards of the zoning district in which it is located. It can also be a building, structure or other physical feature for which a Conditional Use Permit, variance or other similar permit is required but for which no such permit has been obtained because the building, structure or other physical feature was established prior to the application of the existing zoning district due to rezoning, annexation or change in the regulations of the Zoning Code. Legally established nonconforming buildings, structures and physical features shall be governed by the following regulations:

- A. **Expansion and Enlargement.** A nonconforming building, structure or other physical feature shall not be reconstructed, except as provided for in subsection C of this Section, expanded, or enlarged unless the new work will be in conformance with the regulations and standards of the zoning district in which it is located and the provisions of the Zoning Code. ~~Nor shall any nonconforming building, structure or other physical feature be absorbed, remodeled into or made part of, all or in part, any other building, structure or other physical feature unless all nonconforming portions, items or aspects are brought into conformance.~~
- B. **Remodel, Rehabilitation, and Alteration.** A nonconforming building, structure or physical feature may be remodeled, rehabilitated, or structurally altered if the new work does not increase the degree of nonconformity.
- C. **Repair, Maintenance, and Reconstruction.**
 - 1. A nonconforming building, structure or physical feature damaged or destroyed by any means except demolition or intentional removal, may be reconstructed to its original condition if the Chief Building Official determines that no more than 50 percent of the gross floor area has been lost. If more than 50 percent of the building structure, or physical feature is damaged or destroyed, then it must be rebuilt in compliance with current development standards.
 - 2. If the Chief Building Official determines that the extent of destruction exceeds 50 percent of the gross floor area, the nonconforming building, structure or physical

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feature may be reconstructed to its original or other nonconforming condition only upon the approval of a Conditional Use Permit pursuant to the provisions of Section 17.05.020, [Conditional Use Permit \(CUP\)](#) provided the application for the Conditional Use Permit is submitted within one year of the damage or destruction. The Planning Commission may require as a condition of approval that the building is thereafter devoted to a conforming use.

- D. **Seismic Retrofitting, Building and Construction Code Compliance.** Repairs, alterations, or reconstruction to improve seismic safety or necessary to comply with Building Code and Construction Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards, and the Building Code and Construction Code, as determined by the Chief Building Official.

17.09.060 Illegal Nonconforming Uses and Structures

Any building or structure set up, erected, built or moved and any use of property contrary to the provisions of this Title are unlawful and a public nuisance. Action shall be immediately commenced for abatement, removal and enjoinder in the manner provided by law; other steps shall be taken to apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person from setting up, erecting, building or moving any such building or using any property contrary to the provisions of this Title. All applicable remedies shall be cumulative and not exclusive.

17.09.070 Nonconforming Signs

The following provisions shall apply to all [building mounted or freestanding](#) permanent signs, ~~mounted or freestanding~~:

- A. **Continuance of Legally Nonconforming Sign or Billboard.** A legally nonconforming sign or billboard may be continued for up to five years after the Effective Date or seven years from date of erection, whichever is shorter.
- B. **Abandonment, Destruction, or Discontinuance.** Any nonconforming sign that is abandoned, destroyed to less than one-half of the value as determined by the Chief Building Official, or discontinued for a period of six months or more shall be removed by the owner of the property on which the sign is located. Historic signs are exempt.
- C. **Enlargement, Alteration, Reconstruction, or Replacement.** No nonconforming sign or billboard shall be enlarged, altered, reconstructed, or replaced except for reasonable repair or maintenance.
- D. Subsections A through C shall also apply to nonconforming signs. Any time limit for the suspension of a nonconforming sign shall date from the enactment of this Title or any amendment of [zoning](#) district boundaries that may make the signs nonconforming.
- E. **Sign Removal.** It shall be the duty of the owner of any nonconforming sign and the duty of the owner of any premises upon which a nonconforming sign is located, to remove the sign or to bring sign into conformance, pursuant to the provisions of this Title.

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1. If such owners fail to perform such duty, the City Council shall direct the Chief Building Official to notify such owners in writing, registered mail, postage prepaid, to their last known addresses, to cause such removal or conformance within 30 days after mailing of such notice.
2. The owners shall have the right, upon owner's request, to a public hearing at any City Council meeting following receipt of the notice and prior to the expiration of the 30-day period on the issue of whether or not the owner is obligated to perform such duty.
3. If the owners fail to perform such duty within the 30-day period as described in [sub](#)Section E.2, the City Council, in addition to other available remedies, may cause the removal of such signs to be done by the City or its contractor and assess the cost and expense of the same against the property on which the sign was located. Such costs and expenses may be a lien upon such property and if not paid, payment may be enforced against the property by any appropriate action in a court.

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Chapter 17.10 Historic Designation

17.10.010 Purpose

The purpose of this Chapter is to provide processes for the nomination and designation of locally significant historic resources and districts in an effort to recognize and promote the preservation of sites, structures, and areas important to the history of St. Helena. Historic designation allows for inclusion in the Historic Preservation Overlay as established in Section 17.21.040, [Historic Preservation \(HP\) Overlay](#), and shown on the [Historic Preservation Overlay Zoning Map](#).

17.10.020 Designation Process

- A. **Local Historic Resources.** Local historic resources shall be designated by the Planning Commission in the following manner:
1. **Initiation of Designation.** Designation of ~~a~~ historical resource may be initiated by the Planning Commission or by the owner of the property that is proposed for designation. Applications for designation originating from outside the Planning Commission must be accompanied by such historical and architectural information prepared by a qualified architectural historian as is required by the Planning Commission to make an informed recommendation concerning the application, together with the fee set by the City Council.
 2. **Review, Notice, and Hearing.** The Planning Commission shall conduct a public hearing on a nomination for local historic resource designation. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 17.04.080, Public Hearing Notice, including mailed notice to the owners of any property proposed for such designation.
 3. **Findings ~~and~~ Decision.** Following a public hearing, the Planning Commission may approve or disapprove a nomination for designation as a local historic resource. The commission shall record the decision and the findings upon which the decision is based. Approved designations will be added to the City's Local Register. The Planning Commission may approve such designation only if it finds that the resource meets at least one of the following criteria:
 - a. It is associated with events that have made a significant contribution to ~~the City's~~ [St. Helena's](#) history and cultural heritage; or
 - b. It is associated with the lives of persons important in ~~St. Helena~~ [the City's](#) past; or
 - c. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - d. It has yielded, or may be likely to yield, information important in ~~St. Helena~~ [the City's](#) prehistory or history.

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- B. **Local Historic Districts.** Local historic districts shall be designated by the City Council upon the recommendation of the Planning Commission in the following manner:
1. **Initiation of Designation.** The designation of a local historic district may be initiated by the City Council or the Planning Commission.
 2. **Requirements for Designation.** The designation of a local historic district is subject to evaluation by a qualified architectural historian and a finding by the Approval Authority that all of the following requirements are met:
 - a. The proposed district is a geographically definable area;
 - b. The proposed district possesses either a significant concentration or continuity of buildings unified by past events or aesthetically by plan or physical development;
 - c. Considered as a whole, a sufficient concentration of buildings within the proposed district demonstrates integrity of design, setting, materials, workmanship and association;
 - d. The collective historic value of the buildings and structures in the proposed district is greater than the historic value of each individual building or structure; and
 - e. The designation of the area as a historic district is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this Chapter and is not inconsistent with other goals and policies of the City.
 3. **Planning Commission Hearing and Recommendation.** The Planning Commission shall conduct a public hearing on a nomination for local historic resource district. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 17.04.080, Public Hearing Notice, including mailed notice to the owners of any property proposed for such designation. Following the public hearing, the commission shall recommend approval in whole or in part or disapproval of the application for designation in writing to the City Council, setting forth the reasons for the decision. The Planning Commission may approve a recommendation for a local historic district only if it makes the findings set forth in subsection B.2 of this Section.
 4. **City Council Hearing and Decision.** The City Council shall conduct a public hearing on a nomination for local historic district. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 17.04.080, Public Hearing Notice, including mailed notice to the owners of any property proposed for such designation. Following the public hearing, the City Council shall by resolution approve the recommendations in whole or in part shall by motion disapprove them in their entirety. The City Council may approve a designation as a local historic district only if it makes the findings set forth in subsection B.2 of this Section. If the City Council approves a local historic district, notice of the decision shall be sent to property owners within the district. Properties identified as contributors to a local historic district shall be added to the HP Overlay.

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17.10.030 Amendment or Rescission

The Planning Commission and the City Council may amend or rescind any designation of an historical resource or historic district in the same manner and procedure as are followed for designation.

17.10.040 Local Register

- A. The sites and structures previously designated by the City Council as having local historic significance through the adoption of Resolution 2019-54 (Specifically Appendix A, Historic Resources List of General Plan and as amended pursuant to the properties noted in the HP Overlay ~~on the Zoning~~ Map) are hereby designated as local historic resources as defined in this Chapter and hereby included in the Local Register.
- B. The Planning Commission shall maintain a register of designated local historic resources and districts (Local Register).

Chapter 17.11 Minor Modifications and Variances

17.11.010 Minor Modifications to Development Standards

- A. **Purpose.** The purpose of this Section is to enable the Community Development Director to approve minor deviations from the Code standards when such requests constitute a reasonable use of property but are not otherwise permissible under the strict application of this Code. An authorization to approve a Minor Modification does not extend to making any changes in the uses permitted in any zoning district.
- B. **Applicability.** The Community Development Director may grant a Minor Modification Permit from the requirements of this Code for the following types of modifications:

Table 17.11.010.A: Types of Minor Modifications	
Types of Minor Modifications	Maximum Modification
An increase in lot coverage.	10%
A reduction of a designated setback.	20% or 1 foot, whichever is greater
An increase in allowable building height.	5% or 2 feet, whichever is greater
Reduction in required open space on a lot.	10%
An increase of the allowed maximum height of a fence or wall located within a designated setback area.	10% or 1 foot, whichever is greater
Where a majority of lots are developed with single-family residences with non-conforming setbacks, new buildings or structures may conform to the pattern established by the majority of the existing buildings or structures in the same block. This is most likely to occur in older historic neighborhoods.	Determined on a case-by-case basis
To encourage the development of housing units for disabled persons with limited mobility, the Community Development Director may allow deviation from the prescribed standards of Division II or IV (Zones) where necessary to install features that facilitate access and mobility for disabled persons.	Determined on a case-by-case basis
Minor deviation from Façade objective d Design sStandards for those situations where a project is requesting <u>an</u> exception from objective or other design standards.	Determined on a case-by-case basis

- C. **Calculation of Modification.** For example, if a site is 5,000 square feet in area, and it is required to provide 20 percent open space of a lot area, the site would be required to provide 1,000 square feet. A 10 percent deviation would equate to a reduction of 100 square feet of open space (1,000 x 10 percent = 100). As a result, the site would need to provide only 900 square feet of open space.

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- D. **Precedents.** Each Minor Modification application shall be reviewed on an individual case-by-case basis and the approval of a Minor Modification in one situation is not relevant to the City's consideration of the approval of a Minor Modification in a new situation.
- E. **Application Requirements.** An application for a Minor Modification shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
- F. **Responsibility.** It is the responsibility of the applicant to comply with the findings of subsection G ~~below~~.
- G. **Findings.** The Community Development Director shall approve, with or without conditions, a Minor Modification application, only after the following findings are made:
 - 1. The deviation is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances.
 - 2. The Minor Modification is the minimum departure from the requirements of this Code necessary to grant relief to the applicant and would not be detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located.
 - 3. Granting the requested deviation will not detract from the overall appearance of the neighborhood or immediate vicinity and will not impair the provision of adequate light, air, circulation, or visual openness.
 - 4. The deviation, as proposed and conditioned, will achieve the general purposes of this Code or the specific purposes of the zoning district in which the project is located.
- H. **Review and Hearing Procedures.**
 - 1. The Community Development Director shall review the projects described in subsection B for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Minor Modification review process. Each application shall be reviewed by the Community Development Director to ensure that the proposal complies with all applicable requirements of this Title.
 - 2. Prior to a decision on a Minor Modification, the City shall provide notice of a public hearing in compliance with Section 17.04.080, Public Hearing Notice.
 - a. Public Notice. The notice shall state that the Community Development Director will decide whether to approve or disapprove the Minor Modification application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person prior to the specified date for the decision.
 - b. Hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Section 17.04.080, Public Hearing Notice, and the Community Development Director shall conduct the public hearing prior to a decision on the application in compliance with Chapter 17.04, Common Procedures.

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- I. **Notice of Action, Appeals, Expiration, Extensions, and Modifications.**
 - 1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 - 2. **Appeals.** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.
 - 3. **Expiration, Extensions and Modifications.** Minor Use Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

17.11.020 Variances

- A. **Purpose.** In compliance with [California](#) Government Code § 65900 et seq., this Section allows for variances from the development standards of this Code only when, because of special circumstances applicable to the property including size, shape, topography, location, or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other properties in the vicinity and under the identical zoning district.
- B. **Applicability.**
 - 1. The Planning Commission may grant a ~~Variance~~-variance from the requirements of this Code in compliance with this Chapter and state law. The power to approve Variances does not extend to use regulations in compliance with [California](#) Government Code § 65906.
 - 2. A ~~V~~yvariance shall not be granted to permit a use or a density otherwise permitted in the zoning district in which the property in question is situated.
 - 3. Nonconforming uses or developments on adjacent properties shall not be considered grounds for issuance of a variance.
 - 4. If the variance pertains to a new structure or building, or an addition to a structure or building, design review of the structure or building must be approved pursuant to Section 17.05.070, Major Design Review, prior to or simultaneous to the approval of the variance.
- C. **Application Requirements.** An application for a ~~Variance~~-variance shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
- D. **Public Hearing and Procedures.**
 - 1. **Precedents.** A previous variance shall not be considered to have set a precedent for the granting of further variances; each case must be considered on its individual merits.
 - 2. **Notice.** Public hearings shall be properly noticed in compliance with Section 17.04.080, Public Hearing Notice.
 - 3. **Public Hearing.** The Planning Commission shall hold a public hearing on the Variance application and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the requirements for conditional uses and other applicable Sections of this Code.

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E. **Findings.** In approving a ~~Variance~~variance, the Planning Commission must make the following findings:

1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, such that the strict application of this Code deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning district;
2. The special circumstances applicable to the property were not created by an act of the property owner (e.g., a ~~Variance~~variance shall not be granted for a self-imposed hardship;
3. Granting the ~~Variance~~variance would not authorize a use or activity that is not otherwise expressly authorized by the zoning district governing the property;
4. Granting the ~~Variance~~variance will not be materially detrimental to the public health, safety, or welfare and will not impair an adequate supply of light and air to adjacent properties; and will not materially impair the purpose and intent of this Title or the public interest, nor adversely affect the General Plan; and
5. The ~~Variance~~variance is consistent with the General Plan and any applicable Specific Plan or the potentially adverse effects of the Variance in relation to the General Plan are exceeded by the individual hardship which would be relieved by granting the Variance.

F. **Notice of Action and Appeals.**

1. **Notice of Action.** Notice of Action on a ~~Variance~~variance shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
2. **Appeals.** For all decisions of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.

Chapter 17.12 Procedures for Appeals

17.12.010 Purpose

This Chapter establishes procedures for appeals of determinations and decisions rendered by the Community Development Director and the Planning Commission.

17.12.020 Procedure

- A. **Filing An Appeal.** Any applicant or other interested person dissatisfied with any action taken under this Title may appeal such action and decision, in compliance with the following provisions:
 1. Appeals from the decision of the Community Development Director or any other administrative official in taking any of the actions authorized by this Title shall be made to the Planning Commission through the Community Development Director, unless otherwise indicated.
 2. Appeals from the decision of the Planning Commission in taking any of the actions authorized by this Title shall be made to the City Council through the City Clerk.
- B. **Fourteen-Day Appeal Period.**
 1. All appeals shall be made in writing and be accompanied by the appropriate fee, in accordance with the provisions of Section 17.04.030, Fees, unless otherwise indicated.
 2. Appeals must be received by the Community Development Director or City Clerk not later than 14 calendar days following the date of action from which such appeal is being taken. If the fourteenth calendar day is a weekend or a City holiday, the deadline will be extended to the next working day of the City.
 3. No appeal is allowed or shall be heard, and the decision shall be final, after the lapse of the 14-day appeal period.
 4. The appeal period shall commence the day following the date of action or decision.
- C. **Appeal Letter.** The letter of appeal must state:
 1. The specific action being appealed;
 2. The action which the appellant requests the Planning Commission or City Council to take;
 3. The reason for the appeal; and
 4. The name, address, and telephone number of the appellant or contact person if there are multiple appellants.
- D. **Appeal Review.** Within three working days of receipt of the appeal, the Community Development Director or City Clerk shall examine the appeal, and if it is found to be incomplete, return it by certified mail to the appellant for revision. Appellant shall have five working days to file an amended appeal. Upon failure to file an amended appeal within the five days, the appeal shall be deemed withdrawn.

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- E. **Receipt of Appeal.** The receipt of a written appeal shall stay all actions or put all permits or other discretionary approvals that may have been granted in suspension, pending the effective date of the Approval Authority hearing the appeal.
- F. **Motion for Appeal.**
1. The Planning Commission or the City Council may, by motion adopted by majority vote, initiate an appeal on that Approval Authority body's behalf. A motion for appeal must be passed within 14 days following rendering of the decision appealed; provided, however, that if no regularly scheduled meeting of the Planning Commission or City Council occurs within such 14-day time period, the time for such appeal shall be extended through the date of the next succeeding regularly scheduled meeting. No grounds for appeal need be stated nor must a letter of appeal be submitted.
 2. Appeals shall be scheduled for the earliest regular meeting of the hearing body, not less than 10 days or more than 60 days after the date of filing a complete appeal application or passing a motion for appeal, consistent with the agenda preparation procedures and schedule of the hearing body.
 3. All appeals shall be considered in a public hearing if a public hearing was required for the decision appealed, consistent with the procedures set forth in 17.04, Common Procedures. All Approval Authorities hearing appeals shall consider the project in its entirety, or de novo. The Planning Commission or the City Council may affirm, reverse, or modify the decision appealed as deemed just and equitable, provided such action is not contrary to any provisions set forth in this Title.

Chapter 17.13 Enforcement

17.13.010 Purpose

This Chapter establishes provisions for enforcement of this Code and any conditions of a permit or approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City. This Chapter puts all persons on notice of the proceedings and penalties involved if any provision of this Code is violated.

17.13.020 Determination of Violation

The Community Development Director, Fire Chief, Chief Building Official or other Code enforcement official may conduct any investigation necessary to determine whether persons are complying with this Title, including the terms, conditions, mitigation measures, or project descriptions incorporated into any permit, approval or clearance issued pursuant to this Title.

17.13.030 Penalty

- A. **Declaration of Public Nuisance.** The following is unlawful and may be declared a public nuisance:
 - 1. Violation of, or noncompliance with, any term, condition, mitigation measure or project description incorporated into any permit, approval or clearance granted pursuant to this Title.
 - 2. Any building set up, erected, built, or moved, and any use of property contrary to the provisions of this Title.
- B. **Action.** When any building or any use of property is contrary to the provisions of this Title, the City may immediately commence any action or proceeding for the abatement, removal, and enjoinder thereof pursuant to [St. Helena Municipal Code](#) Chapter 1.12, Enforcement Procedures or state law.
- C. **Penalty.** Any persons, whether as principal, agent, employee or otherwise, violating any of the provisions of this Title shall be guilty of an infraction, and upon conviction shall be punishable by a fine not to exceed \$500.00. Such persons shall be deemed guilty of a separate offense for each and every day, considered to be any time period within a day when a violation of this Title is committed, continued, or permitted by such person.

17.13.040 Issuance of Stop Orders

- A. **Serving of Stop Order.** If the Community Development Director, Fire Chief, Chief Building Official, or other Code enforcement official determines that a violation of this Title exists, each such official is authorized to issue stop orders to prohibit further construction or use of any land, building, or premises that are in violation of this Title. The stop order shall be served by posting a copy on the premises which is the location of the violation or which is the subject of the permit or approval issued by the City. In addition, a copy of such stop order shall be personally served on the owner or responsible person or mailed to the owner or responsible

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person at the address shown on the current Community Development Department records or on the current records in the office of the Napa County Assessor. Such order shall become effective immediately upon posting.

- B. **Correction of Violation.** After service of a stop order, no person shall perform any act in violation of the terms of the stop order, except such actions as are determined by the Community Development Director, Fire Chief, Chief Building Official, or other Code Enforcement Official to be necessary to correct the violation or to render the premises safe and secure, until such violation has been corrected to the satisfaction of the person serving the stop order.
- C. **Appeal of Stop Order.** Within 10 days after the posting of a copy of the order on the premises, any person adversely affected by the terms of the stop order may appeal such order to the City Council, which shall hold a hearing and make such decisions as may be appropriate in accordance with the provisions of [St. Helena Municipal Code](#) Chapter 1.12, Enforcement Procedures.
- D. **Responsibility of Stop Order Appeal.** The property owner and responsible person shall be liable for all processing costs, including attorney fees, incurred by the City in carrying out this Section, pursuant to the procedures set forth in Chapter 17.04, Common Procedures.

17.13.050 Administrative Enforcement Proceedings

Whenever the Community Development Director or Chief Building Official determines that a violation of this Title exists or where the operation of a use is detrimental to the public health, safety or general welfare, they may refer the matter to the Planning Commission for a public hearing for the revocation or modification of any permit, approval or clearance, or such determination or enforcement as may be appropriate under the circumstances. The following provisions shall be observed in the conduct of administrative enforcement proceedings:

- A. **Public Notice.** Notice of any administrative enforcement hearing shall be given to the public in the same manner as generally provided for public hearings pursuant to Section 17.04.080, Public Hearing Notice.
- B. **Demonstration of Violation.**
 - 1. If an enforcement proceeding has been commenced by the City, the City has the burden of demonstrating that a violation has occurred or that the operation of the use is detrimental to the public health, safety, or general welfare.
 - 2. Where the party against whom the enforcement proceeding has been directed raises a defense, that party has the burden of proving the defense.
- C. **Final Decision.** If the Planning Commission determines that there has been a violation of this Title or that the use has been conducted in such a way as to be detrimental to the public's health, safety, or welfare, the Planning Commission may make any order it deems appropriate under the circumstances, including the revocation or modification of permits or approvals previously issued or the referral of the matter to the City Attorney for the initiation of any criminal or civil proceeding that may be deemed appropriate. Any action taken by the Planning Commission shall set forth the following:

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1. The Municipal Code section, permits, or approvals violated;
 2. A statement describing the detrimental effect found upon public health, safety or welfare;
 3. The ultimate facts upon which the determination or violation or detrimental effect is based;
 4. The action(s) ordered to be taken; and
 5. In the event the Planning Commission chooses to modify a permit or approval, the modifications including any new conditions to be imposed to ensure that violation or the detrimental effect will cease and will not be repeated.
- D. **Appeal.** The acts and determination of the Planning Commission or designated hearing officer shall be appealable to the City Council pursuant to the terms of Chapter 17.12, Procedures for Appeals.
- E. **Responsibility.** The property owner and responsible person shall be liable for all processing costs, including attorney fees, incurred by the City in carrying out this Section, pursuant to the procedures set forth in Chapter 17.04, Common Procedures.

17.13.060 Remedies

All remedies provided for ~~herein~~ [this Chapter](#) shall be cumulative and not exclusive. In addition, the remedies set forth in Chapter 1.12, Enforcement Procedures are available.

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Chapter 17.14 Reserved

PART III: DISTRICT REGULATIONS

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Part III: District Regulations

Chapter 17.15 Establishment of Base Zoning Districts

17.15.010 Purpose

This Chapter establishes the zoning districts that are applied to property within the City. These zoning districts, or zones, ensure conformity with the General Plan and determine where, how, and under what conditions new or modified development is allowed. The application of zoning districts to private property is guided by, and shall be consistent with, the General Plan pursuant to Section 17.01.050, Relationship to the General Plan.

17.15.020 Establishment of Base Zoning Districts

The City shall be classified into districts or zones, the designation and regulation of which are set forth in this Title as follows:

Table 17.15.020.A: Base Zoning Districts	
Abbreviation	Name
LR-1A	Low Density Residential One Acre Minimum
LR	Low Density Residential
MR	Medium Density Residential
HR	High Density Residential
CB	Central Business
SC	Service Commercial
MU	Mixed-Use
BPO	Business and Professional Office
I	Industrial
A-20	Twenty-Acre Agriculture
W	Winery
WW	Woodlands and Watershed
PQP	Public and Quasi-Public
PR	Parks and Recreation
OS	Open Space

Part III: District Regulations

Chapter 17.16 Residential Zoning Districts

17.16.010 Purpose and Applicability

This Chapter regulates the development of residential dwellings that are suitable to the character of St. Helena’s residential neighborhoods. This Chapter establishes use regulations, development standards, and design standards for the Low Density One Acre Minimum, Low Density Residential, Medium Density Residential, and High Density Residential Zoning Districts as follows:

Low Density Residential One Acre Minimum (LR-1A). The LR-1A Zone provides for single-family detached homes, accessory dwelling units, limited agricultural uses, and compatible uses. Residential densities in the LR-1A Zone shall not exceed 1.0 unit per gross acre, except that greater density is allowed under state law if a site meets the standards for Two Unit Development. This Zone implements the Low Density Residential General Plan Land Use Designation.

Low Density Residential (LR). The LR Zone is intended to provide areas for single-unit dwellings and duplexes. Residential densities are from 1.0 to 5.0 units per gross acre. This Zone implements the Low-Density Residential General Plan Land Use Designation.

Medium Density Residential (MR). The MR Zone is intended to protect existing patterns of development for a range of residential development types, accessory dwelling units, and compatible uses in areas. Types of dwelling units include attached and detached single-unit dwellings, duplexes, and triplexes. Residential densities are from 5.1 to 16 dwelling units per acre. This Zone implements the Medium Density Residential General Plan Land Use Designation.

High Density Residential (HR). The HR Zone is intended to provide for multi-family residential units, group quarters and compatible uses. Residential densities are from 16.1 to 28 dwelling units per acre. This Zone implements the High Density Residential General Plan Land Use Designation.

17.16.020 Use Regulations

Table 17.16.020.A: Use Regulations – Residential Zoning Districts, lists the uses permitted (“P”), permitted with a Minor Use Permit (“MUP”) granted by staff-level review, and permitted with a Conditional Use Permit (“CUP”) granted at a public hearing. A Conditional Use Permit is also required for any business which consists of two or more permitted uses. The right-hand column provides references to other Sections of this Title where additional regulations are located. Any projects that qualify for ministerial approval under state law will be processed ministerially as required by that state law.

Part III: District Regulations

Table 17.16.020 A : Use Regulations – Residential Zoning Districts					
Use Classification	LR-1A	<i>LR</i>	<i>MR</i>	<i>HR</i>	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed					
Residential Uses					
Single-family dwelling	P	P	P	—	
Multi-family dwelling	=	—	P	P	
Single room occupancy	=	—	—	P	Sec. 17.22.210, Single Room Occupancy Units
New small lot development	=	— CUP¹	CUP¹	CUP¹	
Mobile home	CUP	CUP	CUP	CUP	Sec. 17.22.160, Mobile Homes and Sec. 17.21.020, Mobile Home Park Overlay
Commercial Uses					
Lodging					
<i>Bed and Breakfast Inn</i>	CUP	CUP	CUP	—	Sec. 17.22.080, Bed and Breakfast Inns
<i>Boarding house</i>	=	CUP	CUP	CUP	
<i>Short-term rental</i>	P	P	P	P	Sec. 17.22.200, Short-Term Rentals
Model Home Sales Office	MUP	MUP	MUP	MUP	
Transportation, Communications and Utilities					
Public services, major	=	CUP	CUP	CUP	
Public services, minor	MUP	MUP	MUP	MUP	
Solar energy system	Sec. 17.22.240, Solar Energy Systems				
Telecommunication Facilities	Sec. 17.22.270, Wireless Telecommunication Facilities				
Agricultural and Extractive					
Community garden	P	P	P	MUP	Sec. 17.22.100, Community Gardens

Part III: District Regulations

Table 17.16.020 A: Use Regulations – Residential Zoning Districts					
Use Classification	LR-1A	LR	MR	HR	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed					
Public/Institutional Uses					
Child day Day care facility					
Seven or more persons	CUP P	CUP P	MUP	MUP	
Six or fewer persons	P	P	P	P	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses					
Accessory dwelling unit	Sec. 17.22.030, Accessory Dwelling Units				
Animal keeping	P	P	P	P	Sec. 17.22.060, Animal Keeping
Beekeeping	P	P	P	P	Sec. 17.22.070, Beekeeping
Cottage food operations	P	P	P	P	Sec. 17.22.110, Cottage Food Operations
Family day care, large	P	P	P	P	
Family day care, small	P	P	P	P	
Garage, carport, workshop, pool house, gazebo, patio cover, and other accessory structure	P +P ²	P +P ²	P +P ²	P +P ²	Sec. 17.24.020, Accessory Buildings and Structures
Home occupation	P	P	P	P	Sec. 17.22.130, Home Occupations
Swimming pool	P	P	P	P	
Notes:					
¹ A CUP is not required for new development on an existing small lot.					
² Indoor plumbing and Indoor cooking facilities are not permitted. Indoor plumbing for toilets, showers, or pool equipment is allowed in pool houses or similar accessory buildings.					

Part III: District Regulations

17.16.030 Development Standards

Table 17.16.030.B: Development Standards – Residential Zoning Districts establishes the development standards for the Residential Zoning Districts. The numbers in the figure below to corresponding regulations in the table.

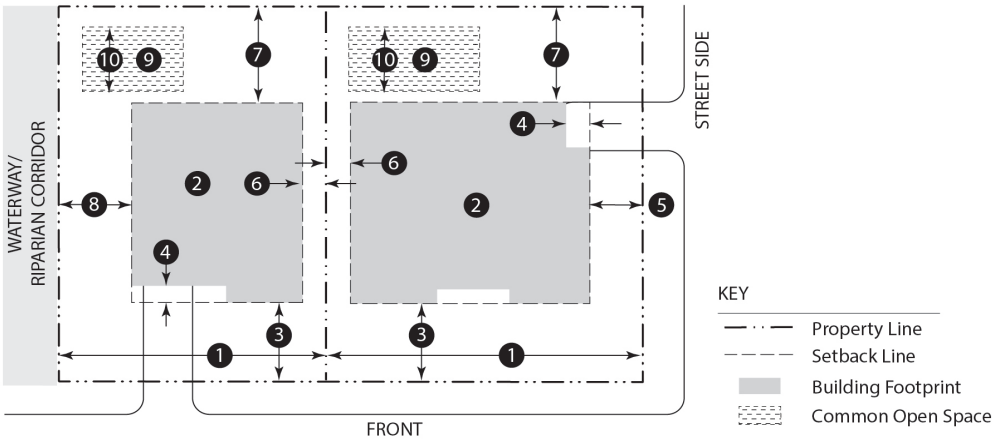


Table 17.16.030 B: Development Standards – Residential Zoning Districts					
Standard	LR-1A	LR	MR	HR	Key
Density	1 du/ac ^{1 2}	1 to 5 du/ac ^{2 3}	5.1 to 16 du/ac	16.1-28 du/ac	
Lot Size					
Min. Lot Area	1.0 ac ^{4 3}	7,000 sq ft; 3,000 sq ft for new small lot development	6,000 sq ft; 3,000 sq ft for new small lot development	7,000 sq ft; 3,000 sq ft for new small lot development	
Min. Lot Width	70 ft	70 ft	45 ft; 32 ft for small lot development	45 ft; 32 ft for small lot development	1
Max. Lot Coverage (includes accessory structures)	35%	35%	Lot widths ≤45 ft: Max.- 35%; Lot widths >45 ft: Max. 40%	55%	

Part III: District Regulations

Table 17.16.030 B: Development Standards – Residential Zoning Districts					
Standard	LR-1A	LR	MR	HR	Key
Max. Primary Building Footprint (excludes accessory structures)	None	Refer to Table 17.16.030.C Max. 2,400 sq ft for lots ≤15,000 sq ft; Max. 4,800 sq ft for lots >15,000 sq ft; 1,400 sq ft for detached small lot development	None 1,800 sq ft for lot widths ≤45 ft; 2,000 sq ft for lot widths >45 ft; 1,400 sq ft for detached small lot development	None; 1,400 sq ft for detached small lot detached	2
Max. Building Gross Floor Area (all floors) ⁵	Refer to Table 17.16.030.C for lots <1 acre; Max. 6,069 sq ft for lots ≥1 ac in area	Refer to Table 17.16.030.C	Refer to Note ⁴	None	
Max. Building Height					
Principal Structure	30 ft	30 ft/2 stories	30 ft/2 stories; ground floor max. ceiling height 15 ft	42 ft/3 stories; 30 ft/2 stories for small lot development	
Accessory Structure ⁶	16 ft	16 ft	16 ft	16 ft	
Setbacks					
Min. Front Setback	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	20 ft; 12 feet for small lot development	15 ft; 25 ft for 3rd floor and above; 10 ft for small lot development	4 3
Min. Garage or Carport Setback from Building Façade	None	None	5-10 ft	None	4 5
Min. Street Side Setback	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	15 ft for structures ≤25 ft in height; 20 ft for structures >25 ft in height	15 ft	5 6

Part III: District Regulations

Table 17.16.030 B : Development Standards – Residential Zoning Districts					
Standard	LR-1A	LR	MR	HR	Key
Min. Interior Side Setback, ground floor	10 ft for structures ≤25 ft in height; 15 ft for structures >25 ft in height	10 ft for structures ≤25 ft in height ; 15 ft for structures >25 ft in height	5 ft; combined interior side setbacks: 15 ft for structures ≤25 ft in height ; 20 ft for structures >25 ft in height	10 ft	6 7
Min. Interior Side Setback, upper floors	5-10 ft 10 ft for structures ≤25 ft in height; 10 ft for structures >25 ft in height	10-5 ft 10 ft for structures ≤25 ft in height; 10 ft for structures >25 ft in height	10 ft when adjacent to an LR or MR district	10 ft None	6 7
Min. Rear Setback	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	20 ft for structures ≤25 ft in height ; 30 ft for structures >25 ft in height	20 ft for structures ≤25 ft in height ; 30 ft for structures >25 ft in height	10 ft	7 8
Min. Setback from Abutting Waterway	Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways.				8 9
Landscaping and Open Space					
Private Ground Floor Open Space for Multi-Family Development	n/a	n/a	Min. 8-120 20 sq ft/unit	Min. 6-120 20 sq ft/unit	
Min. Dimension for Private Open Space for Multi-Family Development	n/a	n/a	6 ft	6 ft	
Common Usable Open Space for Multi-Family Development	n/a	n/a	Lot widths ≤45 ft: Min. 150 sq ft/lot. Lot widths >45 ft: Min. 200 sq ft/lot	Min. 150 sq ft/lot	9 10
Min. Dimension for Common Usable Open Space	n/a	n/a	15 ft; 20 ft for small lot development	15 ft; 20 ft for small lot development	10 11
Max. Paved/ Hardscaped Area	25% of a front setback area	25% of a front setback area	30% of a front setback area	30-% of a front setback area	
Min. Landscaped Area ^{27}	35% of lot area; 25% for small lot development	35% of lot area; 25% for small lot development	Min. 25% of lot area.	Min. 25% of lot area.	

Part III: District Regulations

Table 17.16.030 B: Development Standards – Residential Zoning Districts					
Standard	LR-1A	LR	MR	HR	Key
Required Buffer Abutting Agricultural Use	n/a	A landscaped buffer min. 15 ft width with street trees at 30 ft on center			

Notes:

¹ [Greater residential densities are allowed under state law if a site meets the standards for two-unit development as described in Chapter 17.31, Two-Unit Projects.](#)

~~Parcels created by lot line adjustments may be less than 1 acre provided the number of parcels does not increase and that no lots are less than 7,000 square feet.~~

~~² Landscaped setbacks areas count toward this requirement.~~

² Densities existing as of January 1, 2023, are permitted to remain.

³ [Parcels created by lot line adjustments may be less than 1 acre provided the number of parcels does not increase and that no lots are less than 7,000 square feet.](#)

⁴ [Max. building gross floor area \(all floors\) for single-family residences including accessory structures is as follows:](#)

[Lots < 6,000 sf: 1,995 sf](#)

[Lots 6,000 – 9,999 sf: 2,945 sf](#)

[Lots 10,000 – 14,999 sf: 3,705 sf](#)

[Lots 15,000 – 19,999 sf: 3,971 sf](#)

[Lots ≥ 20,000 sf: 4,000 sf](#)

⁵ [The following additional standards apply for existing development and new construction in the LR-1A, LR, MR, and HR zoning districts:](#)

[a. The max. building gross floor area may be increased by 400 sf for construction of an ADU.](#)

[b. The following buildings and areas are exempt from max. building gross floor area:](#)

[i. One covered parking space with a max. floor area of 200 sf;](#)

[ii. Non-habitable accessory buildings less with a max. floor area of 120 sf;](#)

[iii. A non-habitable basement or attic; and](#)

[iv. A balcony, porch, deck, or other structure that is unenclosed on at least three sides.](#)

⁶ [Additional standards for accessory buildings are ~~contained~~ described in Section ~~Chapter 17.22.020116~~ Accessory Buildings, Structures, Dwellings and Uses.](#)

⁷ [Landscaped setback areas count toward this requirement.](#)

Part III: District Regulations

Table 17.16.030.CB: Primary Building Footprint Standards in the LR-1A and LR Zoning District establishes the maximum building footprint for primary buildings, excluding accessory structures.

Table 17.16.030.C: Primary Building Footprint Standards in the LR-1A and LR Zoning Districts			
LR-1A Zoning District		LR Zoning District	
Lot Size	Max. Gross Floor Area (excludes accessory structures)	Lot Size	Max. Gross Floor Area (excludes accessory structures)
≥ 7,000 – 14,999 sq ft	3,900 sq ft	< 7,000 sq ft	2,400 sq ft
≥ 15,000 – 21,999 sq ft	4,425 sq ft	≥ 7,000 – 7,999 sq ft	2,400 sq ft
≥ 22,000 – 28,999 sq ft	4,950 sq ft	≥ 8,000 – 8,999 sq ft	2,700 sq ft
≥ 29,000 – 35,999 sq ft	5,475 sq ft	≥ 9,000 – 9,999 sq ft	2,950 sq ft
≥ 36,000 – 43,559 sq ft	6,000 sq ft	≥ 10,000 – 10,999 sq ft	3,300 sq ft
		≥ 11,000 – 11,999 sq ft	3,480 sq ft
		≥ 12,000 – 12,999 sq ft	3,640 sq ft
		≥ 13,000 – 13,999 sq ft	3,780 sq ft
		≥ 14,000 – 14,999 sq ft	3,900 sq ft
		≥ 15,000 sq ft	3,900 sq ft

Part III: District Regulations

17.16.040 Design Standards

The standards in this Section apply to all development within the residential zones. These design standards supplement the development standards of Table 17.16.030.B: Development Standards – Residential Zoning Districts.

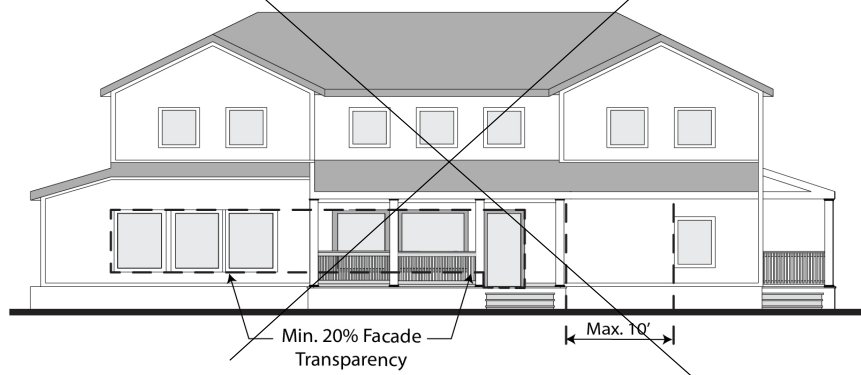
A. Design Standards for All Residential Development Types.

1. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.
2. **Required Second Story Step-backs in the LR and MR Districts.** Second stories, in both in new construction and additions, must be stepped back ~~10-eight~~ feet from the ground floor front façade ~~and five feet from the ground floor interior side and rear facades, unless the front elevation has a porch a minimum of six feet deep that extends 80 percent or more of the width of the front elevation, excluding a garage.~~
3. **Building Orientation.**
 - a. Building entrances must be oriented toward public rights-of-way or internal walkways.
 - b. Windows, balconies, and decks ~~placement~~ must be a placed a minimum of 12 ~~horizontal~~ feet measured horizontally from the windows ~~areas~~ of existing ~~facing~~ residences (on-site or off-site).
4. **Building Transparency.** ~~At least 20 percent of the area of each street-facing facade of a residential building must consist of windows, doors, or other openings. No wall that faces a sidewalk, pedestrian walkway, or publicly accessible outdoor space may run in a continuous plane of more than 10 feet without a window, door, or other opening. In the MR district, the front door of any primary single-family unit must be visible to the public street.~~ **Wall Planes.** Building offsets, roof overhangs, bay windows, the use of a variety of materials, and other features as determined by the Community Development Director, shall be used to reduce building massing. The following requirements apply to walls facing a sidewalk, pedestrian walkway, or publicly accessible outdoor space:
 - a. Unbroken wall planes of 10 feet or more in width are prohibited;
 - b. Any wall plane on the front façade larger than 10 feet in width shall incorporate windows, doors, or other openings; be articulated (i.e. break up the wall plane); or incorporate design features such as bay windows, balconies or verandas, or a change in material or color; and
 - c. On corner lots, elevations oriented towards both street frontages shall include the same architectural design character on each elevation.
 - d. In the MR district, the front door of any primary single-family unit must be visible to the public street.

4. -

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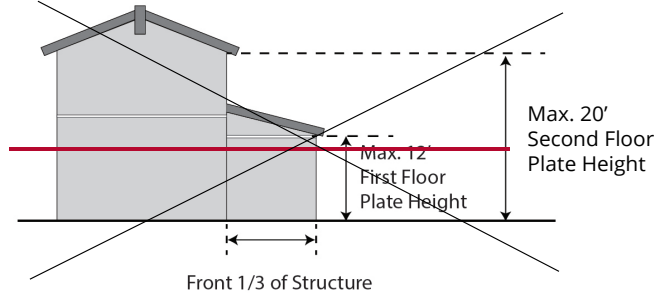
Figure 17.16.040.A: Façade Transparency



5. ~~Roofline and Roof Design.~~

- a. ~~Roofs must be either flat or have a pitch of no less than 5:12.~~
- b. ~~Ground floor street-facing plate height must not exceed 12 feet on the front one-third of the building.~~
- c. ~~Second story plate height must not exceed 20 feet.~~

Figure 17.16.040.B: First and Second Story Plate Height



- d. ~~The minimum dimension (depth, length, or length at ridge) for any shingle roof form visible from the public right-of-way is six feet.~~

6.5. ~~Exterior Building Materials and Colors.~~

- a. ~~Building materials that support and enhance the architectural vernacular of the City must be used in all new developments. There are many materials that may be used to achieve this goal, including plaster or stucco, brick, native Vinyl siding, aluminum siding, or artificial stone finishes, form board concrete finishes, board and batten siding, and horizontal siding (except as provided in subsection 5.c). plywood (including particle board and oriented strand board), corrugated metal, and common concrete block are prohibited.~~

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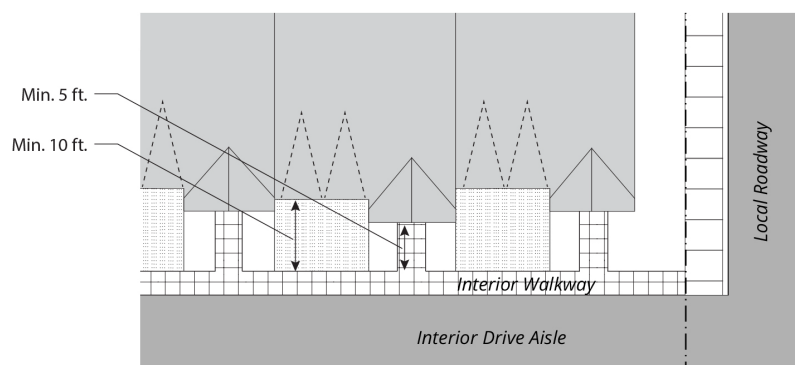
- b. ~~Bright colors must only be used for trim or for accents.~~ In addition, corrugated metal may be used as a roof material in all zoning districts, and as a siding material in the A-20, MR, and HR Zoning ~~d~~Districts.
- c. Specifically prohibited materials include unplastered, unpainted, or painted concrete block, and vinyl or aluminum siding.
- ~~c.d.~~ The A-consistent palette of materials and colors on a building must be applied ~~used to on~~ all sides of the buildings.

~~7.6.~~ **Landscaping.** The entire front and street side required setbacks, exclusive of permitted driveways, walkways, or parking areas, must be landscaped with drought tolerant plant materials in compliance with ~~See Section Chapter~~ 17.25, Landscaping.

~~8.7.~~ **Site Circulation and Access.**

- a. A system of pedestrian walkways must connect the primary entryways of all on-site buildings, all on-site automobile and bicycle parking areas, to any on-site open space areas or pedestrian amenities, to all shared trash enclosure areas, and to the public sidewalk on the perimeter street frontage.
- b. Where a required walkway crosses parking areas or loading areas, it must be clearly identifiable with a raised crosswalk, a different paving material, or similar method.
- c. New streets or drive aisles must form a continuous pedestrian network from the primary right-of-way and within the development.
- d. Walkways must be a minimum of four feet wide, must be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
- e. The minimum distance from the back of any drive aisle or walkway interior to a site must be 10 feet to the garage door and five feet to any living area or covered porch.

Figure 17.16.040.AC: Distance to Interior Drive Aisle or Walkway



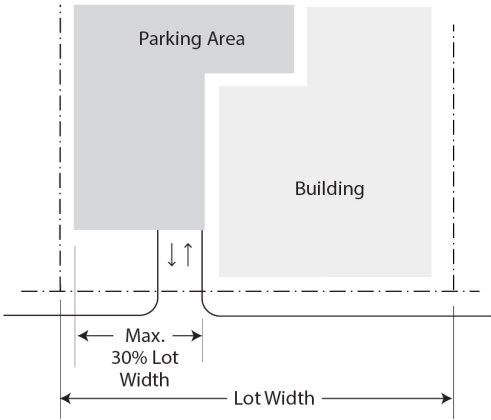
- f. Automobile and pedestrian access points into multi-family residential developments must not be gated or closed off to the public.

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- g. Where individual driveways are accessed by a private or shared drive, a maximum of one driveway curb cut is allowed for each 50 feet of ~~perimeter~~ street frontage.

~~9.8.~~ **Parking Frontage.** The total width of parking areas visible from the street, including open parking, carports, and garages, but excluding parking located behind buildings, must not exceed 30 percent of any street frontage. This limitation does not apply to ~~or~~ rowhouses or frontages along alleys.

Figure 17.16.040.BD: Parking Frontage



~~10.9.~~ **Private Ground Floor Outdoor Open Space.** For multi-story dwelling units, private ground floor outdoor open space must be provided by a combination of ~~balconies~~, porches, decks, patios, or private ~~ground floor~~ open space ~~(for ground floor units)~~ such as garden areas. Refer to Table 17.16.030.B: Development Standards – Residential Zoning Districts.

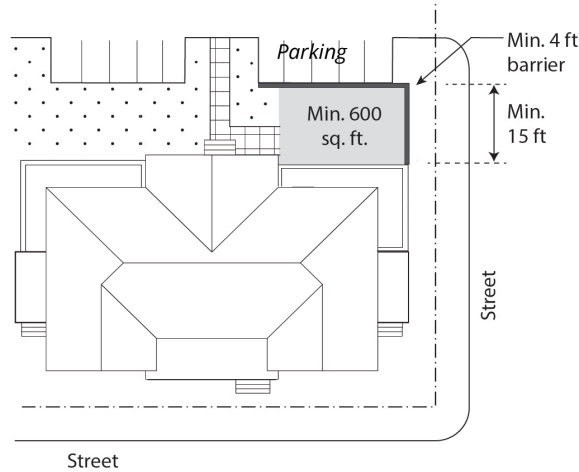
~~11.10.~~ **Required Play Areas.** ~~Single family and m~~Multi-family developments that include 15 or more dwelling units must include at least one play area for children. The play area must:

- a. Have a minimum dimension of 15 feet in any direction and a minimum area of 600 square feet.
- b. Contain play equipment, including equipment designed for children aged five years and younger.
- c. Be visible from multiple dwelling units within the project.
- d. Be protected from any adjacent streets or parking lots with a fence or other barrier at least four feet in height.
- e. Include safe material under play equipment that provides protection from falls.

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- f. The play area requirement does not apply to any development that is age-restricted to senior citizens or located within 300 feet of a public park.

Figure 17.16.040.CE: Required Play Area



12. ~~Sustainability and Energy Efficiency.~~

- ~~a. All development must be consistent with the standards of the California Green Building Standards Code (CalGreen) applicable mandatory measures.~~
- ~~b. All new construction must incorporate landscaping and fenestration to passively cool the building; energy efficient HVAC; and energy efficient lighting.~~
- ~~c. All energy generation devices must blend in with the building color.~~
- ~~d. All on-site landscaping must be drought-resistant and require minimal irrigation.~~

B. Design Standards Specific to Small Lot Development. In addition to the standards listed in ~~sub~~Section 17.16.040.A, small lot development is subject to the standards below.

1. **Small Lot Size.** Detached or attached single-unit residential development is permitted on lots less than the minimum lot size established for zoning districts allowing single-family or multi-family residential uses, in accordance with Table 17.16.030.B: Development Standards – Residential Zoning Districts.
- ~~2. Small Lot Configurations.~~ Small lot development types may include but are not limited to drive courts or cottage courts abutting a local roadway. Figures 17.16.040.DF and 17.16.040.EG and show potential configurations of small lot development within a perimeter lot line. Interior lot line placement varies by development and is not regulated by this Title.

2.

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Figure 17.16.040.DF: Cottage Court with Alley Access (Example Configuration)

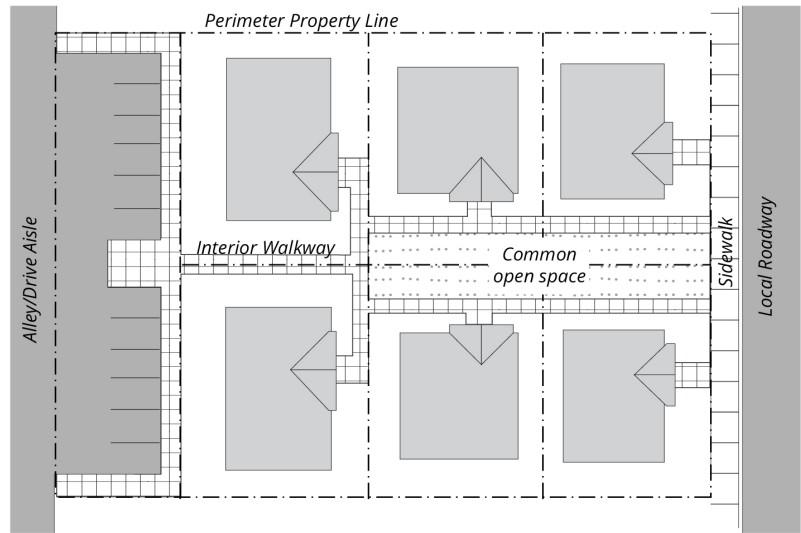
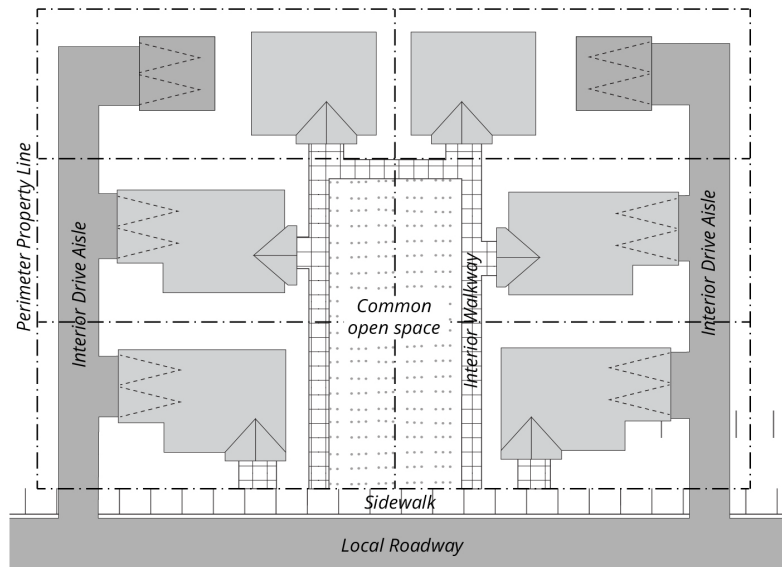


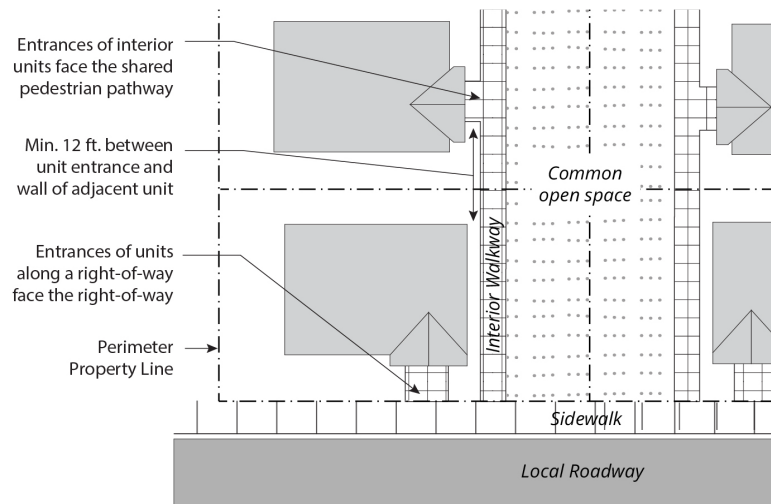
Figure 17.16.040.EG: Cottage Court with Perimeter Drive Aisle and Detached or Attached Garages (Example Configuration)



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3. **Small Lot Perimeter Setbacks.** The minimum setbacks for the primary structures from the perimeter property lines of small lot single unit development are the same as the required setbacks of the underlying zoning district.
4. **Small Lot Entrances.**
 - a. The primary entry of units located in the interior of the development must be oriented towards and visible from a pedestrian pathway that is connected to a public right-of-way or private street.
 - b. Each unit must have a primary covered or recessed entry that is **generally** oriented to the common central open space.
 - c. The primary entry of units located along the right-of-way must be oriented toward the right-of-way.
 - d. A minimum 12-foot separation is required between the primary entryway of a unit and the adjacent building wall of a neighboring unit.
 - e. Each primary entrance must incorporate a front porch that provides a minimum five-foot clear depth and that faces either the common open space or abutting right-of-way.

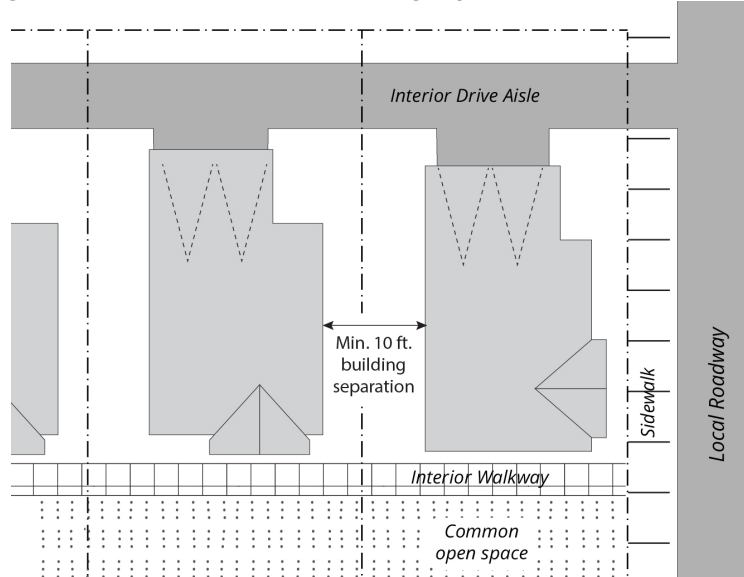
Figure 17.16.040.FH: Small Lot Entrance Orientation Adjacent to Right-of-Way



5. **Small Lot Interior Setbacks for Detached Units.** The interior building separation for detached units is a minimum 10 feet.

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Figure 17.16.040.G: Small Lot Building Separation for Detached Units



6. **Small Lot Parking and Access.**
 - a. Garages may not be oriented to face perimeter streets.
 - b. Required parking must be provided on each small lot, within a common parking area, or in a combination of the two.
 - c. Parking must be designed and located such that it is not ~~be~~ visible from public rights-of-way.
7. **Small Lot Landscaping.**
 - a. ~~A minimum 25 percent of the total site area must be landscaped.~~ Landscaping with drought tolerant plant materials must be provided consistent with the requirements of Chapter 17.25, Landscaping.
 - b. Lots with units facing a common open space must have at least five feet of landscaping between the entrance and any interior walkway.
8. **Small Lot Private Open Space.**
 - a. ~~MA~~ A minimum of ~~1200~~ 1200 square feet of ground-level private open space must be provided for each small lot unit. This space may take the form of a porch, deck, patio, or garden.
 - b. The minimum allowed dimensions for required private open space is six feet.

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- C. **Design Standards Specific to Multi-Family Development.** In addition to the standards listed in ~~sub~~Section 17.16.040.A, multi-family development is subject to the standards below.

1. **Design.**

- a. The roof line on the longest at each building elevations shall include a vertical ~~demonstrate an~~ offset of at least 18 inches for each unit or for each pair of ~~one to three~~ units ~~exposed~~ on that elevation.

Figure 17.16.040.HJ: Roofline, Attached Single Unit and Multi-Unit Development

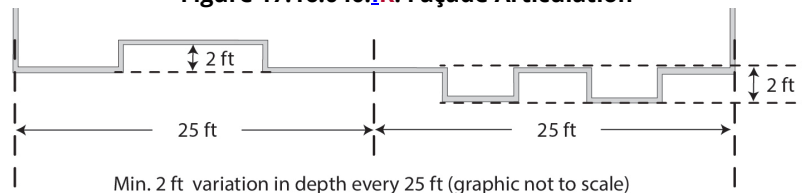


The roof line for each elevation shall be offset at least 18 inches for each one to three units exposed on that elevation.

- ~~b.~~ ~~Building height must vary such that the building has at least one change in height of at least six feet. This may be achieved through changes in pitch, plane, orientation, or a change in the number of stories.~~

- ~~e.b.~~ Exterior building walls must vary in depth through a pattern of offsets, recesses, or projections a minimum of two feet every 25 horizontal feet. Patterns may be established through changes in plane, balconies, bay windows, dormers, or other façade features.

Figure 17.16.040.IK: Façade Articulation



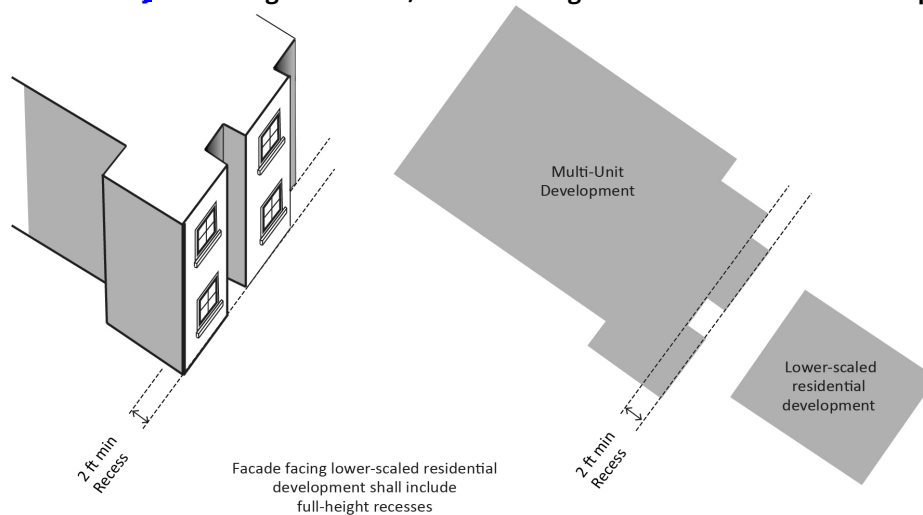
- ~~e.c.~~ All visible building facades shall incorporate details, such as window and door trim, window recesses, cornices, changes in materials, or other design elements. Each side of a building that is visible from a public right-of-way shall be designed with a ~~complementary~~ consistent level of detailing and quality of materials.

- ~~e.d.~~ A minimum of two features such as balconies, cantilevers, dormers, bay windows, awnings, patios, individualized entries, and accent materials shall be incorporated into each project building.

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- ~~f.e.~~ At least two materials shall be used on any building frontage, in addition to glazing and railings. Any one material must comprise at least 20 percent of the building frontage.
- ~~g.f.~~ Buildings over two stories must provide a ground floor elevation that is distinguished from the upper stories through a material or color change along at least 75 percent of building façades facing rights-of-way or public open space.
- ~~h.g.~~ Dwelling units facing common open space areas must include a minimum of ~~two~~ one windows providing a direct view onto the common area.
- ~~i.~~ ~~A unified palette of materials with at least two complementary colors shall be used on all sides of buildings.~~
- ~~j.h.~~ Where a new multi-family development is built adjacent to existing lower-scaled residential development, the façade opposite the existing lower-scaled residential development shall incorporate at least one full-height recess a minimum two feet in depth.

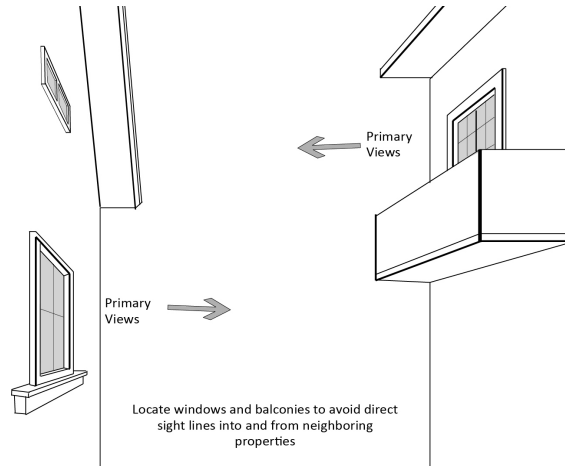
Figure 17.16.040 ~~j.h.~~ Full-Height recesses, Attached Single Unit and Multi-Unit Development



- ~~k.i.~~ For buildings 12 feet or less apart. ~~W~~indows, balconies, and other private open spaces shall be offset to avoid direct sightlines into and from neighboring properties.

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Figure 17.16.040.KM: Window and Balcony Placement, Attached Single Unit and Multi-Unit Development



h.j. Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet. The required private storage space may be located within a building or outside of the building, and may be used for bicycle parking.

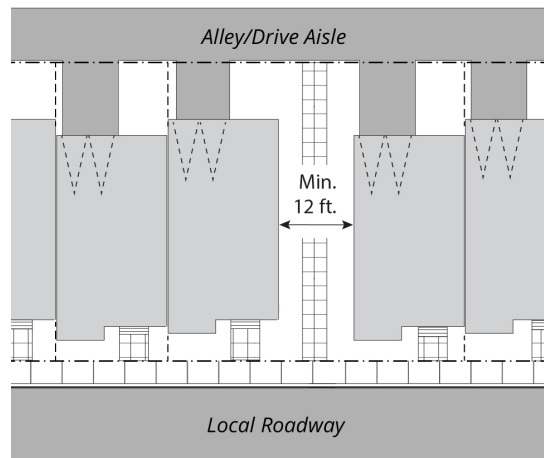
m.k. Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.

2. Attached Rowhouse Design.

- a. Attached rowhouse development may be configured with vehicular access provided via an on-site drive aisle, from an abutting alley, or from the primary building frontage.
- b. Blocks of attached rowhouses must be a minimum of three units and a maximum of eight units.
- c. For attached rowhouse units, a minimum separation of 12 feet must be provided between blocks of units.

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Figure 17.16.040.LN: Separation at End of Row



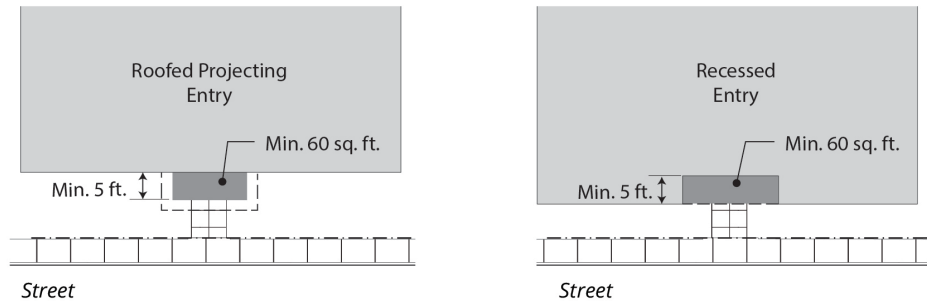
3. **Entry Design.**

- a. Shared entrances to multi-family developments must be visible from the right-of-way or shared walkways. Direct pedestrian access must be provided between the public sidewalk and all shared entrances.
- b. Individual ground floor entrances to units within a multi-family development must:
 - i. Be visible and directly accessible from the right-of-way or a shared pathway; and
 - ii. Incorporate usable outdoors areas such as patios, porches, stoops, terraces, or forecourts.
- c. Exterior entrances to units in multi-family developments may be either individual or shared. Exterior entrances to individual units on upper floors are permitted; however, shared exterior access corridors located above the ground floor and visible from the street may provide access to a maximum of three-four units.
- d. Duplexes, triplexes, and fourplexes abutting any LR-1-A, LR, or MR district single-family neighborhoods shall include individual front doors and interior stairs (when stairs are needed).
- ~~e.~~ Exterior entrances serving multiple units must have a roofed projection or recess with a minimum depth of five feet and a minimum horizontal area of 60 square feet.

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e. _____

Figure 17.16.040.MΘ: Entrances Serving Multiple Units

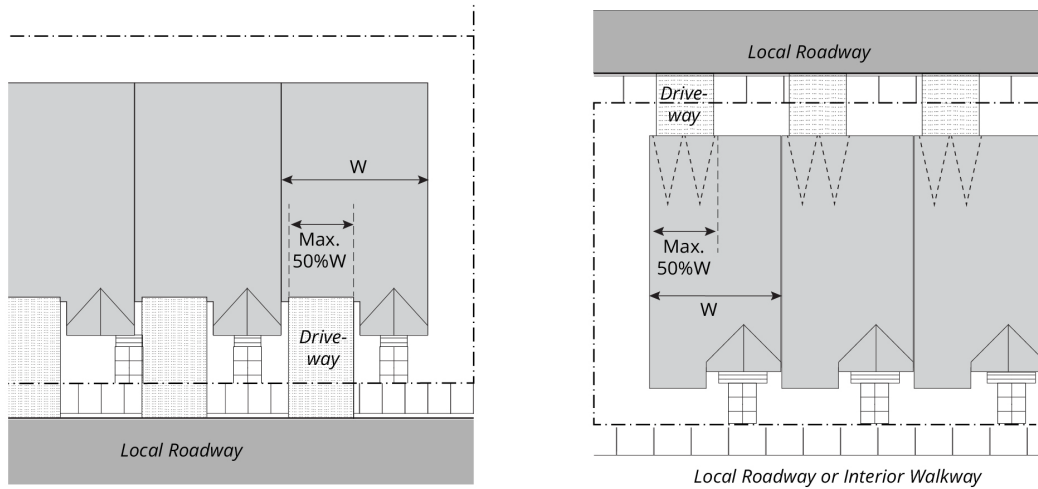


- f. Exterior entrances serving a single unit must have a roofed projection or recess with a minimum depth of at least five feet and a minimum horizontal area of at least 25 feet.
4. **Common Outdoor Recreation Space.** Common open space must meet the following requirements:
 - a. *Use.* Common outdoor recreation space must be available for passive and active outdoor recreational purposes for the enjoyment of all residents of each project. Outdoor recreation space types include but is not limited to picnic areas, tot lots, sports courts, swimming pools, and community gardens.
 - b. *Slope.* The slope of the common outdoor recreational space must not exceed a slope of 10 percent and must be easily accessible for all residents.
 - c. ~~Visibility~~*Accessibility.* Common outdoor recreation spaces must be visible from ~~the~~ primary living spaces of ~~a minimum of 50 percent of all~~ units and be ~~accessible-visible and be to all the~~ residents of the project for which the space is provided.
 - d. *Precluded Areas.* Common outdoor recreation space must not include driveways, public or private streets, or utility easements where the ground surface may not be appropriate for recreational space.
5. **Parking.**
 - a. *Location for All Multi-Family Residential.* Off-street parking serving multi-family residential development must be located in one of the following facilities:
 - i. Surface parking lots, garages, or carports located to the side or rear of residential buildings in relation to adjacent streets. If a site fronts on two or more streets, this standard applies to the front of the lot.

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- ii. Garages with side entries, in which the face of the garage door is generally perpendicular to the street.
- iii. Attached individually secured garages.
- b. *Rowhouse Garages Frontage.* Rowhouse garages with doors that face the street must be recessed from the primary façade and may not occupy more than 50 percent of the width of any street-facing building façade.

Figure 17.16.040.NP: Rowhouses Garages



- ~~6. **Universal Design.** For residential projects with at least 10 dwelling units, 10 percent of the units must adhere to the following principles of Universal Design:~~
 - ~~a. At least one entrance without steps and a flat threshold.~~
 - ~~b. Living space on one floor or stair landings big enough to accept lifts.~~
 - ~~c. Wide interior doors (32-inch clear, typically provided with 36-inch door), hallways, and alcoves with 60 by 60-inch turning space at doors, in kitchens, and dead ends.~~
 - ~~d. A 30 by 48-inch clear space at appliances and fixtures in bathrooms and kitchens.~~

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Chapter 17.17 Commercial and Mixed-Use Zoning Districts

17.17.010 Purpose and Applicability

This Chapter enables commercial and mixed-use development that is suitable to the character of St. Helena and that supports the daily needs of residents. The commercial and mixed-use districts, which are located generally along the SR29 corridor, serve tourists, City residents, and residents of the unincorporated agricultural areas who have traditionally traveled to St. Helena to shop for goods and services. In the downtown, the zoning districts support higher-density, mixed-use development that expand housing options while supporting retail and commercial services. Included in this Chapter are use regulations, development standards, and design standards for the following commercial and mixed-use districts:

Central Business (CB). The CB Zone is intended to provide for retail, personal service uses, offices, restaurants, hotels/motels, service stations, public and quasi-public uses, and similar and compatible uses that serve local residents' day-to-day needs, as well as the needs of the surrounding area and tourists. Emphasis is on pedestrian-oriented retail and service uses on the ground floor level, with office and residential uses on the upper levels. This Zone implements the Central Business General Plan Land Use Designation.

Service Commercial (SC). The SC Zone is intended to provide for service and retail uses, restaurants, service stations, hotels, motels, public and quasi-public uses and similar and compatible uses. The designation is intended primarily for service and retail uses that are automobile-oriented or whose operational characteristics and space needs are not considered appropriate for the Central Business District. The intent is for the SC Zone to be primarily local resident-serving in character. Strictly tourist-serving retail uses are prohibited within this designation. This Zone implements the Service Commercial General Plan Land Use Designation.

Mixed-Use (MU). The MU Zone is intended to provide areas for a mix of medium- and high-density residential unit types and commercial retail, office, restaurant, and open space uses. The Zone supports both vertical and horizontal residential mixed-use development. Residential densities are from 12 to 20 dwelling units per acre ~~and non-commercial FAR is between 0.8 and 1.0, inclusive of residential uses.~~ This Zone implements the Mixed-Use General Plan Land Use Designation.

17.17.020 Use Regulations

Table 17.17.020.A: Use Regulations – Commercial and Mixed-Use Zoning Districts, lists the uses permitted ("P"), permitted with a Minor Use Permit ("MUP") granted by staff-level review, and permitted with a Conditional Use Permit ("CUP") granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zoning districts development and design standards. Any projects that qualify for ministerial approval under state law will be processed ministerially as required by that state law.

Part III: District Regulations

Table 17.17.020 A: Use Regulations – Commercial and Mixed-Use Zoning Districts				
Use Classification	CB	SC	MU	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Residential Uses				
Live/work	CUP	—	MUP	Sec. 17.22.140, Live/Work Units
Multi-family dwelling	CUP ¹	—	CUP ^{21 23}	
Single room occupancy	CUP ¹	—	P ²	Sec. 17.22.210, Single-Room Occupancy Units
Commercial Uses				
Adult entertainment	—	CUP	—	Sec. 17.22.040, Adult-Oriented Businesses
Agricultural supply sales	—	P	—	
Animal boarding facility/kennel	—	CUP	—	
Automobile/Vehicle sales and services				
<i>Auto rental</i>	—	CUP	CUP	
<i>Auto sales</i>	—	CUP	—	
<i>Auto service and repair</i>	—	CUP	—	
<i>Car wash</i>	—	CUP	—	
<i>Service station</i>	CUP	CUP	—	Sec. 17.22.190, Service Stations
Banks and financial institution	P ³⁴	P	P	
Business services				
<i>Cleaning and janitorial services</i>	—	P	P	
<i>Equipment rental and leasing</i>	—	CUP	CUP	
<i>General business service</i>	P	P	P	
<i>Printing and copy service</i>	P	P	P	
<i>Security service</i>	—	P	P	
Cinema/Theater	CUP	CUP	CUP	
Eating and drinking establishments				
<i>Bar^{45 56}</i>	CUP	CUP	CUP	Sec. 17.22.050, Alcoholic Beverage Sales
<i>Brewpub</i>	P	P	P	Sec. 17.22.050, Alcoholic Beverage Sales
<i>Micro-brewery</i>	CUP	CUP	CUP	Sec. 17.22.050, Alcoholic Beverage Sales

Part III: District Regulations

Table 17.17.020 A: Use Regulations – Commercial and Mixed-Use Zoning Districts				
Use Classification	CB	SC	MU	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
<i>Micro-distillery</i>	CUP	CUP	CUP	Sec. 17.22.050, Alcoholic Beverage Sales
<i>Mobile food vendor</i>	CUP	CUP	P CUP	Sec. 17.22.150, Mobile Food Vendor
<i>Restaurant, full service</i> ^{54, 127}	MUP	MUP	MUP	Sec. 17.22.050, Alcoholic Beverage Sales
<i>Restaurant, limited counter service</i>	P	P	P	
Food and beverage sales				
<i>Farmers' market</i>	MUP	MUP	MUP	
<i>Fruit and vegetable market</i>	P	P	P	
<i>Grocery store</i>	MUP ⁵⁸	MUP ⁶⁹	MUP ⁶⁹	
<i>Liquor store</i>	CUP	CUP	CUP	
<i>Public market</i>	CUP	CUP	CUP	
<i>Winery tasting room</i>	CUP	CUP	CUP	Sec. 17.22.050, Alcoholic Beverage Sales
<i>Wine shop</i>	MUP	MUP	MUP	
Food preparation	—	P	CUP	
Formula business	CUP ¹⁰⁺	P	CUP ¹⁰⁺	Sec. 17.22.120, Formula Businesses
Funeral home and mortuary	—	MUP	MUP	
Health club and fitness center	—	MUP	MUP	
Indoor recreation	CUP	CUP	CUP	
Lodging				
<i>Bed and breakfast</i>	MUP	—	MUP	Sec. 17.22.080, Bed and Breakfast Inns
<i>Boarding house</i>	—	—	CUP ³⁴	
<i>Hotel</i>	CUP ⁷¹¹	CUP	CUP	
<i>Short-term rental</i>	—	—	P	Sec. 17.22.200, Short-Term Rentals
<i>Time share</i>	CUP	CUP	—	
Maker's space				
<i>Candle-making</i>	P	P	P	

Part III: District Regulations

Table 17.17.020 A: Use Regulations – Commercial and Mixed-Use Zoning Districts				
Use Classification	CB	SC	MU	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
<i>Ceramics/pottery</i>	MUP	MUP	MUP	
<i>Glass blowing</i>	MUP	MUP	MUP	
<i>Jewelry</i>	P	P	P	
<i>Multi-media</i>	P	P	P	
Model Home Sales Office	—	—	MUP	
Offices				
<i>Business, professional, and technology</i>	P ₂	P	P	
<i>Medical and dental</i>	P ₂	P	P	
<i>Walk-in clientele</i>	P ₃₄	P	P	
<i>Winery offices (off-site)</i>	—	P/CUP ₈₁₂	P/CUP ₈₁₂	
Personal services				
<i>Hair salon/nail salon/spa</i>	P ₃₄	P	P	
<i>Dry cleaners, drop-off and pick-up</i>	P ₃₄	P	P	
<i>Laundromat, self-service</i>	—	P	P	
<i>Massage establishment</i>	MUP ₂	MUP	MUP	
<i>Tanning salon</i>	—	P ₂	P ₂	
<i>Tattoo and piercing</i>	CUP	—	P	
Retail				
<i>Art gallery</i>	CUP	CUP	CUP	
<i>Building materials and supply</i>	—	P	—	
<i>Firearm sales</i>	—	MUP	—	
<i>Furniture store</i>	P	P	P	
<i>General retail and merchandise</i>	P	P	P	
<i>Health care equipment</i>	—	P	P	
<i>Nursery, lawn, and garden supply store</i>	—	CUP	CUP	
<i>Saddle and equestrian store and repair</i>	—	P	P	
<i>Tobacco/smoke shop</i>	CUP	CUP	CUP	
<i>Used merchandise store</i>	P _—	P	—	

Part III: District Regulations

Table 17.17.020 A: Use Regulations – Commercial and Mixed-Use Zoning Districts				
Use Classification	CB	SC	MU	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Reupholstery and furniture repair	—	P	P	
Veterinary clinic	—	P ⁹	—	
Industrial Uses				
Contractor’s yard	—	CUP	—	
Contractor’s shop	—	P	—	
Custom and artisan manufacturing	—	MUP	MUP	
Food and beverage manufacturing/brewery	CUP	CUP	CUP	
Transportation, Communications, and Utilities				
Communication facilities				
<i>Audio/video recording studio</i>	—	P	P	
<i>Telecommunication facility</i>	Sec. 17.22.270, Wireless Telecommunication Facilities			
Emergency services	—	CUP	—	
Public services, major		CUP	CUP	
Public services, minor	—	MUP	MUP	
Solar energy system	Sec. 17.22.240, Solar Energy Systems			
Transit station and terminal	CUP	CUP	CUP	
Agricultural and Extractive Uses				
Community garden	—	MUP	MUP	Sec. 17.22.100, Community Gardens
Winery, large	—	CUP	—	
Public/Institutional Uses				
Amphitheater	CUP	CUP	CUP	
Colleges and trade schools	—	MUP	MUP	
Community assembly	MUP	MUP	MUP	
Church	—	P	—	
Cultural institution and museum	CUP	MUP	MUP	
Day care facility				
<i>Seven or more persons</i>	—	P	MUP	
<i>Six or fewer persons</i>	—	P	P	

Part III: District Regulations

Table 17.17.020 A: Use Regulations – Commercial and Mixed-Use Zoning Districts				
Use Classification	CB	SC	MU	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Government office	P	P	P	
Instructional services	CUP	P	P	
Low barrier navigation center	p	—	P	
Parking facilities	CUP ³⁴	CUP	CUP	
Senior center	P ³⁴	P	—	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses				
Accessory dwelling unit	Sec. 17.22.0340, Accessory Dwelling Units			
Catering	P	P	P	
Cottage food operations	P	P	P	Sec. 17.22.110, Cottage Food Operations
Family day care, large	—	—	MUP	
Family day care, small	—	—	P	
Music/entertainment, live or amplified	P/CUP ¹³⁴⁰	P	P/CUP ⁴⁰¹³	
On-site storage facilities	—	CUP	—	
Outdoor dining	MUP	MUP	MUP	Sec. 17.22.170, Outdoor Dining and Seating
Outdoor display and sales	Sec. 17.22.180, Outdoor Display and Sales			
Small recycling facility	—	MUP	MUP	Sec. 17.22.220, Small Recycling Facilities Center

Notes:

¹ Permitted on upper floors only.

² Permitted on upper floors only for properties fronting onto Main Street.

³ Must be part of a mixed-use development.

⁴³ -Not permitted on Main Street.

⁵⁴ The following are not permitted:

- Establishments serving customers within their vehicles on the premises or preparing beverages or food intended for consumption within their vehicles on the premises.
- ~~Establishments primarily preparing beverages or food for consumption off the premise.~~
- Music or entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music or entertainment is being performed.
- ~~Drive-in or walk-up window~~ for take-out service.

⁶ Roof top bars are only allowed in the CB and MU zoning districts.

⁷ Formula and drive-through restaurant establishments are not permitted.

⁸⁻⁵ Seating is not permitted.

⁹⁶ Limited to 10,000 gross square feet.

¹⁰ A maximum of four formula retail businesses are permitted in any one zoning district.

¹¹⁷ Rental of rooms limited to upper floors only for properties fronting onto Main Street.

¹²⁸ A CUP is required for non-public wine tasting, offered to wine distributors and wine merchants only.

Part III: District Regulations

Table 17.17.020 A: Use Regulations – Commercial and Mixed-Use Zoning Districts				
Use Classification	CB	SC	MU	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				

⁹ ~~Overnight boarding of animals is not permitted.~~

¹³¹⁰ A CUP is required for live or amplified music/entertainment outdoors.

¹¹ ~~A maximum of four formula retail businesses are permitted in any one zoning district.~~

¹² ~~Formula and take-out drive-through restaurant establishments are not permitted.~~

¹³ ~~Must be part of a mixed-use development.~~

Part III: District Regulations

17.17.030 Development Standards

Table 17.17.030.B: Development Standards – Commercial and Mixed-Use Zoning Districts, establishes the development standards for the Commercial Business, Service Commercial and Mixed-Use Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

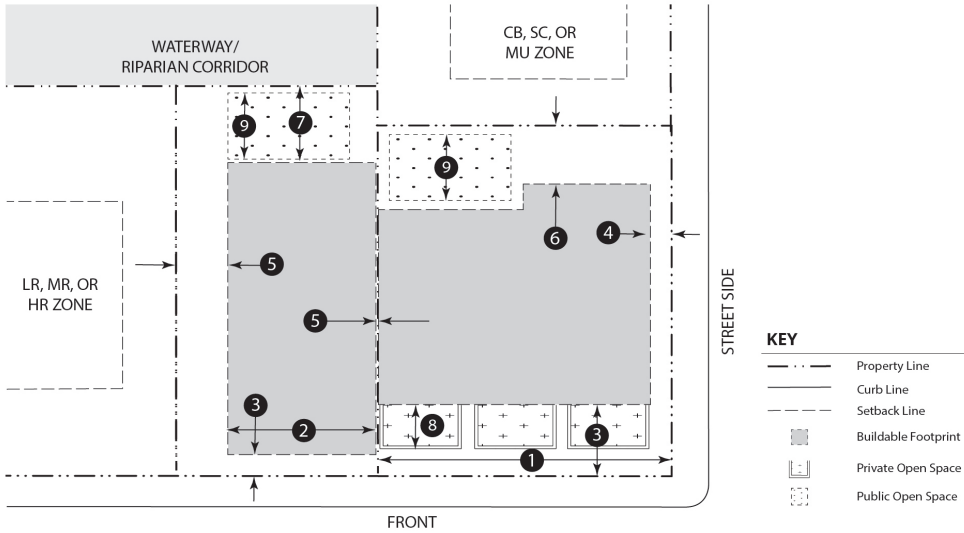


Table 17.17.030.B: Development Standards– Commercial and Mixed-Use Zoning Districts				
Standard	CB	SC	MU	Key
Density/Intensity				
Density	n/a	n/a	Up to 20 du/ac	
FAR	Max. 2.0 (inclusive of residential uses)	Max. 0.50	Max. 1.0 (inclusive of residential uses)	
Lot Size				
Min. Lot Area	5,000 sq ft	10,000 sq ft	5,000 sq ft	
Min. Lot Width	None	None	45 ft	1
Floor Area for Individual Buildings	Max. 10,000 sq ft	Max. 15,000 sq ft	Max. 15,000 sq ft	
Floor Area per Use	Min. 200 sq ft; Max. 10,000 sq ft	Min. 200 sq ft; Max. 10,000 sq ft	None	
Building Frontage	Main Street: 100% between Spring Street and Adams Street alignment; 85%	Min. 60% of lot width	Min. 50% of lot width	2

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Table 17.17.030 B: Development Standards- Commercial and Mixed-Use Zoning Districts				
Standard	CB	SC	MU	Key
	elsewhere on Main Street; All other streets: 60%			
Max. Height				
<i>Principal Structure</i>	35 ft; 30 ft within 25 feet of a residential district and facing Oak Street	35 ft	Pitched roof: 45 ft/3 stories; 30 ft/2 stories within 20 feet of a residential district. Flat roof: 40 ft/3 stories; 26 ft/2 stories within 20 feet of a residential district	
<i>Accessory Structure</i>	16 ft	16 ft	16 ft	
<i>Ground Floor Finished Floor Elevation</i>	Max. 2 ft above adjacent right-of-way	Max. 2 ft above adjacent right-of-way	Nonresidential: Max. 2 ft above adjacent right-of-way; Residential: Min. 2.5 ft above adjacent right-of-way.	
<i>Ground Floor Ceiling Height</i>	Min. 12 ft	Min. 12 ft	Nonresidential: Min. 12 ft; Residential: Min. 10 ft.	
Setbacks				
<i>Front Setback</i>	Main Street: Max. 5 ft, Max 8 ft where active frontage is provided Adams Street and Oak Street : Max. 8 ft	Min. 25 ft	Nonresidential: Max. 10 ft; Residential: No setback allowed north of Mitchell Dr.; 5-15 ft everywhere else	3
<i>Min. Street Side Setback</i>	0 ft	25 ft ¹	0 ft	4
<i>Min. Interior Side Setback</i>	0 ft; 10 ft abutting a residential district	10 ft per floor ¹	0 ft; 10 ft. abutting a residential district	5
<i>Min. Rear Setback</i>	0 ft; 10 ft. abutting a residential district	15 ft; yards abutting a residential property must have a minimum of 20 feet ¹	0 ft; 10 ft. abutting a residential district	6
<i>Min. Setback from Abutting Waterway</i>	Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways.			7

Part III: District Regulations

Table 17.17.030 B: Development Standards- Commercial and Mixed-Use Zoning Districts				
Standard	CB	SC	MU	Key
Landscaping and Open Space				
<i>Private Open Space for Multi-Family Development</i> ²	Min. 80 sq ft per unit	n/a	Min. 120 sq ft per unit	
<i>Min. Dimension for Private Open Space</i>	6 ft	n/a	6 ft	8
<i>Common Usable Open Space for Multi-Family Development</i> ²	Min. 150 sq ft per lot	n/a	Min. 150 sq ft per lot.	
<i>Min. Dimension for Common Usable Open Space</i>	8 ft	n/a	15 ft	9
<i>Paved/Hardscaped Area</i>	n/a	n/a	Max. 30% of front setback area	
<i>Landscaped Area</i> ³	Min 5% of lot area	Min. 15% of lot area	Min. 10% of lot area	
<i>Required Buffer Abutting Agricultural Use</i>	A landscaped buffer min. 15 ft width with min. 15-gallon street trees at 30 ft on center			

Notes:

¹ Properties within the Highway 29 Specific Plan must comply with any additional required interior side and rear setbacks established in the Highway 29 Specific Plan EIR.

² May not include pedestrian access, required landscaped areas, on-site parking or driveway areas, and may not have a slope greater than 10 percent.

³ Landscaped setbacks areas count toward this requirement.

17.17.040 Design Standards

The design standards in this Section apply to all development within the commercial and mixed-use [zones/zoning districts](#). These design standards supplement the development standards of Table 17.17.030.B: Development Standards – Commercial and Mixed-Use Zoning Districts.

- A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.
- B. **Highway 29 Specific Plan Applicability.** Properties within the Highway 29 Specific Plan area shall meet the requirements of the Highway 29 Specific Plan as well as the design standards of this Section 17.17.040, [Design Standards](#).
- C. **Residential Development in the Mixed-Use Zoning District.** Buildings where a minimum of two-thirds of the floor area of the building is residential must meet the requirements of Section 17.16.040, Design Standards, as well as those of this Section 17.17.040, [Design Standards](#).

Part III: District Regulations



D. Building Orientation.

1. Building [entrances](#) must be oriented toward public rights-of-way or internal walkways.
2. Building design must prevent direct visual access into adjacent residential properties. Where a new or existing primary interior residential space has an uninterrupted line of sight to windows of a primary interior space at the same floor level within 20 horizontal feet, the glazing of the new windows shall be offset horizontally from the existing glazing by a minimum of 24 inches.

- E. Building Articulation.** Any building over 125 feet in width shall be broken down to read as a series of buildings no wider than 75 feet each.

Figure 17.17.040.A: Building Articulation

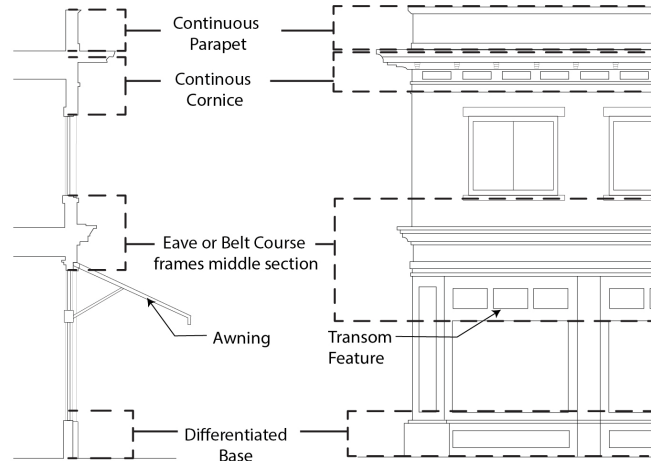


F. Building Facades Visible from a Public Street.

1. Horizontal articulation must include a differentiated base, a roof cornice line or parapet, and an eave, awning, overhang, transom feature, belt course, or other architectural element that frames the middle section of the building.
2. Buildings or portions of buildings over two stories must include articulation for the top story of the building. This may be accomplished through a change in color, change in material, a cornice/belt course at the bottom of the uppermost floor, change in roof pitch, [\(such as a gable\)](#), or an upper-story step-back.

Part III: District Regulations

Figure 17.17.040.B: Building Façade Visible from Public Street

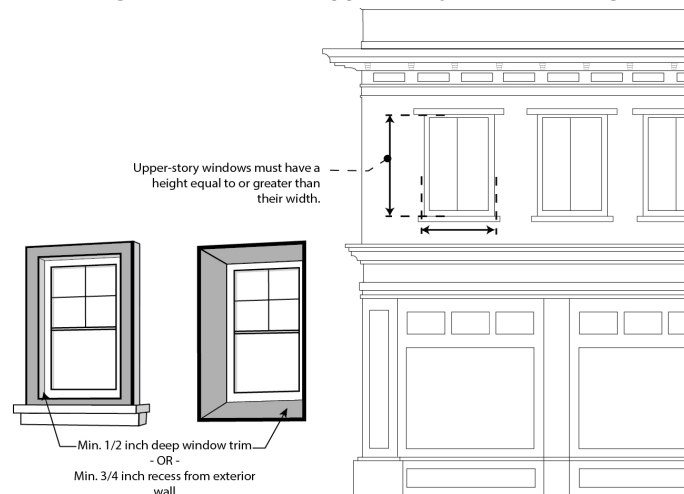


3. Awnings must be of a durable, commercial grade fabric, canvas, or similar material ~~having~~ with a matte finish.
4. Canopies must be constructed of wood or other natural materials in keeping with materials used historically in the City.

G. **Upper-Story Window Design.**

1. Upper-story windows must have a height equal to or greater than their width.
2. Trim at least one-half inch in depth must be provided around all windows, or windows must be recessed at least ~~3/4~~ three-quarter inches from the plane of the surrounding exterior wall. Foam is not a permitted trim material.

Figure 17.17.040.C: Upper-Story Window Design



Part III: District Regulations

H. Exterior Building Materials and Colors.

1. Building materials that support and enhance the architectural vernacular of the City must be used in all new developments. There are many materials that may be used to achieve this goal, including plaster or stucco, brick, native or artificial stone finishes, form board concrete finishes, board and batten siding, and horizontal siding (except as provided in subsection 1.c. Vinyl siding, aluminum siding, artificial stone finishes, plywood (including particle board and oriented strand board), and common concrete block are prohibited.
2. In addition, corrugated metal may be used as a roof or siding material in all commercial and mixed-use zoning districts. Bright colors may only be used as trim or for accents.
3. Specifically prohibited materials include unplastered, unpainted, or painted concrete block, and vinyl or aluminum siding.
- ~~3.4.~~ The palette of materials and colors on a building must be applied to all sides of the building. A unified palette of materials and colors must be used on all sides of buildings.
- ~~4.5.~~ A palette of contrasting colors is required along Main Street within the CB and MU Districts.

~~I.~~ **Universal Design.** For residential projects with at least 10 dwelling units, 10 percent of the units must adhere to the following principles of Universal Design:

- ~~1.~~ At least one entrance without steps and a flat threshold;
- ~~2.~~ Living space on one floor or stair landings big enough to accept lifts; and
- ~~3.~~ Wide interior doors (32-inch clear, typically provided with 36-inch door), hallways, and alcoves with 60-by-60-inch turning space at doors, in kitchens, and dead ends.
- ~~4.~~ A 30 by 48-inch clear space at appliances and fixtures in bathrooms and kitchens.

~~J.1.~~ **Front and Street Side Setback Improvements.** Where front or street side setbacks are required, these areas must be improved with planters, paving, low walls, climbing vines, outdoor dining/seating areas, or other features that:

1. Visually distinguish parking areas from pedestrian areas;
2. Emphasize the building entrance and any on-site open space; and
3. Frame required building transparency.

~~K.1.~~ **Refuse and Recycling Area Enclosures.**

1. **Container Materials.** Containers used for the collection and storage of refuse and recyclable materials shall be constructed of a durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected between collection schedules.
2. **Enclosure Materials.** Unless specifically waived by the design review processes described in Chapter 17.05, Planning Permits and Approvals, all development projects

Part III: District Regulations

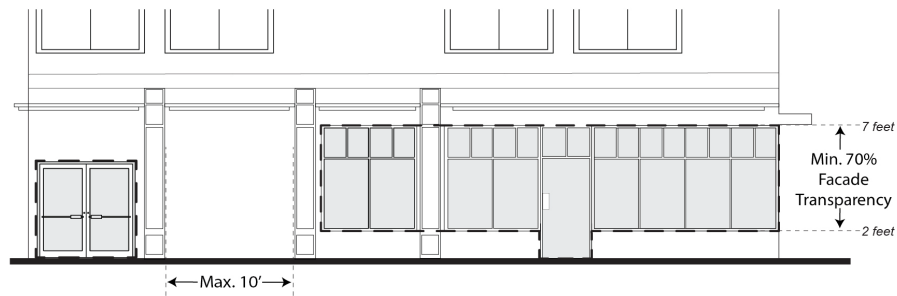
shall have a refuse enclosure constructed of such materials as to be opaque and of sufficient size to permit the storage, removal, and replacement of standard commercial size refuse containers. No collection, storage or stacking of refuse is permitted outside the refuse enclosure. ~~This requirement does not preclude the placement of individual refuse containers within the I, PQP, PR, and OS districts.~~

3. **Drainage.** The floor of the enclosure shall have a drain that connects to the sanitary sewer system.

L.K. Design Standards in the CB and MU Districts Only.

1. **Building Transparency/Required Openings on Main Street in the CB and MU Districts.** Exterior walls facing and within 40 feet of a street facing lot line or pedestrian walkway must include windows, doors, or other openings for at least 70 percent of the building wall area and located between two and seven feet above the level of the sidewalk or walkway. These walls may run in a continuous plane for no more than 10 feet without transparency or an opening.

Figure 17.17.040.D: Façade Transparency on Main Street in the CB and MU District



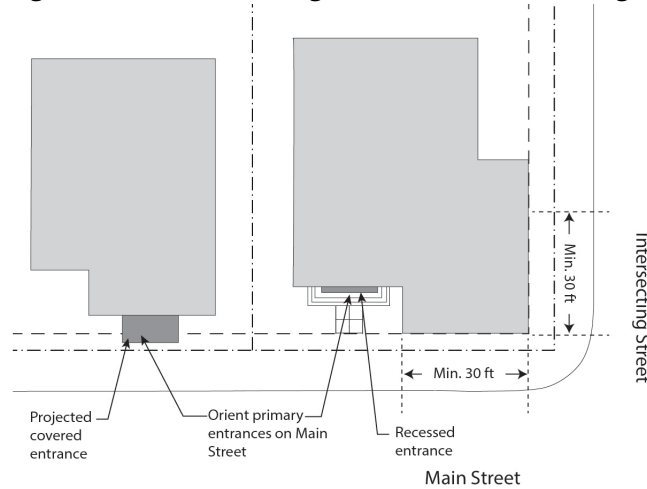
- a. **Design of Openings.** Openings fulfilling this requirement must have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
- b. **Exceptions for Parking Garages.** Multi-level garages are not required to meet the ground-floor transparency requirement.
- c. **Reductions.** The building transparency requirement may be reduced or waived upon finding that:
 - i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible; and
~~Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.~~
 - ii.

Part III: District Regulations

2. ***Buildings with Main Street Frontage in the CB and MU Districts.***

- a. Buildings must be oriented to face Main Street with the primary entrance on Main Street.
- b. Building entrances must be either covered or recessed a minimum of four feet from the building façade.
- c. Buildings on corner parcels must be placed at the intersection of the front and side setback lines for a minimum of 30 feet along both setback lines.

Figure 17.17.040.E: Buildings with Main Street Frontage



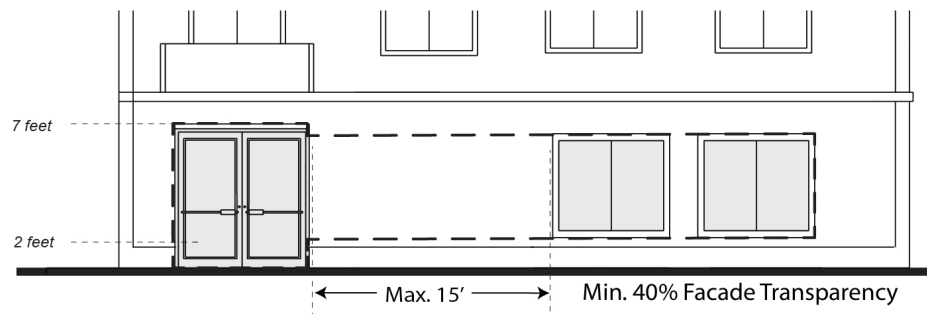
3. ***Off-Street Parking in the MU District.***

- a. Off-street parking spaces may not be accessed from the front of the lot.
- b. Off-street parking spaces may not be located within 40 feet of a street-facing property line. Exceptions may be granted through Design Review upon finding that:
 - i. The design incorporates habitable space built close to the street frontage to the maximum extent feasible;
 - ii. The site is small and constrained such that underground parking or surface parking located more than 40 feet from the street frontage is not feasible; and
 - iii. A screen wall designed to match the building materials of the primary building or a row of landscaping screens any off-street parking located within 40 feet of the street frontage.

Part III: District Regulations

M.L. Design Standards in the SC District Only.

1. **Frontages.**
 - a. Building design must emphasize active frontages and establish a connection to the right-of-way street.
 - b. Frontages must feature at least one entry.
 - c. Buildings more than 50 feet in length along a right-of-way must incorporate at least one recessed entry with a minimum depth of six feet from the front façade.
 - d. The width of the recessed entry must be appropriate relative to the size of the building, with the maximum ratio of building height to entry recess 2.5:1 (height less than 2.5 x width).
2. **Building Transparency/Required Openings.** Exterior walls facing and within 40 feet of a street facing lot line or pedestrian walkway must include windows, doors, or other openings for at least 40 percent of the building wall area and located between two and seven feet above the level of the sidewalk or walkway. These walls may run in a continuous plane for no more than 15 feet without transparency or an opening.

Figure 17.17.040.F: Building Transparency for SC District

- a. **Design of Openings.** Openings fulfilling this requirement must have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces.
- b. **Reductions.** The building transparency requirement may be reduced or waived upon finding that:
 - i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible; and
 - ii. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

ii.

Part III: District Regulations

3. ***Off-Street Parking Areas in the SC District.***

- a. Off-street parking spaces may not be located within 10 feet of a street-facing property line. For properties within the Highway 29 Specific Plan area, ~~please~~ refer to that Plan for [the](#) location and design of proposed parking areas.
- b. Curb cuts are limited to one per 80 linear feet of any one street-facing frontage.

Chapter 17.18 Business and Industrial Zoning Districts

17.18.010 Purpose and Applicability

This Chapter encourages business and industrial uses by providing areas exclusively for development subject to regulations necessary to ensure the protection of adjoining uses. This Chapter establishes use regulations, development standards, and design standards for the Business and Professional Office and Industrial Zoning Districts as follows:

Business and Professional Office (BPO). The BPO Zone is intended to provide for professional and administrative offices, medical and dental offices, research and development uses, financial institutions, public and quasi-public uses, and similar and compatible uses. Residential uses in this designation can be considered for a building's upper floors areas. This Zone implements the Office General Plan Land Use Designation.

Industrial (I). The I Zone is intended to provide for industrial parks, warehouses, light manufacturing, auto and farm-related equipment sales and repairs, viticulture, and winery support services and similar and compatible uses. This Zone implements the Industrial General Plan Land Use Designation.

17.18.020 Use Regulations

Table 17.18.020.A: Use Regulations – Business and Industrial Zoning Districts lists the uses permitted ("P"), permitted with a Minor Use Permit ("MUP") granted by staff-level review, and permitted with a Conditional Use Permit ("CUP") granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zoning district development and design standards. Any projects that qualify for ministerial approval under state law will be processed ministerially as required by that state law.

Table 17.18.020 A: Use Regulations – Business and Industrial Zoning Districts			
Use Classification	BPO	I	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed			
Residential Uses			
Emergency shelters	P	—	
Live/Work	MUP	CUP	Sec. 17.22.140, Live/Work Units
Multi-family dwellings	CUP ¹	—	
Single room occupancy (SRO)	C-MUP ¹	—	Sec. 17.22.210, Single Room Occupancy Units
Commercial Uses			
Agricultural supply sales	—	P	
Animal care and service			
<i>Animal boarding facility/kennel</i>	—	CUP	
<i>Veterinary clinic</i>	—	P	

Part III: District Regulations

Table 17.18.020 A: Use Regulations – Business and Industrial Zoning Districts			
Use Classification	BPO	I	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed			
Automobile/Vehicle sales and services			
<i>Farm/Agricultural equipment sales, service, and rental</i>	—	P	
<i>Towing and impound yard</i>	—	CUP	
Banks and financial institutions	P	—	
Business services			
<i>Equipment rental and leasing</i>	—	P	
<i>General business services</i>	P	P	
<i>Printing and copy services</i>	P	P	
<i>Security services</i>	—	P	
Eating and Drinking Establishments			
<i>Brewpub</i>	—	CUP	See Sec. 17.22.050, Alcoholic Beverage Sales
Maker's space			
<i>Candle-making</i>	MUP	P	
<i>Ceramics/pottery</i>	MUP	P	
<i>Glass blowing</i>	MUP	P	
<i>Jewelry</i>	P	P	
<i>Multi-media</i>	MUP	P	
Mobile food vendor	CUP	CUP	Sec. 17.22.1560, Mobile Food Vendors
Food preparation	—	P	
Funeral homes and mortuaries	—	P	
Health clubs and fitness centers	MUP	P	
Heavy equipment repair	—	P	
Indoor recreation	—	CUP	
Offices			
<i>Business, professional, and technology</i>	P	—	
<i>Medical and dental</i>	P	—	
<i>Walk-in clientele</i>	P	—	
<i>Wholesale offices</i>	P ²	—	

Part III: District Regulations

Table 17.18.020 A: Use Regulations – Business and Industrial Zoning Districts			
Use Classification	BPO	I	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed			
Winery offices (off-site)	P/CUP ³	—	
Personal services			
Massage establishment	P	—	
Retail			
Building materials and supply		P	
Firearm sales	—	MUP	
Health care equipment	P	—	
Saddle and equestrian store and repair	—	P	
Reupholstery and furniture repair	—	P	
Industrial Uses			
Commercial laundry	—	P	
Construction and material yard	—	P ⁴	
Contractor shop	—	P	
Contractors' office and showroom, excluding storage yard	P	—	
Contractors' yard	—	P	
Crop service	—	P	
Custom and artisan manufacturing	MUP	MUP	
Dry cleaning facility	—	P	
Fuel storage	—	CUP	
Industrial, general	—	MUP ⁴	
Manufacturing, packaging, and processing	—	CUP	
Micro-brewery	—	CUP	See Sec. 17.22.050, Alcoholic Beverage Sales
Micro-distillery	—	CUP	Sec. 17.22.050, Alcoholic Beverage Sales
Research and development	CUP	P/CUP ⁵	
Storage, personal	—	CUP	
Tanks for storage	—	CUP	
Warehousing, wholesale, and distribution	—	P ⁴	

Part III: District Regulations

Table 17.18.020 A: Use Regulations – Business and Industrial Zoning Districts			
Use Classification	BPO	I	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed			
Wine warehousing	—	CUP	
Transportation, Communications, and Utilities			
Communication facilities			
<i>Audio/video recording studio</i>	—	P	
<i>Telecommunications</i>	Sec. 17.22.270, Wireless Telecommunications Facilities		
Emergency services	—	CUP ⁶	
Public services, major (City facilities only)	P	P	
Public services, major	CUP	CUP	
Public services, minor (City facilities only)	P	P	
Public services, minor	MUP	MUP	
Solar energy systems	Sec. 17.22.250, Solar Energy Systems		
Transit stations and terminals	—	CUP	
Agriculture and Extractive Uses			
Mining and quarrying of nonmetallic minerals	—	CUP ⁷	
Wineries, large	—	CUP ⁸	
Public/Institutional Uses			
Colleges and trade schools	CUP	—	
Community assembly	CUP	—	
Day care facility			
<i>Seven or more persons</i>	CUP	—	
<i>Six or fewer persons</i>	MUP	—	
Government offices	CUP	CUP	
Hospitals and clinics	P	—	
Instructional Services	—	P	
Low barrier navigation center	P	—	
Parking facilities	CUP	—	
Schools	CUP	—	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses			
Accessory dwelling unit	Sec. 17.22.040, Accessory Dwelling Units		

Part III: District Regulations

Table 17.18.020 A: Use Regulations – Business and Industrial Zoning Districts			
Use Classification	BPO	I	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed			
Beekeeping		P	Sec. 17.22.070, Beekeeping
Caretaker residence ⁹	—	MUP	
Cottage food operations	P	—	Sec. 17.22.110, Cottage Food Operations
Family day care, large	CUP	—	
Family day care, small	P	—	
On-site storage facilities	CUP	CUP	
Small recycling facility	MUP	MUP	Sec. 17.22.220, Small Recycling Facilities

Notes:

¹ Permitted on upper floors only.

² Storage or on-site shipping and receiving of products not permitted.

³ CUP required for nonpublic wine tasting, offered to wine distributors and wine merchants only. No public sales or tasting allowed.

⁴ CUP required where adjacent to property zoned residential or an existing residential use.

⁵ A CUP is required when uses involve the use of hazardous substances.

⁶ May include cooking and sleeping facilities for employees on duty only.

⁷ Subject to the provisions of the Surface Mining and Reclamation Act of 1975 (§§ 2710 et seq. of the Public Resources Code).

⁸ Retail sales and tasting not permitted.

⁹ Residence must be occupied by employees and their immediate families, employed for the purpose of on-site management, maintenance, or upkeep. Temporary business guests and employees on temporary assignment are also allowed to reside in the unit.

Part III: District Regulations

17.18.030 Development Standards

Table 17.18.030.B: Development Standards - Business and Industrial Zoning Districts establishes the development standards for the Business and Professional Office and the Industrial Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

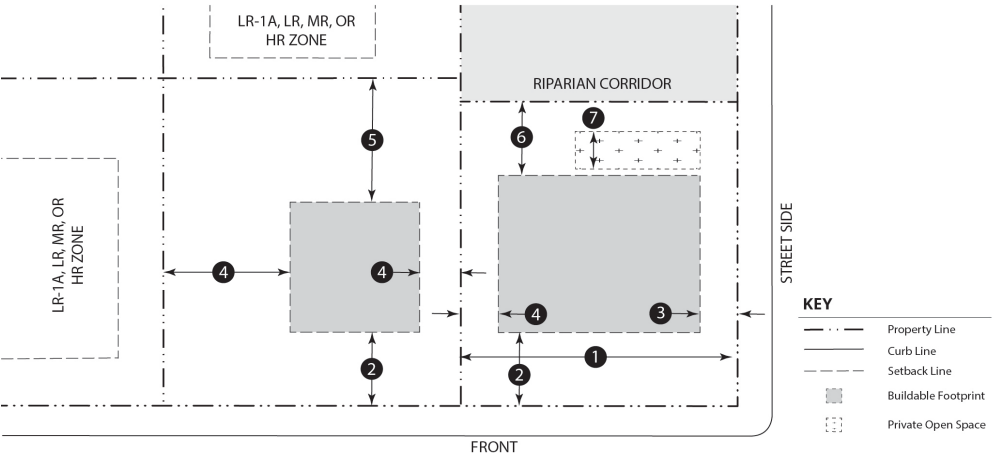


Table 17.18.030.B: Development Standards - Business and Industrial Zoning Districts			
Standard	BPO	I	Key
Density/Intensity			
Density	Max. 20 du/ac	n/a	
FAR	Max. 0.50	Max. 0.50 for uses including < 90% warehousing; Max. 0.60 for uses including ≥90% warehousing.	
Lot Size			
Min. Lot Area	7,000 sq ft	20,000 sq ft	
Min. Lot Width	none	100 ft	1, 7
Height			
Principal Structure	30 ft; no roof pitch must be less than 4:12	45 ft; 35 ft within 100 feet of a residential, A-20, or W district	
Setbacks			
Min. Front Setback	20 ft	25 ft from any street or public right-of-way;	2, 1
Min. Street Side Setback	10 ft	35 ft from a residential, A-20, or W district	3, 2
Min. Interior Side Setback	10 ft		4, 3

Part III: District Regulations

Table 17.18.030 B : Development Standards – Business and Industrial Zoning Districts			
Standard	BPO	I	Key
Min. Rear Setback	15 ft		5 4
Min. Setback from Abutting Waterway	Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways.		6 5
Landscaping and Open Space			
Private Open Space for Multi-Family Development	Min. 80 sq ft per unit	n/a	
Min. Dimension for Private Open Space	6 ft	n/a	7 6
Landscaped Area ¹	Min. 15% of lot area.	Min. 10% of lot area.	
Required Buffer Abutting Agricultural Use and Residential Uses	A landscaped buffer min. 15 ft width with street trees at 30 ft on center		
Notes:			
¹ Landscaped setback areas count toward this requirement.			

17.18.040 Design Standards

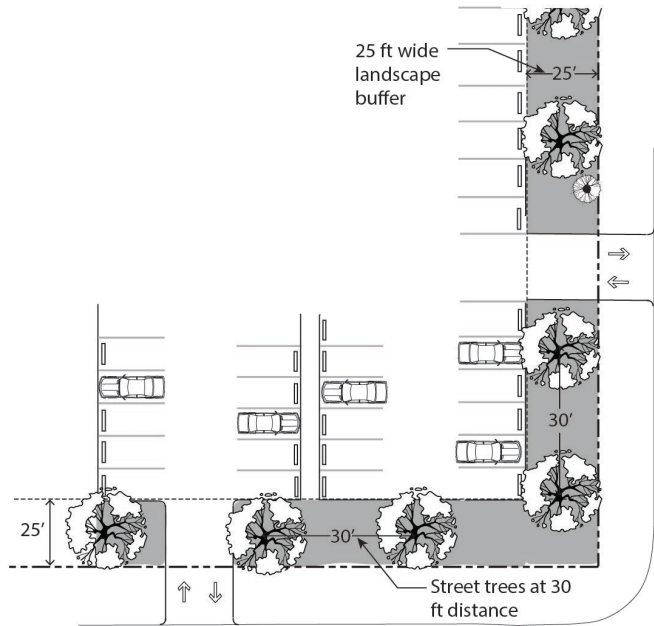
- A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards).
- B. **Residential-Mixed-Use Buildings.** Buildings where a minimum of two-thirds of the floor area of the building is residential must meet the requirements of Section 17.16.040, Design Standards ~~for~~, as well as those in this Section 17.18.040, Design Standards. In the event of a conflict between the standards of these two Sections, the most restrictive shall apply.
- C. **Design Standards in the BPO District.**
 - 1. **Building Design.** Building design must emphasize active frontages and establish a connection to the right-of-way street.
 - a. Frontages must feature at least one entry.
 - b. Buildings more than 50 feet in length along a right-of-way must incorporate at least one recessed entry with a minimum depth of six feet from the front façade.
 - 2. **Building Facades Visible from a Public Street.** Horizontal articulation must include an eave, awning, overhang, a differentiated building base, or other architectural element that articulated the building facade.
 - 3. **Front and Street Side Setback Improvements.** Where front or street side setbacks are provided, these areas must be improved with planters, paving, low walls, climbing vines, outdoor dining/seating areas, or other features that:
 - a. Visually distinguish parking areas from pedestrian areas;
 - b. Emphasize the building entrance and any on-site open space; and
 - c. Frame the buildings ground-level windows.

Part III: District Regulations

4. **Fencing.** No fence in the front setback may exceed three feet in height. All other fencing outside the front setback may not exceed six feet in height.
 5. **Trash Enclosures.** Unless specifically waived by the design review processes described in Chapter 17.05, Planning Permits and Approvals, all development projects shall have a refuse enclosure constructed of such materials as to be opaque and of sufficient size to permit the storage, removal, and replacement of standard commercial size refuse containers. No collection, storage or stacking of refuse is permitted outside the refuse enclosure. Trash enclosures must be ~~covered;~~ illuminated for nighttime security and use; ~~and consistent in design with that of the primary structure.~~
 6. **Parking.** Parking spaces may be paved with all-weather pervious materials, but travelways must be of concrete or asphalt.
- D. **Design Standards in the I District.**
1. **Building Design.** Buildings more than 50 feet in length along a right-of-way must incorporate at least one recessed entry with a minimum depth of six feet from the front façade.
 2. **Building Facades Visible from a Public Street.** Horizontal articulation must include an eave, awning, overhang, a differentiated building base, or other architectural element that articulated the building facade.
 3. **Front and Street Side Setback Improvements.** Where front or street side setbacks are provided, these areas must:
 - a. Visually distinguish parking areas from pedestrian areas;
 - b. Emphasize the building entrance and any on-site open space; and
 - c. Frame the building's ground-level windows.
 4. **Required Screening abutting a Non-Industrial District.**
 - a. **Abutting all Residential Districts.** Where abutting a residential district, an eight-foot opaque, landscaped, soundproofed wall is required.
 - b. **Abutting all Non-Industrial and Non-Residential Districts.** Where abutting a non-industrial or non-residential district, an eight-foot opaque landscaped fence or wall is required. The eight-foot screening element need not be located on the property line.
 5. **Landscaped Buffer.** In addition to the requirements of Table 17.18.030.B: Development Standards – Business and Industrial Zoning Districts, landscape requirements for buffer areas are as follows:
 - a. A landscaped buffer at least 25 feet in width with street trees at 30 ft on center is required along all street frontages; ~~;~~
 - b. Trees shall be at least 15-gallon size at time of planting; and
 - c. Ground cover must be installed under trees and maintained in accordance with approved plans.

Part III: District Regulations

Figure 17.18.040.A, Landscape Buffer



6. **Fencing.** No fence in the front setback may exceed three feet in height. All other fencing outside front setback may not exceed eight feet in height.
- a. An eight-foot opaque landscaped fence or wall (side/rear setback) is required where abutting a non-industrial zone. If a residential zone abuts the property, [subsection 6.b](#) applies;
 - b. An eight-foot opaque, landscaped, [and](#) soundproofed wall is required where abutting a residential zone.
7. **Parking and Loading.**
- a. Off-street parking is not permitted in the required front setback. If a property is located in the Highway 29 Specific Plan area, the parking site design must comply with the standards of the Specific Plan if more restrictive.
 - b. Parking spaces may be paved with all-weather dust-free pervious materials; [however, but](#) travelways must be of concrete or asphalt.
 - c. No loading/unloading may be conducted in a public right-of-way.
 - d. There must be at least one off-street loading space per use. Additional loading dock and truck standing requirements must be based on proposed uses and must ensure that trucks will not block traffic or obstruct on-street parking spaces. Additional requirements may be specified as a condition of a Conditional Use Permit.

Part III: District Regulations

~~8. **Trash Enclosures.** Trash enclosures must be covered and illuminated for nighttime security and use.~~

~~9.8.~~ **Other Standards.**

- a. An interior fire sprinkler system approved by the Chief Building Official must be installed in all buildings.
- b. One-hour minimum fire-resistant construction on all exterior walls within 10 feet of all property lines must be installed. Fire resistant construction of interior walls shall be determined by type of occupancy and approved by the Chief Building Official.
- c. Low flow (water restricting) plumbing devices shall be installed.

Chapter 17.19

Community Agricultural and Natural Resource
Zoning Districts

17.19.010 Purpose and Applicability

This Chapter protects existing resources while providing for a range of agricultural, residential, and community uses within the City's agricultural and natural resource areas. This Chapter establishes use regulations, development standards, and design standards for the Twenty-Acre Agriculture, Winery, and Woodlands and Watershed Zoning Districts as follows:

Twenty-Acre Agriculture (A-20). The A-20 Zone is intended to provide for agricultural and residential uses. The purpose of the A-20 District is to preserve agricultural land uses and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth. This Zone restricts the density of residential use and stipulates the location and area of residential development to promote preservation of agricultural land use and reduce impacts to the provision of infrastructure as the urban area of the City expands. This Zone implements the Agriculture General Plan Land Use Designation.

Winery (W). The W Zone is intended to provide for winery and winery-related uses within the agriculture general plan land use designation. This Zone implements the Agriculture General Plan Land Use Designation.

Woodlands and Watershed (WW). The WW Zone is intended to allow residential development that is sensitive to the land and its varying capability for development. Development in the WW Zone carefully considers the community-wide implications of natural conditions and minimizes impacts on natural conditions. This Zone implements the Woodlands and Watershed General Plan Land Use Designation.

17.19.020 Use Regulations

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts lists the uses permitted (“P”), permitted with a Minor Use Permit (“MUP”), and permitted with a Conditional Use Permit (“CUP”) granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zoning district development and design standards. [Any projects that qualify for ministerial approval under state law will be processed ministerially as required by that state law.](#)

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Residential Uses				
Agricultural employee housing	P/CUP ¹	P/CUP ¹	—	
Single-family dwelling	P ²	P ²	P ²	

Part III: District Regulations

Table 17.19.020 A : Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Commercial Uses				
Animal care and service				
Animal boarding facility/kennel	CUP	—	—	
Veterinary clinic	CUP	—	—	
Industrial Uses				
Manufacturing, packaging and processing	—	CUP	—	
Tanks associated with winery uses	—	CUP 3	—	
Warehousing, Wholesale, and Distribution	—	CUP	—	
Wine warehousing	—	CUP	—	
Transportation, Communications, and Utilities				
Public services, minor	MUP	MUP	MUP	
Solar energy systems	Sec. 17.22.2450, Solar Energy Systems			
Telecommunication	Sec. 17.22.270, Wireless Telecommunications Facilities			
Agricultural and Extractive Uses				
Animal husbandry	P/CUP 4	—	P 5	
Community garden	P	P	P	Sec. 17.22.100, Community Garden
Cultivated agriculture	P/CUP 6	P/CUP 6	P/CUP 6	
Processing of agricultural products primarily produced on the premises	CUP	CUP	—	
Wineries, large	—	CUP	—	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses				
Accessory dwelling unit	Sec. 17.22.0340, Accessory Dwelling Units			
Animal keeping	P	P	P	Sec. 17.22.060, Animal Keeping
Beekeeping	P	P	P	Sec. 17.22.070, Beekeeping
Cottage food operations	P	P	P	Sec. 17.22.110, Cottage Food Operations

Part III: District Regulations

Table 17.19.020 A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
Garages, carports, workshops, pool houses, gazebos, patio covers, and other accessory buildings and structures	P ⁷	P	CUP	Sec. 17.242.0330, Accessory Buildings and Structures
Family day care, large	CUP	CUP	CUP	
Family day care, small	P	P	P	
Home occupations	P	—	CUP	Sec. 17.22.130, Home Occupations
Roadside stands	CUP	P/CUP ³⁸	—	
Swimming pools	P	P	P	
Tasting room affiliated with small winery	CUP	CUP	CUP	
Winery event center	—	CUP	—	
Winery, small	CUP	CUP	—	Sec. 17.22.230, Small Wineries
Winery visitor center	—	CUP	—	
Uses accessory to a winery enclosed within a building (e.g., offices, laboratories, equipment maintenance shops, employees' eating facilities, cooperage repair shops, wine storage tanks, scales, and boiler rooms)	—	P	—	
Uses and equipment accessory to a winery located outdoors	—	CUP ⁸⁹	—	

Notes:

¹ Up to 36 beds in group quarters or 12 units or spaces designed for use by a single-family or household pursuant to [California](#) Health and Safety Code §§ 17021.6 are permitted. Otherwise, a CUP is required.

² On parcels over two acres in size, the single-family dwelling must be accessory to an agricultural use.

³ [If the new tanks increase wine production volume beyond what is established in an existing CUP or Certificate of Legal Non-Conforming Use, a new CUP is required. If there is no increase in wine production as a result of the proposed new tanks, no CUP is required. Design review is not required for new tanks placed indoors.](#)

³ ~~CUP is required where stand exceeds 200 square feet.~~

⁴ Hog farms, dairies, commercial poultry farms, and egg ranches require a CUP.

⁵ Horses and cattle are not permitted.

⁶ CUP required for new uses within 30 feet of Napa River, York Creek, Sulphur Springs Creek and for new uses within Flood Plain Overlay (see Sec. 17.21.010, Flood Plain Overlay).

⁷ Plumbing and cooking facilities are not permitted.

⁸ [CUP is required where the roadside stand exceeds 200 square feet.](#)

Part III: District Regulations

Table 17.19.020 A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
Any outdoor winery equipment or improvements proposed to be located within 400 feet of any R Zone or within 200 feet of State Highway 29, the Silverado Trail or Deer Park Road requires a CUP. Design review is not required for new tanks placed indoors.				

Part III: District Regulations

17.19.030 Development Standards

Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts establishes the development standards for the Twenty-Acre Agriculture, Winery, and Woodlands and Watershed Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

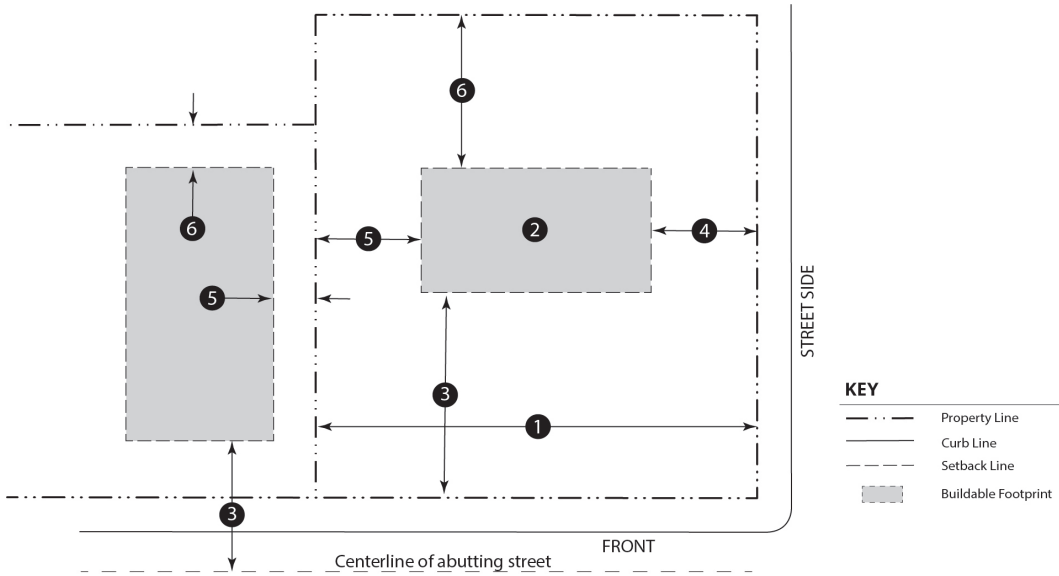


Table 17.19.030 B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots < 2 - ≤ 5 acres ¹	A-20 lots ≥ 5 ² acres	W	WW	Key
Density	Max. 1 unit/5 du /acres ²	Max. 1 unit/5 acres ²	Max. 1 unit per parcel ²	Max. 1 unit per parcel ²	
Lot Size					
Lot Area	Min. 1.0 acre² Min. 20 acres	Min. 20 acres	Min. 20 acres	5 – 40 acres	
Lot Width	Min. 70 ft No min.	No min.	Min. 300 ft	20 – 200 ft	1, 5
Max. Lot Coverage (includes accessory structures)	235% ³ 0.5 acre ³	0.51 acre non-agricultural ^{3,3}	50%	10% or 20,000 sq ft, whichever is less	
Max. Ground Level Floor Area (excludes	4,500 sq ft	4,500 sq ft	none	none	2, 6

Part III: District Regulations

Table 17.19.030 B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots $\leq 2 - \leq 5$ acres ¹	A-20 lots ≥ 52 acres	W	WW	Key
accessory structures)					
Max. Second Story Floor Area	none 35% of the ground floor area	3520% of the ground floor area	none	none	
Height					
Principal Structure	Max. 30 ft/ 2 stories	Max. 30 ft	Max. 45 ft	Max. 35 ft above natural grade	
Accessory Structure ⁴	Max. 16-20 ft; except for ADUs, refer to Section 17.22.030.E.9.	Max. 20 ft; except for ADUs, refer to Section 17.22.030.E.9. none	none	none	
Setbacks					
Front Setback	Min. 20 ft for structures ≤ 25 ft; min. 30 ft for structures > 25 ft Min. 50 ft, measured from the centerline of abutting street	Min. 50 ft, measured from the centerline of abutting street	Min. 100 ft	20-50 ft or 10% of lot depth, whichever is lesser	
Street Side Setback	Min. 50 ft, measured from the centerline of abutting street Min. 20 ft for structures ≤ 25 ft; min. 30 ft for structures > 25 ft	Min. 50 ft, measured from the centerline of abutting street	Min. 50 ft	20-50 ft or 10% of lot width, whichever is lesser	
Interior Side Setback	Min. 20 ft Min. 10 ft for structures ≤ 25 ft; min. 15 ft for structures > 25 ft	Min. 20 ft	Min. 50 ft	20-50 ft or 10% of lot width, whichever is lesser	
Rear Setback	Min. 20 ft Min. 20 ft for structures ≤ 25 ft; min. 30 ft for structures > 25 ft	Min. 20 ft	Min. 75 ft	20-50 ft or 10% of lot depth, whichever is lesser	

Part III: District Regulations

Table 17.19.030 B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots < 2 - ≤ 5 acres ¹	A-20 lots >= 52 acres	W	WW	Key
Min. Setback from Abutting Waterway	Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways.				
Landscape and Open Space					
Max. Paved/ Hardscaped Area	25% of front setback area 0.25 acre	0.5 acre	none	none	
Min. Landscaped Area ⁴	40% of lot area	none	none	none	
Required Buffer Abutting Agricultural Use	A landscaped buffer min. 15 ft width with street trees at 30 ft on center	none	none	none	

Part III: District Regulations

Notes:

¹ For all lots less than 2 acres in area refer to the development standards for the LR-1A zoning district in Table 17.16.030.B: Development Standards – Residential Zoning Districts.

² Density excludes agriculture employee housing.

³ ~~Parcels created by lot line adjustments may be < 1 acre provided the number of parcels does not increase and that no lots are < 7,000 sf.~~

³ No more than 0.25 acres of any one parcel ≤ 5 acres (or 0.5 acres for parcels ≥ 5 acres) may be removed from potential, historical, or active agricultural use. All structures, driveways (except for a 16-foot wide driveway no greater than 2/3 the length of the parcel), parking areas, patios, pools, lawn areas, or other nonagricultural uses are included in the 0.25 acre or 0.5 acre respectively, maximum standard per parcel.

⁴ ~~No more than one half acre of any one parcel may be removed from potential, historical, or actual agricultural use or animal husbandry use. All structures, driveways, parking areas, patios, lawn or other nonagricultural uses are included in the half acre maximum per parcel.~~

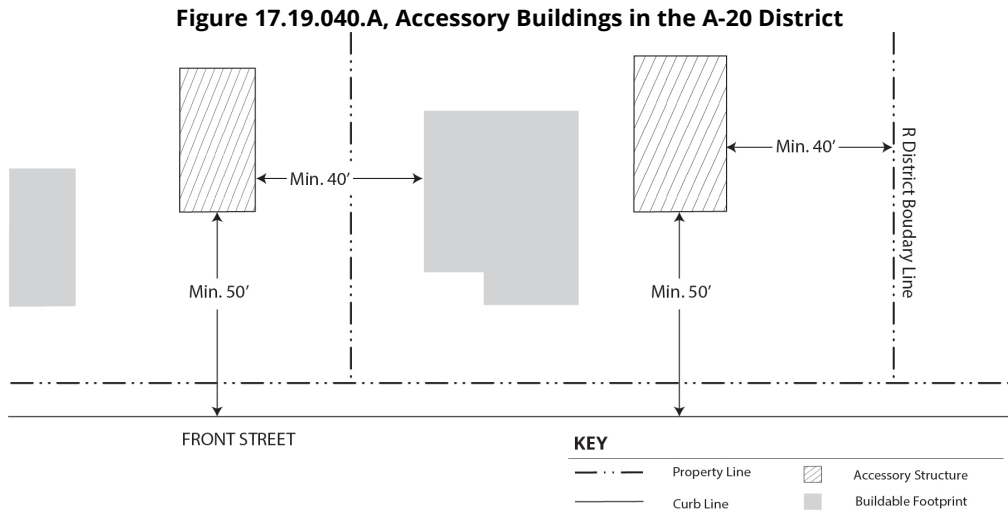
⁴ The habitable space in accessory structures may not exceed 50% of the gross floor area of the primary structure. No more than 0.25 acre of any one parcel may be removed from potential historical, or active agricultural use. All structures, driveways (except for a 16-foot wide driveway no greater than 2/3 the length of the parcel), parking areas, patios, pools, lawn areas, or other nonagricultural uses are included in the 0.25 acre maximum per parcel.

~~Landscaped setbacks areas count toward this requirement.~~

17.19.040 Supplemental Standards

- A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.
- B. **Design in the A-20 Districts.**
1. **Residential Design Standards.** All residential development is subject to the standards of Section 17.16.040.A, ~~Design Standards for All Residential Development Types.~~
 2. **Accessory Buildings in the A-20 District.** Barns, stables, chicken houses and similar accessory buildings must be placed not less than 50 feet from a street, nor less than 50 feet from any dwelling on an adjacent parcel or R District boundary line.

Part III: District Regulations



C. **Development in the W District.**

1. All wine storage tanks and surface winery waste treatment facilities shall be subject to the standards in Table 17.19.030.B, Development Standards – Community Agriculture and Natural Resource Zoning [Districts](#).
2. No use authorized under the provisions of this Chapter shall be permitted where use, occupancy or patronage will exceed the capability of the site to provide off-street parking, waste disposal system and reasonable provisions for public safety.
3. Retail sales and food and drink facilities must be integrated with a visitor center, and no advertising or other exterior evidence of such use shall be visible from any public right-of-way.
4. Winery operations shall generate sound levels no greater than 55 decibels at any property line more than 10 percent of the time (L 10). "L 10" is the noise level at the property line that is exceeded 10 percent of the operating time.
5. Winery operations shall generate no discernible odors of sewerage or putrefying organic material origin, other than normal fermentation odors, at the property lines.
6. Bottling, warehousing and retail sales activities shall be conducted within structures specifically designated for such uses.

D. **Development in the WW District.**

1. All clearing and earthmoving must be conducted in compliance with an erosion control plan as prepared by a registered Civil Engineer and approved by the City Engineer.
2. No disturbance of definite or suspected landslides or soil creep areas is permitted, as identified on maps produced by United States Geological Survey (USGS) or on any other more detailed study prepared by properly credentialed professionals and reviewed by the City's Geotechnical Consultant.

Part III: District Regulations

3. No disturbance of, or development within, riparian areas within 100 feet of intermittent or perennial streams noted on USGS maps is permitted.
4. No earth movement on slopes in excess of 30 percent is permitted. An exception may be granted by the City Engineer for minor trenching and backfilling for the installation of utilities and for temporary, nongraded access for construction purposes where no trees or substantial vegetation will be removed and where the surface will be recontoured to previous condition and revegetated according to the erosion control plan. Applications for an exception must include submittal of a construction plan for the equipment to be installed, a plan for the maintenance of that equipment, a soils and slope stability analysis prepared by a Geotechnical Engineer, an erosion control plan pursuant to subsection D.1, and a revegetation plan, utilizing native plant species, for the area that will be disturbed by the earth movement. Prior to granting an exception, the City Engineer must find that the project does not have potential for creating significant erosion problems. A performance bond must be required and held by the City for one year after completion of the project to ensure that the recontouring and revegetation were properly installed.
5. No buildings (other than water tanks, which must be screened) may be constructed within 100 feet of the primary ridgeline on any parcel. The intent of this Section is to reduce the visual impact of buildings that would obscure public views of the most prominent ridgeline on each property, without precluding the opportunity of the property owner to site a building that could attain a view. In implementing this Section, the Planning Commission must adopt a finding that the approved plan balances the owner's interest in attaining a view against the City's interest in preventing the obstruction of scenic views.
6. Water and sewer systems will be constructed and maintained, at the applicant's expense, to meet such standard as may be adopted by ordinance of the City Council, or in the absence of such to the satisfaction of the City Engineer. If individual and/or private water and/or sewage systems are proposed, prior approval must be obtained from the Napa County department of environmental management.
7. The fuel loading within 50 feet of the building or building envelope must be maintained at a level not to exceed such standard as may be adopted by the City Council.
8. New roads/common drives/driveways must be maintained so as to guarantee all of the following:
 - a. Safe two-way year-round passage of emergency vehicles, as defined in St. Helena Access Road Standards, as adopted by the City Council.
 - b. Erosion from road cuts/fills must not exceed such standard as specified in an erosion control plan approved by Napa County Resource Conservation District, pursuant to ordinance adopted by the City Council, or in the absence of such, to the satisfaction of the City Engineer.
 - c. Dust creation must be minimized and must not exceed such standard as may be adopted by ordinance of the City Council.

Part III: District Regulations

- d. Earth movement must not obstruct or obliterate circulation improvements.
 - e. Grading must occur between April 1st and October 15th unless approved otherwise by the City Engineer.
- 9. Emergency vehicle access must be constructed and maintained, at the applicant's expense, to allow interconnection with nearby roads.
 - 10. Roofing materials must be noncombustible. See the Fire Code for sprinkler and water supply requirements.

Part III: District Regulations

Chapter 17.20 Public and Open Space Zoning Districts

17.20.010 Purpose and Applicability

This Chapter provides civic spaces throughout the City to properly serve the needs of residents and provide open space for reaction to and conserve natural habitats. This Chapter establishes use regulations, development standards, and design standards for the Public and Quasi-Public, Parks and Recreation, and Open Space Zoning Districts as follows:

Public and Quasi-Public (PQP). The PQP Zone is intended to provide for government-owned facilities, public and private schools and quasi-public uses such as churches and cemeteries, government buildings, utilities, libraries, public schools, cemeteries and emergency transportation service. This Zone implements the Public/Quasi-Public General Plan Land Use Designation.

Parks and Recreation (PR). The PR Zone is intended to provide for public parklands primarily designed for public recreation. It is applied to existing public parks, as well as passive open spaces. This Zone implements the Parks and Recreation General Plan Land Use Designation.

Open Space (OS). The OS Zone is intended to provide for natural open space areas that are devoted to the preservation of natural resources, the managed production of resources, outdoor recreation or public health and safety. Areas designated for open space are all associated with stream corridors that pass through or adjacent to the City including the Napa River, Sulphur Springs Creek, York Creek and Spring Creek. This Zone implements the Open Space General Plan Land Use Designation.

17.20.020 Use Regulations

Table 17.20.020.A: Use Regulations – Public and Open Space Zoning Districts lists the uses permitted (“P”), permitted with a Minor Use Permit (“MUP”) granted by a staff-level review, and permitted with a Conditional Use Permit (“CUP”) granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zoning district development and design standards.

Table 17.20.020 A: Use Regulations – Public and Open Space Zoning Districts				
Use Classification	PQP	PR	OS	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Residential Uses				
Caretaker residence	—	MUP ¹	—	
Commercial Uses				
Funeral homes and mortuaries	CUP	—	—	
Transportation, Communications and Utilities				
Helipad	CUP	—	—	
Public services, major	CUP	—	—	
Public services, minor	MUP	MUP	MUP	

Part III: District Regulations

Table 17.20.020 A: Use Regulations – Public and Open Space Zoning Districts				
Use Classification	PQP	PR	OS	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Solar energy systems	Sec. 17.22.240, Solar Energy Systems			
Telecommunication	Sec. 17.22.270, Wireless Telecommunications Facilities			
Agricultural and Extractive Uses				
Community garden	CUP	CUP	—	Sec. 17.22.100, Community Garden
Gravel mining operations_2	—	—	CUP	
Public/Institutional Uses				
Amphitheater	CUP	CUP	—	
Cemeteries	CUP	—	—	
Colleges and trade schools	CUP	—	—	
Community assembly	CUP	—	—	
Cultural institution and museum	CUP	CUP	—	
Government offices	CUP		—	
Recreational facilities, active	—	CUP	—	
Recreational facilities, passive	—	P	CUP	
Schools	CUP	CUP	—	
Wildlife sanctuaries	—	P	P	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses				
Beekeeping	P	P	P	Sec. 17.22.070, Beekeeping

Notes:

¹ ~~R~~The residence must be occupied by employees and their immediate families, employed for the purpose of on-site management, maintenance, or upkeep. Temporary business guests and employees on temporary assignment are also allowed to reside in the unit.

² Provided such operations were approved by the City prior to October 1, 1993 and are productive and economically viable.

Part III: District Regulations

17.20.030 Development Standards

Table 17.20.030.B: Development Standards – Public and Open Space Zoning Districts establishes the development standards for the Public and Open Space Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

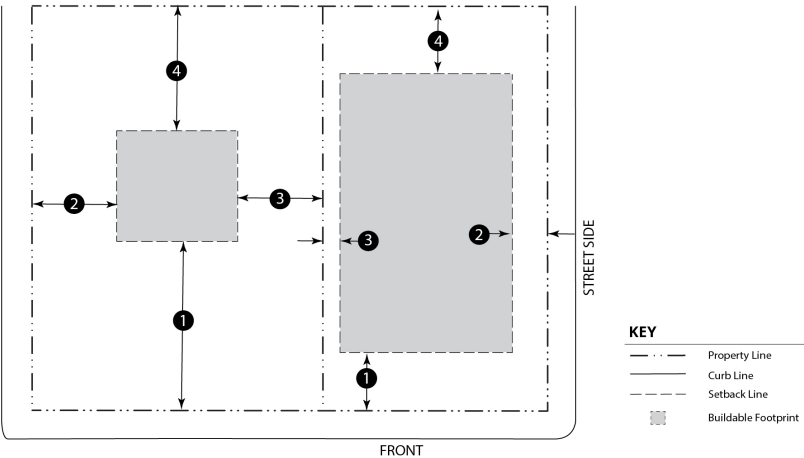


Table 17.20.030 B: DEVELOPMENT STANDARDS –Public and Open Space Zoning Districts				
Standard	PQP	PR	OS	Key
Floor Area Ratio	0.15-0.5	None	None	
Max. Lot Coverage	50%	50%	10% or 20,000 sq ft, whichever is less	
Max. Building Height	30 ft	30 ft	30 ft	
Setbacks				
Front Setback	15 ft	75 ft	35 ft	①
Min. Street Side Setback	10 ft	50 ft	20 ft	②
Min. Interior Side Setback	10 ft	50 ft	10 ft	③
Min. Rear Setback	15 ft	75 ft	40 ft	④
Min. Setback from Abutting Waterway	Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways.			

17.20.040 Supplemental Standards

- A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.
- B. **Trash Enclosures.** Unless specifically waived by the design review process [described in Chapter 17.05, Planning Permits and Approvals](#), all projects must have a trash enclosure

Part III: District Regulations

constructed of opaque materials and sufficiently sized to permit the storage, removal and replacement of standard commercial-size trash bins. No collection, storage or stacking of garbage, trash and refuse is permitted outside the trash enclosure. This requirement does not preclude the placement of individual trash containers on the parcel.

- C. **Development in the OS District.** Limited development is permitted on open space-designated parcels along Sulphur Springs Creek west of the Crane Avenue Bridge. The development potential of open space-designated parcels will be determined in accordance with standards governing parcels designated agriculture in the general plan and Zoned A-20. All development must be outside the stream corridor and structures must be setback from the creek's edge consistent with the base standards, the Flood Plain Overlay District, and the California Department of Fish and Game standards.

Part III: District Regulations

Chapter 17.21 Overlay Zoning Districts

Overlay [zoning](#) districts are intended to provide for the regulation of properties with special or unique conditions and establish regulations which shall be in addition to those of the base [zoning](#) district. The Overlay designations set forth in this Title are as follows:

Table 17.21.A: Overlay Zoning Districts	
Abbreviation	Name
FP	Flood Plain Overlay
MHP	Mobile Home Park Overlay
PED	Parking Exemption District
HP	Historic Preservation Overlay
PD	Planned Development Overlay

17.21.010 Flood Plain Overlay (FP)

- A. **Purpose.** This Section identifies and designates areas subject to flooding and to provide protection against flood damage for uses and service facilities in these areas by requiring proper design at the time of initial construction. In any zoning district which is combined with an FP Overlay District, the regulations of this Section must apply in addition to those specified for the [underlying zoning district](#). If any conflict in these regulations occurs with other provisions of this Title or any other ordinance or resolution of the City, the regulations of this Section govern.
- B. **Applicability.** The provisions of this Section apply within any area designated as within the 100-year Flood Plain Overlay area as shown on Federal Emergency Management Agency (FEMA) maps and the General Plan Safety Element on file with the City's Community Development Department.
- C. **Prohibited Uses.** The following uses are prohibited within the Flood Plain Overlay District:
1. ~~H~~ospitals;
 2. ~~H~~health care facilities;
 3. ~~E~~mergency shelters;
 4. ~~F~~ire stations;
 5. ~~T~~elecommunication facilities;
 6. ~~r~~eEmergency command centers; and
 7. ~~E~~mergency communications facilities.
- D. **Buildings and Construction Requirements.** New construction or replacement of existing construction is subject to the standards of St. Helena Municipal Code Chapter 15.52, Flood Damage Prevention.

Part III: District Regulations

- E. **Setback Standards:** No development, grading, or agricultural planting shall encroach within the setback standards noted below, as measured from the top of the bank:
1. Napa River: 50 feet
 2. Sulphur Springs Creek: 20 feet
- F. **Design Standards.** The following standards apply to development within the Flood Plain Overlay District.
1. **Utilities.** New or replacement water supply systems and/or sanitary sewer systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems must be located to avoid impairment of water supply systems and/or sanitary sewer systems or contamination from them during flooding.
 2. **Riparian Area Protection.** To minimize disturbance to the waterway and vegetation, on the edge of the applicable waterway setback the project applicant shall erect a minimum four-foot-high construction fence prior to the issuance of a grading permit. The fence shall stay in place until a certificate of occupancy is issued.
- G. **Building Permits.**
1. No person must commence, authorize, or cause to be commenced any erecting, constructing, enlarging, altering, repairing, improvising, moving or demolishing of any building or structure without first obtaining a separate building permit for each building or structure from the Chief Building Official.
 2. All building permit applications for major repairs must be reviewed by the Chief Building Official to determine that the proposed repair:
 - a. Uses construction materials and utility equipment that are resistant to flood damage; and
 - b. Uses construction methods and practices that will minimize flood damage.
 3. All building permit applications for new construction or substantial improvements must be reviewed by the Chief Building Official to assure that the proposed construction (including prefabricated and mobile homes):
 - a. Is protected against flood damage;
 - b. Is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;
 - c. Uses construction materials and utility equipment that are resistant to flood damage; and
 - d. Uses construction methods and practices that will minimize flood damage.
 4. **Exemption.** Building height within the Flood Plain Overlay District must be measured from the flood elevation rather than natural grade.
- H. **Subdivisions.** All subdivision proposals and other proposed new developments must be reviewed by the City Engineer to assure that:

Part III: District Regulations

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

17.21.020 Mobile Home Park Overlay (MHP)

A. **Purpose.** The Mobile Home Park Overlay District provides, when combined with an underlying Residential Zoning District, for the establishment and operation of mobile homes.

B. **Zone Change and Conditional Use Permit Approval.**

1. An application for a Zoning Map amendment ~~or (rezoning)~~ to combine the MHP Overlay and a Residential Zoning District and for Conditional Use Permit approval for a mobile home park must be filed simultaneously with the Community Development Department. The Zoning Map amendment and the Conditional Use Permit will be considered simultaneously by the Approval Authority.
2. The application for the Conditional Use Permit must include, in addition to the requirements of Chapter 17.05, Planning Permits and Approvals, the following:
 - a. A site sketch indicating the location of the proposed park in relation to the surrounding area or region.
 - b. The park name, date, north point, scale, and sufficient boundaries to define the proposed acreage of the site.
 - c. The number of proposed mobile home spaces.
 - d. Names and addresses of record owner, engineer, or surveyor.
 - e. Location, names, and present width and grades of adjacent or abutting streets.
 - f. Existing topography and proposed changes, including trees, rock formations and other unusual features of the site, and at least one 100 feet beyond its boundaries. Individual trees with a diameter of more than eight inches, measured 24 inches above existing grade, must be identified by type, circumference, and dripline. Any trees proposed for removal must also be indicated. Contour lines must have the following intervals:
 - i. One-foot contour intervals for a ground slope less than 5 percent;
 - ii. Two-foot contour intervals for a ground slope between 5 and 10 percent; and
 - iii. Five-foot contour intervals for a ground slope greater than 10 percent.
 - g. Approximate location of all areas subject to inundation of storm water overflow, and location, width, and direction of flow of all watercourses.
 - h. Approximate width and location of all existing easements.
 - i. Approximate dimensions of all mobile home spaces, radii of all curves and central angles.

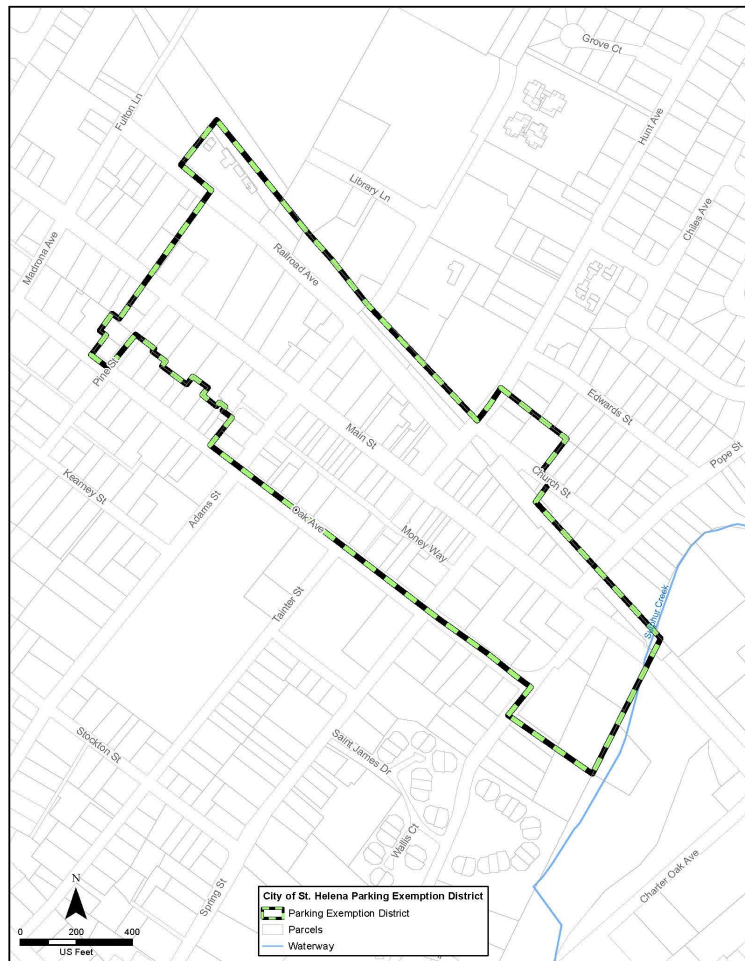
Part III: District Regulations

- j. Location of all existing structures identified by type and indicating which are proposed to be removed and which will remain.
 - k. Location of building setback line from each stream or river on the site, if applicable.
 - l. Location of existing overhead utility lines and poles on site and on peripheral streets.
- C. **Uses Permitted.** The following uses are permitted in the Mobile Home Park Overlay district:
 - 1. The installation of mobile homes that meet all applicable federal and State regulations.
 - 2. Accessory structures in accordance with California Code of Regulations, Title 25, Division 1, Chapter 2, Article 9.
- D. **Conditional Uses.** Changes to approved uses within mobile home parks require a Conditional Use Permit approval subject to [Section Chapter 17.05.020, Conditional Use Planning Permits and Approvals](#).
- E. **Development Standards.**
 - 1. Mobile home park development within the City must comply with all applicable federal and State regulations.
 - 2. Screening must enclose the mobile home park at its street side setback lines and must be located along all other property lines.
 - 3. Vehicle parking and access must be consistent with Chapter 17.26, Parking and Loading.
 - 4. All setbacks must be landscaped with plant materials, equipped with sprinklers and adequately maintained in accordance with [Section Chapter 17.25, Landscaping](#).
 - 5. All mobile homes must be on a permanent foundation.
- F. **Enforcement.**
 - 1. The Mobile Home Park Overlay regulations are intended to complement and be subordinate to state law. The state law governing manufactures home parks is entitled the "Mobilehome Parks Act" and may be found in Division 13, Parts 2.1 and 2.3 of the California Health and Safety Code. Mobile home park regulations are contained in the California Code of Regulations, Title 25, Division 1, Chapters 2 and 2.2. The City does not assume responsibility for the enforcement of the regulations contained therein and all mobile home parks within the City remain subject to the jurisdiction of the California Housing and Community Development Department in its role as the enforcement agency for the above described state laws. Nothing contained in this Section must be construed to abrogate, void or minimize such other pertinent regulations and all pertinent State and City regulations concerning the development and operation of mobile home parks must be observed.
 - 2. Mobile homes located within areas of special flood hazard are required to be in compliance with St. Helena Municipal Code Chapter 15.52, Flood Damage Prevention.

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17.21.030 Parking Exemption District (PED)

- A. **Purpose.** The Parking Exemption District (PED) establishes an area without on-site parking requirements or an in-lieu fee. The Parking Exemption District, generally within the CB District, is an area found to be impacted by insufficient off-street parking due to the age of the buildings. The PED is intended to preserve the unique character of the District.
- B. **Standards.** All existing on-site parking within the Parking Exemption District¹ must be maintained.¹



¹ Upon completion of a Downtown Parking Study, this section of the [Code](#) will be amended to reflect any new standards or [an in-lieu fee](#).

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17.21.040 Historic Preservation Overlay (HP)

- A. **Purpose.** This Section is intended to safeguard the historic and architectural character of St. Helena by recognizing and preserving significant historic and cultural resources in the Historic Preservation (HP) Overlay ~~district zone~~. It establishes design standards for the preservation and rehabilitation of historically and culturally significant resources as well as standards to ensure new development in the Historic Preservation Overlay zone is architecturally compatible.
- B. **Applicability.** The provisions of this Section apply to parcels included in the Historic Preservation (HP) Overlay ~~Map as shown on the City of St. Helena Zoning Map~~ on file with the City ~~of St. Helena~~, including those properties on the City's Historic Resources List (Local Register), properties designated as a local historic district, and properties designated as an historic resource.
- C. **Review for Compliance.** All infill development proposals in the Historic Preservation Overlay District are subject to Design Review approval by the Planning Commission.
- D. **Standards for Preservation.** This Section establishes standards for the preservation of historic structures within the City.
 - 1. **Purpose.** These standards implement the General Plan's policies related to the preservation and adaptive reuse of officially designated historic resources throughout the City and of structures having potential historical value within the City's Historic Preservation Overlay zone.
 - 2. **Applicability.** These standards must be utilized during the development/design review process as criteria against which to review exterior modifications within the Historic Preservation Overlay district requiring administrative or discretionary approval. The Secretary of Interior's Standards for Rehabilitation in subsection E provide further detail on the treatment of historic properties.
 - 3. **Preservation and Rehabilitation of Existing Structures.** In general, preservation and rehabilitation efforts must aim toward protecting the essential architectural features of a structure that help to identify its individual style and thereby further its contribution to the historic character of the surrounding neighborhood.
 - a. *General Rehabilitation Principles.*
 - i. Historic structures should be recognized for their own time and style. Rehabilitation should not try to create a preconceived concept of history, but should reuse existing or appropriate features.
 - ii. Rehabilitation of historic structures should retain and restore original elements first. If damage or deterioration is too severe, the element should be recreated using original materials to match the color, design, texture, and any other important design features.
 - iii. When replacement is necessary and original material cannot be obtained, substitution material should incorporate the color, design, and texture that conveys the visual appearance of the original material.

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- iv. The proposed alteration must reflect the original building exterior and site design features as determined from an early photograph, original building plans, or other evidence of original building features. This includes building and site design materials and colors, including walls, fences and roofing.
- b. *Doors.*
 - i. The front door of a historic structure must fit the particular style of the structure. The shape, size, and style of doors are important features of all historical architectural styles and the original design/type must be maintained.
 - ii. Repair rather than replace original doors whenever possible. When replacement is necessary, the replacement door must match the original design and materials as close as possible.
 - iii. If the original door is missing, appropriate design and materials must be selected by studying the doors of similar structures in the surrounding neighborhood or consulting books on architectural styles.
- c. *Exterior Materials.*
 - i. The original exterior building materials must be retained whenever possible. It is not desirable to use mismatched materials of different finishes, shapes, sizes, or textures.
 - ii. Structures with original wood siding must not be stuccoed in an attempt to modernize their appearance. Likewise, plastic shingles must not be used to replace wood siding or shingles.
 - iii. Original siding materials must not be covered over, clad, or replaced with a different material.
 - iv. Brick surfaces must not be sandblasted in an attempt to remove old paint. Sandblasting damages the natural fired surface of the brick, and causes it to lose its water repellent qualities. Also, mechanical grinders must not be used to remove mortar as this can damage the brick surrounding the joint.
 - v. Nondurable contemporary substitute materials, such as vinyl siding and foam trim are not acceptable.
- d. *Ornamentation and Trim.*
 - i. Authentic decoration and trim on a structure provides the character defining features and identifies the structure with its particular architectural style. Original architectural elements such as cornices, moldings, and trim must not be removed.
 - ii. Deteriorated architectural features shall be repaired rather than replaced wherever possible. If replacement is necessary, new materials shall match the original in design, color, texture, and other

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- visual qualities. If the original was painted, the substitute materials shall be painted as well.
- e. *Porches and Stairs.* During rehabilitation efforts, the design integrity of the front porch must not be compromised. Front porches must not be enclosed with walls or windows.
 - f. *Roofs.*
 - i. Roofing must be watertight and utilize roofing materials that are compatible with the original style of the structure. When replacement is necessary roofing materials must be selected that are appropriate to the structure's architectural style.
 - ii. Roof form and eave details, such as rafter tails, vents, parapets, dormers, and other architectural features, must be preserved. When repairing or altering a roof, the original roof pitch and orientation to the street must be maintained.
 - iii. It should be recognized that fire safety requirements may preclude reroofing a structure in its original material. The determination of what material to use for the replacement of wood shingles or shakes in historic structures must be based on compatibility with the colors and materials used elsewhere on the structure.
 - g. *Windows.*
 - i. The shape, size, and style of windows are an important feature of architectural styles and the original type window must be maintained.
 - ii. When window replacement is necessary, it is recommended that the new window be an exact match of the original.
 - iii. Proportions of existing window openings and the pattern of existing window sashes must be maintained in replacement work.
 - iv. Aluminum or plastic frame windows must not be used as replacements on any part of an historic structure without justification. The use of such materials is highly visible and the contrast of materials and styles can permanently affect the architectural integrity of the structure. The use of traditional materials is preferred treatment.
 - v. Where the original structure includes transom windows in the St. Helena Historic Commercial District, this traditional storefront must be retained. If the ceiling inside the structure has been lowered, the ceiling must be stepped up to meet the transom so that light will penetrate the building interior.
4. ***Additions to Existing Structures.*** Additions to historic structures may be necessary to ensure their continued use. Modifications (e.g., additions, new entrances and exits, parking facilities, handicap facilities, and seismic strengthening) must be made with care so as not to compromise a structure's character defining features, finishes, or materials.

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- a. *Site Plan Considerations.* Additions must be carefully placed to minimize changes in the appearance of the structure from the public right-of-way. Whenever possible, additions must be placed to the side or rear of the structure and must not obstruct the appearance of the structure from the public right-of-way.
 - b. *Architectural Compatibility.*
 - i. Additions to historically valuable structures should incorporate the architectural features of the original structures including:
 - (a) Door and window shape, size, and type;
 - (b) Exterior materials;
 - (c) Finished floor height; and
 - (d) Roof material, pitch, and style.
 - ii. Refer to the rehabilitation standards, subsection [D.3, ~~Preservation and Rehabilitation of Existing Structures~~](#), for discussion of appropriate exterior doors, porches, wall materials, windows, etc.
 - c. *Roof Pitch and Style.*
 - i. The roof of a structure, especially its pitch and style, is an important architectural element that must be taken into consideration when planning an addition.
 - ii. Whenever possible, the pitch and style on the addition must match the original.
 - iii. Roof materials must be compatible to the existing building.
 - d. *Second-Story Additions.*
 - i. Because adding an additional story to an existing structure will always change the structure's proportions, such additions must be carefully designed to follow similar two-story examples of the particular style that may be found in the surrounding neighborhood.
 - ii. To minimize the visibility of the second story addition from the public right-of-way, the addition must be stepped back behind the existing roof ridge.
- ~~ii.~~
5. ***Review for Compliance.***
- a. Rehabilitation projects that do not expand the existing building or structure and which are consistent with the standards of the Historic Preservation Overlay may be approved administratively by the Community Development Department.

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- b. Rehabilitation projects which are inconsistent with the standards of the Historic Preservation Overlay require Design Review by the Planning Commission, as established in Section 17.05.070, Major Design Review.
 - c. All new construction or additions that are visible from the public right-of-way or more than a 25 percent increase of the existing floor area of the primary structure require Major Design Review by the Planning Commission, as established in Section 17.05.070, Major Design Review.
- E. **Secretary of Interior's Standards.** The Secretary of the Interior's Standards for Rehabilitation are 10 basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable changes to meet new needs. These standards are mandatory for listed buildings.
 - 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - 2. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.
 - 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic material shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

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10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

F. **Standards for New Construction/Infill Development.** This Section establishes standards to be used in review of new and infill development within the ~~Historic~~ Historic Preservation Overlay zoning district ~~zone~~ for which a discretionary permit is required.

1. **Purpose.** These standards are intended to encourage new infill development in the Historic Preservation Overlay district to be compatible in scale and treatment with the existing, older development and to maintain the overall historic character and integrity of the community. At the same time, these standards are intended to promote the visual variety that is characteristic of St. Helena, to allow for contemporary architectural designs, and to provide reasonable flexibility in accommodating the tastes, preferences and creativity of applicants proposing new development, especially individual single-family homes.
2. **Standards for Compatibility.** New construction within the Historic Preservation Overlay must be designed to maintain any unifying development patterns such as setbacks, building coverage, building height, degree of transparency, eave depth, and orientation to the street. When new structures are developed adjacent to older single-family residences, there are concerns that the bulk and height of the infill structures may have a negative impact on the adjoining smaller-scale structures. The following standards are intended to address this concern:
 - a. *Site Plan Considerations.*
 - i. New development must continue the functional, on-site relationships of the surrounding neighborhood or district. For example, common patterns that must be continued are entries facing the public right-of-way, front porches, and garages/parking areas located at the rear of the parcel.
 - ii. Front setbacks for new infill development must follow either of the following criteria:
 - (a) Equal to the average front setback of all residences on both sides of the street within 100 feet of the property lines of the new project; or
 - (b) Equal to the average front setback of the two immediately adjoining structures on each side of the new project.
 - iii. In cases where averaging between two adjoining existing structures is chosen, the new structure may be averaged in a stepping pattern. This method can work especially well where it is desirable to provide a large front porch along a portion of the front facade.
 - b. *Architectural Considerations.*
 - i. New infill structures must support the distinctive architectural characteristics of development in the surrounding neighborhood or

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district, including building mass, scale, proportion, decoration/detail, door and window spacing/rhythm, exterior materials, finished-floor height, porches, and roof pitch and style.

- ii. Because new infill structures are likely to be taller than one story, their bulk and height can impose on smaller-scale adjoining structures. The height of new structures must be considered within the context of their surroundings. Structures with greater height should consider providing greater setbacks at the second-story level, to reduce impacts (e.g., blocking or screening of air and light, privacy, etc.) on adjoining single-story structures.
 - iii. The incorporation of balconies and porches is encouraged for both practical and aesthetic reasons. These elements must be integrated to break up large front facades and add human scale to the structures.
 - iv. The proper use of building materials can enhance desired neighborhood qualities (e.g., compatibility, continuity, harmony, etc.). The design of infill structures must incorporate an appropriate mixture of the predominant materials in the surrounding neighborhood whenever possible. Common materials are brick, horizontal siding, shingles, stone, stucco, and wood.
 - v. Color schemes for infill structures must consider the color schemes of existing structures in the surrounding neighborhood or district in order to maintain compatibility and harmony. Avoid sharp contrasts with existing building colors.
 - vi. New structures which are wider than the traditional width must be designed to read as smaller modules reflecting the traditional building widths.
 - vii. Building heights must remain within 20 percent of the average height of adjacent buildings.
 - viii. Design of new development must reflect the horizontal elements of adjacent buildings. Horizontal elements may include an alignment of window frames, roof lines, facades and clear distinction between first floors and upper floors.
- c. *Single-Family Residences.*
- i. Use materials and building components in sizes that are typical of the historic building stock. This may include wood siding ~~—(in a lap dimension of no greater than 4-1/2 inches)~~, vertical siding, or natural stone foundations no taller than 12 inches.
 - ii. Foundation and floor-to-ceiling heights must be aligned within one foot of floor to ceiling heights on adjacent buildings if the adjacent parcels also have an Historic Preservation Overlay designation.

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- iii. Historic architectural styles (e.g., craftsman, Victorian, bungalow, etc.) are not mandated. However, contemporary architectural treatments proposed for new residences must complement and not detract from the qualities of the historic overlay district and the neighborhood setting of the proposed development.
 - iv. To the extent that a proposed residence is not readily visible from a public street, other public vantage point, or a significant historic resource, greater design flexibility must be allowed.
 - d. *Sustainable Construction Techniques.*
 - i. Building forms that reduce energy use may be radically different than traditional architectural types. Careful and sensitive design is required in order to produce a contrast that is pleasing rather than jarring. The use of appropriate colors and textures on exterior materials is one method of linking a contemporary building design to a traditional neighborhood context.
 - ii. Roof gardens, solar panels, and other sustainable construction features must be fully integrated into the design of new construction, rather than applied at the conclusion of the design process.
 - e. *Accessory Structures.*
 - i. New accessory structures (e.g., garages, second units, sheds, etc.) that are visible from the public right-of-way must incorporate the ~~distinctive-similar~~ architectural features (e.g., color, materials, roof pitch and style, etc.) of the main structure, but can be less elaborate than the main structure.
 - ii. Design features must be applied with less detail on the accessory structure so that it does not compete with the main structure and is clearly subordinate to it.
- G. **Use of California Historic Building Code.** The property owner of a property within the Historic Preservation Overlay District may elect to use the California Historic Building Code for alterations, restorations, new construction, removal, relocation, or demolition of a designated hHistoric rResource provided the building official determines that such use of the Code does not endanger the public health or safety, and such action is necessary for the continued preservation of an hHistoric rResource.

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17.21.050 Planned Development Overlay (PD)

- A. **Purpose.** The Planned Development Overlay (PD) district recognizes the advantage that integrated community planning offers over conventional zoning techniques in implementing the General Plan goals. The PD Overlay district ~~in St. Helena~~ is specifically envisioned as a mechanism to preserve and/or create distinctive, high-quality single or mixed-use developments that meet or exceed the goals of the General Plan. The provisions of the PD Overlay district are intended to:
1. Implement the goals, objectives, and policies of the General Plan and the Zoning Code;
 2. Provide for greater flexibility in the design of the developments than is otherwise possible through the strict application of zone regulations;
 3. Encourage preservation of existing amenities and creation of new amenities;
 4. Provide for a variety of housing types and densities;
 5. Reduce environmental impacts;
 6. Achieve superior relationships among uses, both within and surrounding the district;
 7. Promote innovation, creativity and design excellence in building design and development concepts; and
 8. Promote the development of a cohesive, high-quality and aesthetically pleasing urban structure.
- B. **Standards and Requirements.** The following regulations shall apply within PD Overlay districts, which shall also be subject to other provisions of this article, except that where a conflict in regulation occurs, the requirements specified in the approved PD Overlay district shall apply.
1. **Area.** The minimum area on which a PD Overlay district may be established is one acre of contiguous land. However, a PD Overlay district may be established for an area of less than one contiguous acre upon a finding that the property is suitable as a PD Overlay district by virtue of its relationship to adjacent parcels and their development plans (existing or proposed), unique historical character, topography, landscaping features, or by virtue of being a unique or isolated problem area.
 2. **Land Use.** A single land use or multiple land uses permitted in any other district may be permitted in the proposed PD Overlay district, provided the use or uses are compatible with each other and serve to fulfill the purpose of the proposed development while complying with the General Plan.
 3. **Development Standards.** Standards for lot area, building coverage, building height, setback requirements, minimum open space area, sign placement and design, off-street parking, landscaping, and screening for the proposed development shall be established for the PD Overlay district and shall prevail over the development standards of the base district zoning of the property. No structure or improvement shall be constructed within the PD Overlay district except in compliance with all provisions of the adopted PD Overlay district. Each structure or improvement shall be

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- constructed and maintained in strict compliance with all conditions of the PD Overlay district.
4. **Parks and Open Space.** Land designated as parks and/or open space shall be conveyed, at the option of the City, to one of the following:
 - a. Trustees provided in an indenture establishing an association of property owners or similar organization, subject to covenants running with the land, satisfactory to the City Attorney, which restrict the open space in a manner that assures its continuing use for its intended purpose, and which provide a legal means for the City to enforce these provisions; or
 - b. The City ~~of St. Helena~~ in a manner satisfactory to the City Council.
 5. **Rights-of-Way.** The streets, bike paths, and pedestrian ways within and bordering a PD Overlay district shall be offered for dedication to the City. Standards for public improvements shall be governed by applicable regulations and laws of the City or shall be as established by the ~~City~~ Public Works Department for the development under consideration.
 6. **Other Standards.** Where the PD Overlay district is silent regarding particular development standards, the development standards of the applicable base zoning ~~district~~ shall apply.
 7. Departures from standards ordinarily required in other districts and permitted in the initial approval of a PD Overlay district shall not be considered as precedent-setting in terms of other applications that may be brought before the City.
- C. **Initiation.** An application for a PD Overlay designation may be initiated the City Council, Planning Commission, Community Development Director, or the owner or authorized agent of the owner of the property in compliance with Chapter 17.07, Amendments to the Zoning Map and Text.
- D. **Application Requirements.** An application for a PD Overlay designation shall be accompanied by:
1. A written and/or diagrammatic project description that provides sufficient information to evaluate the merits of the proposed zoning. Application requirements shall be in accordance with the project application submittal requirements as determined by the Community Development Director. In addition, an application for a PD Overlay district shall include the following items:
 - a. A site features map depicting the existing topography, structures, and natural features, including areas of significant vegetation. Properties within 300 feet of the site shall be included on the site features map.
 - b. The description of the infrastructure necessary for each phase of the proposed project.
 - c. A statement as to how a proposed residential project will comply with the City's inclusionary housing requirements.
 - d. Any other information that the Community Development Director determines to be necessary to properly evaluate the project.

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2. A Policy Statement which sets forth the following items within each land use proposed in the Development Plan:
 - a. Principal permitted uses.
 - b. Accessory uses.
 - c. Uses permitted by Conditional Use Permit.
 - d. A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures, hillside areas (if such exist) and open spaces.
 - e. District regulations including:
 - i. Minimum lot sizes;
 - ii. Minimum lot widths;
 - iii. Maximum density (residential) and FAR (non-residential);
 - iv. Minimum setbacks, including yard setbacks from adjacent properties and between differing uses;
 - v. Maximum building heights;
 - vi. Maximum lot coverage for structures (structures include paved areas except for those on single-family detached residential lots);
 - vii. Accessory building requirements, including setbacks, height limits and location;
 - viii. Parking requirements;
 - ix. Design guidelines; and
 - x. A listing of district regulations or standards to be adopted by ordinance at the time of final approval.
3. A Development Plan which identifies the following items:
 - a. Proposed land use by type, acreage, residential densities and nonresidential uses, expressed in gross square footage of floor area;
 - b. The proposed circulation pattern within the development and connections to the surrounding circulation patterns, including public and private vehicular, bicycle, and pedestrian ways; transit stop locations; preliminary locations and widths of streets and alleys; and estimated traffic generation as it affects public streets within and adjacent to the project;
 - c. Site features that influence the development of the site;
 - d. A preliminary grading and drainage plan;
 - e. Recreational and open space amenities and public plazas where applicable for non-residential development;
 - f. Preliminary sketch evaluations of all proposed buildings and structures from all major vantage points; and

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- g. If a phased development, each phase shall be indicated including location, structures, infrastructure and timing.
 - 4. The Approval Authority may waive any of the above required information items if it is determined they are unnecessary or unreasonable under the circumstances.
- E. **Preliminary Review and Application.**
 - 1. **Preliminary Review by Community Development Director.** Before the City will accept an application for a PD Overlay district designation, the applicant shall submit a statement of intent and preliminary development plan for preliminary review and comment by the Community Development Director. The statement of intent and preliminary development plan must:
 - a. Include sufficient information to assist in the review of the application and to ensure that the application meets all the required findings provided in subsection G.
 - b. Demonstrate that the proposed development would result in a more desirable development than would otherwise be permitted under the applicable base zoning district standards.
 - c. Include the information and materials specified in the Department handout for a Planned Development Overlay application, together with the required fee.

The Community Development Director may waive the requirements for any of the information required above if it is determined that the information is unnecessary in order to complete a review of the PD Overlay application.
 - 2. **Application.** An application for a PD Overlay district designation shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
- F. **Review Procedures.**
 - 1. **Zoning Map Amendment.** An application for a PD Overlay district designation shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 17.07, Amendments to the Zoning Map and Text.
 - 2. **Tentative Subdivision Map.** When a PD Overlay district designation requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application for the PD district.
 - 3. **Major Design Review.** Prior to issuance of a building permit, development within a PD Overlay district shall be subject to the requirements of Section 17.05.050, Major Design Review.
- G. **Required Findings.** An application for a PD Overlay district designation shall be approved only if all the following findings are made:
 - 1. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
 - 2. The subject site is physically suitable for the type and intensity of the land use being proposed;

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3. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
 4. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
 5. Any exception from standard zoning development requirements is warranted by the design and amenities incorporated into the Development Plan in accord with adopted policies of the Planning Commission and City Council; and
 6. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base zoning district, and will achieve superior community design, environmental preservation, and/or substantial public benefit.
 7. The existing or proposed utility services are adequate for the population densities and nonresidential components of the Development Plan.
- H. **Conditions.** In addition to the provisions in Section 17.04.110, Authority to Apply Conditions of Approval, when approving an application for a PD Overlay district, the Approval Authority may impose conditions deemed necessary to:
1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
 2. Achieve the general purposes of this Title or the specific purpose of the zoning district in which the project is located;
 3. Achieve the findings listed above; or
 4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.
- I. **Termination and Extension.**
1. **Termination of a PD Overlay District.** If within two years after the approval of a PD Overlay district application by the City Council, the [required](#) Design Review approvals ([refer to Section 17.05.050, Major Design Review, and Section 17.05.080, Minor Design Review](#)) have not been obtained and the construction specified in the development plan has not commenced, the Planning Commission shall review with the applicant(s) the reasons for not initiating the project development. The Planning Commission may initiate consideration of reclassification, hold public hearings, and make recommendation to the City Council to remove the PD Overlay district designation over all or part of the area.
 2. **Extension.** Procedures for the extension of an approved PD Overlay district application are established in Section 17.04.140, Extension of Permits and Approvals. Upon granting of an extension, changes to a previously approved conditional Zoning Map amendment applications may be subject to the following:

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- a. Modification of previously required conditions of approval as warranted by interim changes in the area and/or to ensure continued compatibility with any improvements within the context area; or
- b. Site plan revisions as necessary to comply with any ordinance or Zoning Code amendments that may have taken effect since the time of the original approval.

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Chapter 17.22 Specific to Uses

17.22.010 Purpose and Applicability

- A. **Purpose.** This Chapter establishes standards for specific uses and activities that are permitted ([P](#)), permitted with a Minor Use Permit ([MUP](#)), or permitted with a Conditional Use Permit ([CUP](#)) in the zoning districts established in Chapter 17.15, Establishment of Base Zoning Districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the public.
- B. **Applicability.** Each land use and activity covered by this Chapter must comply with the requirements of the Section applicable to the specific use or activity, in addition to any applicable standard this Title requires in the zoning district where the use or activity is proposed and all other applicable provisions of this Title.

17.22.020 Accessory Uses

- A. **All Accessory Uses.** An accessory use must be secondary to a primary use and must be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any zone. These regulations are found in the land use regulation tables in Part III, District Regulations, and may be subject to specific standards found in this Chapter or within each zoning district, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Part IV, Citywide Standards.
- B. **Commercial Accessory Uses.** Clearly subordinate commercial accessory uses shall encompass no more than 15 percent of the business floor area and shall generate no more than 15 percent of the gross revenue receipts. Any expansion of the building footprint or business floor area to accommodate an accessory use shall require a use permit and/or design review as appropriate. A business may have more than one accessory use, but each accessory use must comply with the limitations on floor space and gross receipts, and the total combined area of accessory uses shall not exceed 30 percent of the business floor area and the total combined revenue from the accessory uses shall not exceed 30 percent of the gross receipts.

17.22.030 Accessory Dwelling Units

- A. **Purpose.** The [purpose of this](#) Section [is to allow and](#) regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code §§ 65852.2 and 65852.22.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this Section will not be:
 - 1. Deemed to be inconsistent with the [City's](#) General Plan and zoning designation for the lot on which the ADU or JADU is located.

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2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 4. Required to correct a nonconforming zoning condition as defined in [subsection C.8Part V, Definitions](#). This does not prevent the City from enforcing compliance with applicable building standards in accordance with [California](#) Health and Safety Code § 17980.12.
- C. **Definitions.** As used in this Section, terms ~~specific to ADUs and JADUs~~ are defined as follows:
1. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by § 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by § 18007 of the California Health and Safety Code.
 2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 3. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. All such facilities are to be separate and distinct from those included in and provided for any other dwelling unit or accessory structure on the parcel, except as otherwise specifically provided (e.g., utility connections may be shared as provided in subsection [G.2\(G\)\(2\)](#); a junior accessory dwelling unit may share sanitation facilities).
 4. "Cooking facility" means a stove with at least two burners, a sink and permanent refrigeration.
 5. "Efficiency kitchen" means a kitchen that includes each of the following:
 - a. A cooking facility.
 - b. A food preparation counter or counters that total at least 15 square feet in area.
 - c. Food storage cabinets that total at least 30 square feet of shelf space.
 6. "Junior accessory dwelling unit" or "JADU" means a residential unit that:
 - a. ~~It is~~ no more than 500 square feet in size;
 - b. ~~It is~~ contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be part of and contained within the single-family structure;
 - c. ~~It is~~ includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure;

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d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling;

e. It includes an efficiency kitchen, as defined in subsection C.5 above(C)(5); and

f. It includes a separate entrance from the main entrance to the structure.

7. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
8. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
9. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
10. "Primary residence" means a single-family dwelling or multi-family residential dwelling that either exists on or is proposed for a lot zoned for single-family or multi-family residential use.
11. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
12. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
13. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. Approvals. The following approvals apply to ADUs and JADUs under this Section:

1. **Generally.** Except as described in subsection D.2, an ADU is allowed with only a building permit if it complies with each of the requirements in subsections E, F, and G.
2. **Partial Exemption for Certain ADUs and JADUs.** An ADU or JADU in any of the four scenarios that are described in subsections D.2.a through D.2.d is exempt from the design and development standards in subsection F and is allowed with only a building permit if it complies with each of the requirements in subsections E and G.
 - a. *Converted on single-family lot:* Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - i. 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. For purposes of this subsection, "within the existing space" includes a structure that is constructed in the same location and to the same dimensions.
 - ii. Has exterior access that is independent of that for the single-family dwelling.

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ii. In the case of a JADU, when the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, the ~~Community Development Director~~ City may delay acting on the permit application for the JADU until the ~~Community Development Director~~ City acts on the permit application to create the new single-family or multi-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

c. 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 subsection D.3.b. above.

~~ii.d.~~ 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.

E. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs:

1. **Zoning.** An ADU or JADU may be created on any lot that is zoned to allow single-family dwelling residential use or multi-family dwelling residential use (i.e., residential, mixed-use, and agriculturally zoned parcels).

2. **Fire Sprinklers.**

a. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

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

3. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days.

4. **No Separate Conveyance.** An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the primary residence.

5. **Septic System.** If the ADU or JADU will connect to an on-site water-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. Refer to the County of Napa's Environmental Health Department regulations.

6. **Owner Occupancy.**

~~a.~~ An ADU that is created after before January 1, 2020, are subject to the owner-occupancy requirement that was in place when the ADU was created.

~~b.a.~~ An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.

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~~e.b.~~ Unless applicable law requires otherwise. All ADUs that are created on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.

~~d.c.~~ As required by state law. All JADUs are 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. However, the owner-occupancy requirement of this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

7. **Deed Restriction.** Prior to issuance of a building permit for an ADU or 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:

- a. The ADU or JADU may not be sold separately from the primary dwelling.
- b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this Section.
- c. The deed restriction runs with the land and may be enforced against future property owners.
- d. The deed restriction may be removed if the owner eliminates the ADU or 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 Community Development Director, providing evidence that the ADU or JADU has in fact been eliminated. The Community Development Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Community Development Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
- e. The deed restriction is enforceable by the Community Development 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 ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

8. **Income Reporting.** In order to facilitate the City's obligation to identify adequate sites for housing in accordance with California Government Code §§ 65583.1 and 65852.2, the following requirements must be satisfied:

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- a. With the building -permit application, the applicant must provide the Community Development Director with an estimate of the projected annualized rent that will be charged for the ADU or JADU.
- b. Within 90 days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the Community Development Director does not receive the report within the 90-day period, the Community Development Director~~City may send the owner~~ a notice of violation and allow ~~-will be sent to the owner -stating they have an additional~~ another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the Community Development Director may enforce this provision in accordance with applicable law.

9. Height.

- a. Except as otherwise provided by subsections E.9.b., E.9.c., and E.9.d. below, a detached ADU created on a lot with an existing or proposed single-family or multi-family dwelling unit may not exceed 16 feet in height.
- b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multi-family dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Public Resources Code § 21155, and 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.
- c. A detached ADU created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed 18 feet in height.
- d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zoning district that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection E.9.d may not exceed two stories.
- e. For purposes of this subsection E.9, height is measured above existing legal grade to the peak of the structure.

10. Building and Safety.

- a. Must comply with Building Code: Subject to subsection E.10.b below, all ADUs and JADUs must comply with all local Building Code requirements.
- b. No change of occupancy: Construction of an ADU does not constitute a Group R occupancy change under the local Building Code, as described in California Building Code § 310, unless the Chief Building Official 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 E.10.b prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for

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nonresidential use and was subsequently converted for residential use in accordance with this Section.

F. **Specific ADU Requirements.** The following requirements apply only to ADUs that are approved under subsection D.1.

1. **Maximum Size.**

- a. The maximum size of a detached or attached ADU subject to this subsection E is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.
- b. 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.
- c. Application of other development standards in this subsection F, such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, front setback, or open-space requirements may require the ADU to be less than 800 square feet.

~~**Floor Area Ratio (FAR).** No ADU may cause the total FAR of the lot to exceed the maximums listed below, subject to subsection F.1.c;~~

~~LR, LR-1A, MR, and HR Zoning Districts;ZD~~

Table 17-22.030: Maximum Floor Area Ratio for LR, LR-1A, MR, and HR Zoning Districts		
<u>Net Parcel Area (Square Feet)</u>	<u>Floor Area Ratio (FAR)</u>	<u>Maximum Gross Floor Area (Square Feet)</u>
<u>4,999 and less</u>	<u>=</u>	<u>1,800</u>
<u>5,000</u>	<u>0.36</u>	<u>1,800</u>
<u>6,000</u>	<u>0.35</u>	<u>2,100</u>
<u>7,000</u>	<u>0.34</u>	<u>2,380</u>
<u>8,000</u>	<u>0.33</u>	<u>2,640</u>
<u>9,000</u>	<u>0.32</u>	<u>2,880</u>
<u>10,000</u>	<u>0.31</u>	<u>3,100</u>
<u>11,000</u>	<u>0.30</u>	<u>3,300</u>
<u>12,000</u>	<u>0.29</u>	<u>3,480</u>
<u>13,000</u>	<u>0.28</u>	<u>3,640</u>
<u>14,000</u>	<u>0.27</u>	<u>3,780</u>
<u>15,000</u>	<u>0.26</u>	<u>3,900</u>

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Table 17.22.039: Maximum Floor Area Ratio for LR, LR-1A, MR, and HR Zoning Districts		
Net Parcel Area (Square Feet)	Floor Area Ratio (FAR)	Maximum Gross Floor Area (Square Feet)
16,000	0.25	4,000
17,000	0.24	4,080
18,000	0.23	4,140
19,000	0.22	4,180
20,000	0.21	4,200
25,000	0.195	4,875
30,000	0.18	5,400
35,000	0.165	5,775
40,000	0.15	6,000
43,560	0.139	6,069

~~The FAR shall be interpolated to the nearest two-tenths of one percent based upon each 200 square feet of parcel area. For example, a parcel that is 10,600 square feet in size has an allowable FAR of 0.304.~~

~~Woodlands and Watershed Zoning District—maximum building and structural coverage: the lesser of 10 percent of the lot area, or 20,000 square feet.~~

~~A-20 Zoning District—nonagricultural coverage: No more than one acre of any one parcel shall be removed from active agricultural use. "Active agricultural use" means animal husbandry, crop, tree farming, and viticulture. All structures, driveways (except for a 16 foot wide driveway no greater than two-thirds the length of the parcel), parking, patios, lawn, or other nonagricultural uses shall be limited to the one acre maximum per parcel.~~

2. **Lot Coverage.** No ADU subject to this subsection F may cause the total lot coverage of the lot to exceed the maximum lot coverage for the zoning district in which the ADU is proposed as established in Table 17.16.030.B, Development Standards – Residential Zones listed below, subject to subsection F.1.c:

- a. ~~Low Density and LR-1A Zoning Districts: Zone and MR Zone where lots width is no greater than 45 feet: 35 percent.~~
- b. ~~Medium and High Density Zoning Districts: MR Zone where lots width is greater than 45 feet: 40 percent.~~
- c. ~~HR Zone: 55 percent.~~

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~~d. Woodlands and Watershed Zoning Districts — maximum building and structural coverage: W Zone: tThe lesser of 10 percent of the lot area, or 20,000 square feet.~~

~~e. A-20 ZoneZoning District — nonagricultural coverage: no more than one acre of any one parcel shall must be removed from active agricultural use. "Active agricultural use" means animal husbandry, crop, tree farming, and viticulture. All structures, driveways (except for a 16 foot wide driveway no greater than two-thirds the length of the parcel), parking, patios, lawn or other nonagricultural uses shall be limited to the one acre maximum per parcel.~~

~~3. Height. No ADU may exceed 16 feet in height above grade, measured to the roof peak.~~

~~2.~~

~~4.3. Setbacks.~~

- a. No part of any ADU may be located within 20 feet of ~~the~~^a front ~~and corner lot~~ property lines~~s~~.
- b. No part of any ADU may be located within four feet of a side or rear ~~yard~~ property line.

~~5.4. Passageway.~~ No passageway, as defined by subsection C.9, is required for an ADU.

~~6.5. Parking.~~

- a. ~~Generally.~~ One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection C.13.
- b. *Exceptions.* No parking under subsection F.7.a is required in the following situations:
 - i. The ADU is located within one-half mile walking distance of public transit, as defined by subsection C.12.
 - ii. The ADU is within an architecturally and historically significant historic district.
 - iii. The ADU is part of the proposed or existing primary residence or an accessory structure under subsection D.2.a.
 - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
 - v. When there is an established car share vehicle stop located within one block of the ADU.
- c. *No Replacement.* When a garage, carport, or covered parking structure 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.

~~Historical Protections. Exterior modifications to a listed historical property to accommodate construction of an ADU must comply with the Secretary of the Interior's Objective Standards for the Treatment of Historic Properties.~~

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~~G.~~~~H.G.~~ **Fees.**1. **Impact Fees.**

- a. ~~No~~ impact fees shall not be imposed for an ADU that is less than 750 square feet ~~in size in gross floor area are required.~~
- b. Any impact fee that is required for an ADU that is 750 square feet or larger in ~~gross floor area size~~ size must be charged proportionately in relation to the square footage ~~floor area~~ 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). ~~For the purpose of this Section, An "i~~ impact fee" does not include any connection fee or capacity charge for water or sewer service.

2. **Utility Fees.**

- a. 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.
- b. Except as described in subsection G.2.a, converted ADUs and JADUs on a single-family lot that are created under subsection D.2.a are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required.
- c. Except as described in subsection G.2.a, all ADUs and JADUs that are not covered by subsection G.2.b require a new, separate utility connection directly between the ADU or JADU and the utility.
 - i. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the floor area or the number of drainage-fixtured units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - ii. The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

H. **Nonconforming ADUs and Discretionary Approval.** Any proposed ADU or JADU that does not conform to the objective standards established in subsections A through G.2 may be allowed by the City with a Conditional Use Permit, in accordance with the other provisions of this Title.

I. **Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.**

1. 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.

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2. [Unpermitted ADUs constructed before 2018.](#)

a. [Permit to Legalize.](#) As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:

i. [The ADU violates applicable building standards, or](#)

ii. [The ADU does not comply with the state ADU law \(California Government Code Section 65852.2 or this Section 17.22.030, Accessory Dwelling Units.](#)

b. [Exemptions:](#)

i. [Notwithstanding subsection I.2.a. above, the City may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the City makes a finding that correcting a violation is necessary to protect the health and safety of the public or occupants of the structure.](#)

ii. [Subsection I.2.a above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code § 17920.3.](#)

17.22.040 Adult-Oriented Businesses

A. **Purpose.** It is recognized that the operation of the adult entertainment facilities specific in this Section are among those certain land uses which, because of their nature, may have serious operational characteristics and deleterious effects upon their surroundings, as a result of their location and concentration within the City. Special regulations pertaining to these uses are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood nor otherwise adversely affect the public health, safety, morals, comfort, convenience, and general welfare. More specifically, it is recognized that development and proliferation without regulation as to location and concentration may result in the deterioration of residential and business neighborhoods, the attraction of large numbers of transients, an increase in crime, and, in the case of placement near schools and other youth-related facilities, an adverse effect upon the welfare and morals of minors residing within the City.

B. **Location of adult entertainment facilities.** The following provisions apply to the location of adult entertainment facilities:

1. No adult entertainment facilities are permitted within 500 feet of any area zoned for residential use.
2. No adult entertainment facility is permitted within 1,000 feet of any other such facility.
3. No adult entertainment facility is permitted within 500 feet of any parcel or real property on which is located any of the following facilities:
 - a. A school primarily attended by minors;
 - b. A church which conducts religious education classes for minors;

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- c. A public park or public recreation facility frequented by minors.
- 4. No adult entertainment facility is permitted with direct frontage or visible frontage from Highway 29.
- C. **Public display of certain matter prohibited.** Materials offered for sale from adult news racks must not be displayed or exhibited in a manner which exposes to public view any pictures or illustrations depicting any specified sexual activity or any specified anatomical area. Materials offered for sale or viewing at any adult bookstore or any adult motion picture theater must not be displayed or exhibited in a manner which exposes any depiction of any specified sexual activity or any specified anatomical area to the view of persons outside the building or off the premises on which such store or theater is located.
- D. **Restrictions cumulative.** The restrictions provided in this Section are in addition to any other applicable provision of this Code. In the event of any conflict between any such provisions, the more restrictive must apply.

17.22.050 Alcoholic Beverage Sales

- A. **Purpose.** Establishments that serve alcoholic beverages receive special attention from the City because of their potential to create problems, such as littering, loitering, public intoxication and disturbances. All establishments selling alcoholic beverages are reviewed by the City.
- B. **Permits Required.**
 - 1. **Conditional Use Permit.** A Conditional Use Permit must be obtained for all bars, brewpubs, micro-breweries, [micro-distilleries](#), and wine-tasting rooms.
 - 2. **Minor Use Permit.** A Minor Use Permit must be obtained for full-service restaurants.
- C. **Hours of Operation.** Hours of operation shall be limited to the time period between ~~6:00 AM and 10:00 PM~~ **AM on Sunday, Monday, Tuesday, Wednesday and Thursday, and from 8:00 AM to 11:00 PM on Friday and Saturday.**
- D. **Location.** The establishment shall not be located within 1,000 feet of the following:
 - 1. A public park, playground, recreational area that is immediately adjacent to a public park, or youth facility, including a nursery school, preschool, or day care facility;
 - 2. A public or private State-licensed or accredited school; or
 - 3. An alcohol or other drug abuse recovery or treatment facility.
- E. **Lighting.** The exterior of the establishment, including adjacent public sidewalks and parking areas, shall be illuminated during all hours of darkness during which the establishment is open such that:
 - 1. Persons standing in those areas at night are identifiable; and
 - 2. Required illumination is placed and shielded in a way that minimizes interference with the neighboring residences.
- F. **Findings.** In evaluating a use permit application for any commercial establishment where liquor is served, the Review Approval Authority shall take into consideration the following:

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1. Comments from the Police Department;
2. Appropriateness of automobile and/or bicycle parking;
3. Potential for loitering;
4. Distance of the proposed establishment from other establishments;
5. Distance from areas used and zoned for residential use; and
6. Appropriateness of annual review of use permit.

This list does not represent an exclusive listing of those items which may be considered by the Planning Commission in evaluating a Conditional Use Permit application for a commercial amusement use.

17.22.060 Animal Keeping

- A. **Purpose.** These regulations address the raising and keeping of animals and the areas in which domestic and farm animals are kept on private property. It is the intent of this Section to protect the agricultural economic base of St. Helena, to preserve the existing lifestyle in residential areas, and to minimize potential adverse effects on adjoining property from the establishment of incompatible uses related to the raising and keeping of animals.
- B. **Applicability.** Animal keeping is allowed as an accessory to a primary residential use. Animals may be kept in compliance with St. Helena Municipal Code Title 6, Animals, ~~of the Municipal Code~~, and the standards established in this Section.
- C. **Domestic Animals.**
 1. **Small Domestic Animals.** Small domestic animals may be kept as an accessory to a residential use in accordance with the following. Small domestic animals include dog, cats, rabbits, and pigeons, and all animals recognized by regulation promulgated by the California Department of Fish and Wildlife as domestic animals except large domestic animals. Does not include roosters, quacking ducks, geese, pea fowl, goats, sheep, hogs, kennels or the presence of animals for commercial purposes.
 - a. *Maximum Number.* The following limits do not apply to small animals primarily kept in indoor enclosures such as fish, hamsters, and birds.
 - i. Parcels One Half Acre or Less in Size. Up to four adult small domestic animals per unit may be kept on parcels of up to one-half acre in size.
 - ii. Parcels Greater than One Half Acre in Size. Eight adult small domestic animals per acre.
 - b. *Nonconforming Small Domestic Animal Keeping.* Residents having more than four adult small domestic animals at the time of the effective date of this Title may continue to keep them provided that the animals:
 - i. Are licensed in compliance with the St. Helena Municipal Code Title 6, Animals, ~~of the Municipal Code~~;
 - ii. Are kept in a safe and sanitary environment; and

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- iii. Do not generate nuisance complaints that require abatement.
- 2. **Potbellied Pigs.** Potbellied pigs are permitted in the [LR-1A](#), [LR](#), and A-20 districts only and are subject to all standards of subsection C.1.
- 3. **Hen Chickens.** Hen chickens are permitted in the A-20 district only on lots greater than one acre and are subject to all standards of subsection C.1.
- 4. **Large Domestic Animals.** Large domestic animals including horses, burros, mules, domestic swine (excluding potbellied pigs), domestic cattle, sheep and goats may be kept as an accessory to a residential use in accordance with the following.
 - a. *Minimum Lot Size.* Two acres.
 - b. *Maximum Number.* Not more than one large domestic animal per acre.
- 5. **Fencing and Enclosure Regulations.**
 - a. *Fencing.*
 - i. Fenced Area Required. All animals, except small domestic animals kept indoors, must be kept in an area which is fenced to prevent the animals from roaming.
 - ii. Fenced Area Location. The fenced area must be wholly located within the rear yard of the residence where the animals are kept.
 - b. *Enclosure.*
 - i. Enclosure Required. Within the fenced area, an enclosure or shed must be provided of sufficient size to provide cover for the animals kept on the parcel. An enclosure is not required for cats or dogs.
 - ii. Enclosure Location. No part of the animal enclosure may be located within 50 feet of any neighboring dwelling, within a required side or front setback, or within 300 feet of a community assembly facility, school or institution licensed by the state for the care or treatment of humans.
 - c. Animal fecal matter more than which can be safely and sanitarly utilized on the premises must be removed and must not be allowed to accumulate.

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17.22.070 Beekeeping

- A. **Purpose.** These regulations allow beekeeping in a manner that is respectful of the safety of persons that may be in close proximity to the apiary. Beekeeping can contribute to pollination and better harvests in gardens. By contributing to pollination, urban beekeeping is an important complement to urban food production and to the City's sustainability goals stated in the General Plan.
- B. **Standards.**
1. It shall be the duty of every person on whose property bees are kept to adhere to good management practices and maintain bees in a condition that will reasonably prevent swarming and aggressive behavior.
 2. It shall be the responsibility of the person on whose property the bees are kept to provide adequate water for the bees to prevent bees from seeking water in neighboring swimming pools, birdbaths, ponds or other community bodies of water.
 3. A maximum of two beehives per lot on a parcel of land less than 10,000 square feet.
 4. A maximum of four beehives per lot on a parcel of land with an area over 10,000 square feet.
 5. Beehives are restricted to rear yards.
 6. In order to ensure the appropriate height of the honeybee flight path:
 - a. The beehive entrance will be directed away from the neighboring property and situated behind a solid fence or hedge that is six feet in height running parallel to the property line; or
 - b. A beehive will be located a minimum of 25 feet away from the neighboring property line.
- C. **Beekeeping registration.** Beekeeping registration is required prior to establishment of an apiary, as follows:
1. The applicant must submit and the Community Development Director must review plans demonstrating compliance with the standards of this Section.
 2. The applicant must register the apiary with the County of Napa Agricultural Commissioner to receive notification of pesticide applications, pursuant to § 29101 of the California Food and Agricultural Code.
 3. The applicant must submit plans and a signed statement showing and agreeing to compliance with all obligations imposed by this Section and holding the City harmless if the owner does not so comply.
- D. **Nuisance.** Bees or hives shall be considered a public nuisance and subject to Chapter 17.13, Enforcement, when any of the following occurs:
1. Colonies of bees exhibit defensive or objectionable behavior or interfere with the normal use of neighboring properties.
 2. Colonies of bees swarm.

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3. Bees or hives do not conform to this Section.
4. Hives become abandoned by resident bees or by the owner.

17.22.080 Bed and Breakfast Inns

- A. **Purpose.** The purpose of this Section is to:
 1. Establish regulations for the operation and bed and breakfast inns; and
 2. Establish findings for the processing of applications to operate bed and breakfast inns.
- B. **Establishment of Bed and Breakfast Inns.** Bed and breakfast inns are subject to the following:
 1. The use must be located in an existing residential dwelling.
 2. The use must be conducted only by the property owner or manager living on the site of the bed and breakfast inn;
 3. No meals must be served to persons other than to guests and residents of the bed and breakfast inn;
 4. Bed and breakfast inns must be rented for periods of less than 30 days;
 5. A bed and breakfast inn must include no more than four guest rooms;
 6. On-site parking for the underlying residential use must be provided on-site or in perpetuity on an adjacent parcel in accord with the provisions of Chapter 17.26, Parking and Loading. In addition, one on-site parking space must be provided for each guest room. On-site parking must be designed and located so as not to detract from the residential character of the neighborhood and the buildings and structures of the bed and breakfast inn;
 7. The use must, at all times, maintain City business licenses and pay all transient occupancy taxes required; [and](#)
 8. The use must be contained entirely within the existing structure;
- C. **Findings Required.** In approving a Minor Use Permit for a bed and breakfast inn, the Planning Commission shall make the following findings in addition to the Minor Use Permit findings contained in Chapter 17.05, Planning Permits and Approval.
 1. The establishment of a bed and breakfast inn is consistent with the purpose of the General Plan.
 2. The establishment of a bed and breakfast inn will not be detrimental to a building, structure, or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature.
 3. The establishment of a bed and breakfast inn is compatible with, and will not be detrimental to, the character of the neighborhood and surrounding land uses.

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17.22.090 Cannabis Uses

- A. **Purpose.** The intent of this Section is to prohibit marijuana cultivation facilities, medical marijuana dispensaries, medical marijuana deliveries, and commercial cannabis activities, as defined below, subject to limited and specified exceptions, within the City limits. It is recognized that it is a federal violation under the Controlled Substances Act to possess or distribute marijuana even if [it is](#) for medical purposes. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with marijuana cultivation facilities and medical marijuana dispensaries and in connection with medical marijuana deliveries, which is contrary to policies that are intended to promote and maintain the public's health, safety, and welfare.
- B. **Applicability.** This Section applies to the following activities:
1. The opening or commencement of the operation of a marijuana cultivation facility, medical marijuana dispensary, or commercial cannabis activity;
 2. The conversion of an existing business, facility, use, establishment, or location to a marijuana cultivation facility, medical marijuana dispensary, or commercial cannabis activity; [and](#)
 3. The addition of a marijuana cultivation facility, medical marijuana dispensary, or commercial cannabis activity to any other existing business, facility, use, establishment or location.
- C. **Prohibitions and Limited Exceptions.**
1. Medical marijuana dispensaries are prohibited in all zoning districts in the City and must not be established or operated anywhere in the City. The City must not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a medical marijuana dispensary. No person may be the lessor of property where a medical marijuana dispensary is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any medical marijuana dispensary in the City.
 2. Marijuana cultivation facilities are prohibited in all zoning districts in the City and must not be established or operated anywhere in the City. The City must not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a marijuana cultivation facility. No person may be the lessor of property where a marijuana cultivation facility is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any marijuana cultivation facility in the City.
 3. The prohibition against cultivation facilities established in subsection 2, however, must not apply to a qualified patient cultivating marijuana/cannabis pursuant to § 11362.5 and the Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use promulgated by the California Attorney General or to any individual cultivating marijuana for non-medical use under the following circumstances:
 - a. The individual and/or patient maintains no more than six mature or 12 immature marijuana/cannabis plants at a single private residence, or upon the grounds of that residence; and

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- b. The individual, patient or primary caregiver cultivates marijuana/cannabis for a patient's or individual's personal use and does not sell, distribute, donate, transmit, or provide marijuana/cannabis to any other person or entity; and
 - c. The location of all cultivation activities is located indoors, and housed completely within a structure with no external indication of cultivation activities (this limitation does not preclude the use of a greenhouse for cultivation); and
 - d. The property on which an individual is cultivating medical or recreational marijuana/cannabis has no more than 100 square feet devoted to the cultivation of marijuana/cannabis (the area used to cultivate marijuana/cannabis must be measured by the aggregate area of vegetative growth of live marijuana plants on the premises).

Notwithstanding this exception, an individual and/or patient cultivating marijuana may not create or cause a nuisance condition and the City may abate, in any manner permitted by law, a nuisance condition created or caused by, associated with, or arising from marijuana cultivation by a qualified patient.
- 4. All forms of commercial cannabis activities are prohibited in all zoning districts in the City with the exception of delivery services and must not be established or operated anywhere in the City. The City must not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a commercial cannabis activity including any and all license classifications established in the Adult Use of Marijuana Act, California Health and Safety Code § 26050, as it may be amended. No person may be the lessor of property where a commercial cannabis activity is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any commercial cannabis activity in the City.
- 5. No person and/or entity may deliver or transport medical marijuana from any fixed or mobile location, either inside or outside the City, to any person in the City, except that a person may deliver or transport marijuana to a qualified patient (with an identification card, as those terms are defined in Health and Safety Code § 11362.7, for whom ~~he or she~~ they are is the primary caregiver within the meaning of Health and Safety Code §§ 11362.5 and 11362.7(d)) or individual up to the maximum allowable amounts under current state regulations for the transportation of medical and recreational marijuana.
- 6. Nothing contained in this Section must be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.
- D. **Enforcement.** The City may enforce this Section in any manner permitted by law. The violation of this Section must be and is hereby declared to be a public nuisance and contrary to the public interest and must, at the discretion of the City, create a cause of action for injunctive relief.

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17.22.100 Community Gardens

Community gardens must be located, developed, and operated in compliance with the following standards:

- A. **Management.** A manager must be designated for each garden who must serve as liaison between gardeners, property owner(s), and the City.
- B. **Hours of Operation.** Gardens must only be tended between dawn and dusk.
- C. **Buildings and Structures.** Accessory buildings, such as sheds, greenhouses, hoopouses, or farm stands are allowed and must comply with the property development standards of the zoning district.
- D. **Equipment.** Only household garden tools and equipment, applicators and products, may be used. This includes soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc. Pull-behind equipment is prohibited.
- E. **Operational Plan.** The applicant must submit to the Community Development Director an operational plan that identifies roles and responsibilities, contact information, and operations.
- F. **Maintenance.**
 - 1. The operator must be responsible for the overall maintenance of the site and must remove weeds, debris, etc. in a timely manner.
 - 2. Soil amendments, composting, and waste material must be managed and must not attract nuisance flies or support growth of flies.
- G. **Sale of Produce.** Incidental sales of items grown on-site are permitted.
- H. **Composting.** Composting is limited to the materials generated on-site and must be used on-site.
- I. **Utilities.** The land must be served by a water supply sufficient to support the cultivation practices used on the site.
- J. **Restrooms.** If proposed, restrooms must be connected to public utilities. Portable restrooms are not permitted.

17.22.110 Cottage Food Operations

- A. **Purpose.** This Section has been adopted to:
 - 1. Implement the requirements of Assembly Bill 1616 which amended State law to require municipalities to allow for cottage food operation within residences;
 - 2. Establish reasonable standards allowed by state law to provide that cottage food operations within residences do not create unreasonable impacts or endanger public health, safety or welfare; and
 - 3. Ensure compatibility of cottage food operations with the residential character of the neighborhoods in which cottage food operations are located.

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- B. **Applicability.** A cottage food operation is an accessory use permitted in any legally established dwelling, subject to standards in subsections C and D and is a distinct use from a home occupation as defined in Section 17.22.130, Home Occupations.
- C. **Standards.** Cottage food operations are permitted accessory uses to residences provided that all of the following standards are met:
1. The use must be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than 25 percent of the dwelling may be used for the cottage food operations, and it must not be conducted within an accessory building.
 2. The use is carried on only by a family member or household member occupying the dwelling, with no other person employed.
 3. The cottage food operation must not invite customers to the residence and the operation must not transact business with customers at the residence.
 4. No signage or advertisement identifying the cottage food operation is permitted at the premises.
 5. There must be no change in the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such cottage food operation.
 6. Except for vehicle parking, no outdoor portions of the premises may be utilized for cottage food operation.
 7. Vehicles displaying advertising or signs must be parked inside a garage at all times while at the premises.
 8. The cottage food operation must be registered or permitted by the Napa County Environmental Health Officer in accordance with § 114365 of the California Health and Safety Code. Cottage food operations must comply with all California Health and Safety Code requirements.
 9. The cottage food operator must furnish to the City evidence of the application for or issuance of the necessary permits and/or registration of cottage food operations from the county of Napa.
- D. **Expanded Cottage Food Operations.** Exceptions to the standards established in subsections C.2 and C.3 may be granted with the approval of a Minor Use Permit for an expanded cottage food operation; provided, that all of the following standards are met:
1. The applicant for the cottage food operation permit must be the individual who conducts the cottage food operation from his or her private dwelling unit and is the owner of the cottage food operation. The permit is not transferable to another operator, nor transferable to another site.
 2. The use must be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than 25 percent of the dwelling may be used for the cottage food operations, and it must not be conducted within an accessory building.

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3. One cottage food employee, as defined by California Health and Safety Code § 113758(b)(1), is permitted to be employed by the cottage food operation in addition any family member or household member occupying the dwelling.
4. Except for vehicle parking, no outdoor portions of the premises may be utilized for cottage food operation including outdoor sales and visitation.
5. Direct sales of products from the site of the cottage food operation must be conducted by prior appointment only and must not exceed more than 10 visitors in any single day. No customers of the cottage food operation are permitted to dine at the premises.
6. No greater than one visitor's vehicle and one non-resident employee's vehicle must be parked on site at any time.
7. Vehicles displaying advertising or signs must be parked inside a garage at all times while at the premises.
8. Direct sales and cottage food operation related deliveries must not occur between the hours of 6:00 PM and 8:00 AM.
9. The cottage food operation must be registered or permitted by the Napa County Environmental Health Officer in accordance with § 114365 of the California Health and Safety Code. Cottage food operations must comply with all California Health and Safety Code requirements.
10. The applicant must furnish to the City evidence of the application for or issuance of the necessary permits and/or registration of cottage food operations from the County of Napa.
11. A business license is required for all cottage food operators.
12. The Community Development Director shall notify all property owners within 300 feet of the cottage food operation upon issuance of a Minor Use Permit.

17.22.120 Formula Businesses

- A. **Permits Required.** The establishment or expansion of a formula business shall be in accordance with the zoning locations and permit requirements identified in Table 17.17.020. [A- Use Regulations – Commercial and Mixed-Use Zoning Districts.](#)
- B. **Findings Required.** When a Conditional Use Permit review is required, the Planning Commission shall approve, with or without conditions, the establishment or expansion of a formula business only if all of the following findings can be made, in addition to those identified in Section 17.05.020, Conditional Use Permit [\(CUP\)s](#):
 1. The formula business establishment will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;
 2. The proposed use, together with its design and improvements, is consistent with the unique and historic character of St. Helena and will preserve the distinctive visual appearance and shopping/dining experience of St. Helena for its residents and visitors;

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3. Any formula business establishment located within the CB district will be compatible with existing uses in the zone and will promote the zone's economic vitality as the downtown commercial core of St. Helena.
- C. **Prohibited Formula Businesses.** No formula restaurants are allowed.

17.22.130 Home Occupations

- A. **Permit.** A home occupation permit must be required prior to the establishment of a home occupation whenever a business license is required and the home is the principal place of business. A business may be conducted at locations other than the site of the home occupation, as long as that part of the business conducted at the site of the home occupation complies with the standards of this Section.
- B. **Standards.** Home occupations are permitted in conjunction with a residential use of a dwelling and must be issued a home occupation permit, provided the home occupation:
 1. Does not change the residential character of the dwelling unit;
 2. Is confined to a cumulative area of not more than 600 square feet in the principal dwelling, attached garage and/or detached accessory buildings. An attached or detached garage may be used for storage or workspace as long as one garage parking space is maintained at all times for the dwelling and as long as sufficient parking spaces are available on the property to meet the current Code requirements;
 3. Does not occupy any open space or setback;
 4. Is carried on by the resident members of the household and a maximum of one employee in addition to residents of the dwelling;
 5. Does not generate customer or client traffic, deliveries by commercial vehicles other than pickup trucks or panel delivery trucks, or have any customers or clients coming to the premises as a place of business, with the following exceptions:
 - a. Delivery to the customer or client of merchandise produced on the premises;
 - b. No more than two clients may visit the premises on any one day;
 - c. Lessons to no more than two persons at any one lesson with no more than six lessons in any one week and;
 - d. Other uses which are similar to the above uses with the same or similar restrictions listed in this Section;
 6. Creates no noise, odor, glare, dust, vibrations, fumes or smoke readily discernible at the exterior boundaries of the parcel on which the home occupation is situated;
 7. Produces no advertising or evidence of its existence except for a post office box, a telephone listing and signs limited to a total of four square feet permanently affixed to a vehicle. No advertising, telephone listing, signs or printed material may list the street address of the dwelling; and
 8. Involves the on-site parking or storage of no more than one commercial vehicle, as long as the commercial vehicle parks inside the garage or covered parking at all times.

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- C. **Prohibited Home Occupations.** The following businesses are not permitted as home occupations:
 - 1. Automobile/vehicle sales and services;
 - 2. Animal care, sales, and services;
 - 3. Cannabis retail;
 - 4. Eating and drinking establishments;
 - 5. Hotels and motels; and
 - 6. Personal services.
- D. **Exceptions.** Exceptions to the above standards may be granted by the Planning Commission with the approval of a Conditional Use Permit for an expanded type of home occupation. In approving the Conditional Use Permit for an expanded home occupation the Planning Commission shall make the following findings:
 - 1. The establishment of an expanded home occupation is compatible with and will not be detrimental to the residential character of the neighborhood and surrounding uses;
 - 2. The establishment of an expanded home occupation will not result in or contribute to an unacceptable concentration of nonresidential uses in the neighborhood where it has been proposed; and
 - 3. The establishment of an expanded home occupation will not result in excessive noise, traffic, and parking congestion.
- E. **Exemptions.** Telecommuting, or the use of telephones, computers, or other similar technology to permit an employee to eliminate a commute trip and work from home, is not considered a home occupation and is exempt from the regulations of this Section.

17.22.140 Live/Work Units

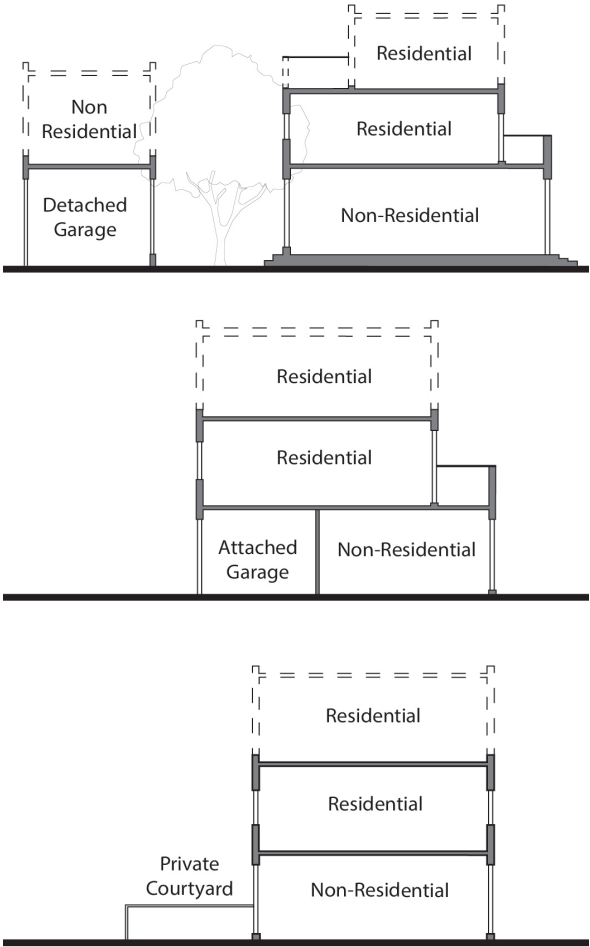
- A. **Purpose.** This Section is intended to provide standards for the location, development and operation of integrated live/work units and for the reuse of existing residential, commercial, and industrial structures to accommodate live/work opportunities.
- B. **Establishment.** Live/work units may be established through the conversion of existing buildings or by new construction, permitted or conditionally permitted as specified in the underlying zoning district.
- C. **No Separate Sale or Rental of Portions of Unit.** No portion of a live/work unit may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same unit.
- D. **Occupancy Requirement.** The residential space within a live/work unit must be occupied by at least one individual employed in the business conducted within the live/work unit.
- E. **Business License Required.** The occupant of a live/work unit is required to hold a valid business license for the on-site business.

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- F. **Limitations on Use.** The nonresidential component of a live/work development must be a use allowed within the applicable zoning district. A live/work unit must not be established or used in conjunction with any of the following activities:
 - 1. Automobile/Vehicle sales and services; or
 - 2. Cannabis retail.
- G. **Limitation on Outside Employees.** No more than one person other than residents of the live/work unit shall be employed in the conduct of the work, except that additional employees may be allowed subject to the approval of a Conditional Use Permit in compliance with Section 17.05.020, [Conditional Use Permit \(CUP\)](#).
- H. **Design Standards.**
 - 1. **Nonresidential Area.** A minimum of 50 percent of the ground level of a live/work development, or a minimum 300 square feet, whichever is greater, must function predominantly as workspace. All floor area other than that reserved for living space must be reserved for and regularly used for workspace. Potential configurations for live/work developments include, but are not limited to, those shown below:

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Figure 17.22.140.A: Live/Work Configurations



2. **Ground Floor Design.** The ground floor of a live/work development must comply with the standards for ground floor commercial uses established in Chapter 17.17, Commercial and Mixed-Use Districts, or Chapter 17.18, Business and Industrial Districts, as applicable.
3. **Non-Residential Amenities.** The ground floor of a live/work development must be designed to accommodate commercial or service uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or service facilities used for the same work activity.
4. **Separation and Access.** Access to each live/work unit must be provided from a public street or common access areas, corridors, or halls. The access to each unit must be clearly separate from other live/work units or other uses within the structure.

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17.22.150 Mobile Food Vendors

Mobile food vendors must be located and operated in accordance with the following provisions:

- A. **Location and Applicability.** Mobile vendors may only operate on private property in non-residential zoning districts. Mobile vendor vehicles are not permitted as a permanent or proprietary location on any property within the City. Vehicles must not be left unattended at any time, or be left onsite when inactive, or stored overnight. The regulations of this Section do not apply to mobile food vendors operating within the public right-of-way.
- B. **Licenses and Permit Required.** Mobile food trucks operating in the City shall obtain a business license from the City. The owner and operator of a mobile food truck is responsible for obtaining all necessary licenses and permits required for the service of food and beverages, including a permit for food service from the Napa County Department of Health. The mobile food vehicle must be in compliance with State motor vehicle laws.
- C. **Duration.** Maximum four hours per day per lot, including set-up and clean-up. No lot may have a mobile vendor onsite for more than 90 days total in any 12-month period.
- D. **Allowed Products.** Operations are limited to the sales of food and non-alcoholic beverages for immediate consumption.
- E. **Vehicle and Parking Requirements.**
 - 1. **Allowed Vehicles.** Operations must only be conducted from a motor vehicle, or vehicle with a trailer consistent with State law and County Health Department approvals. Other types of food vending from a temporary structure such as a pushcart, standalone trailer, or kiosk are not allowed under this Title.
 - 2. **Required Parking.** No dedicated parking spaces are required for a mobile vendor that meets the standards of this Section.
 - 3. **Overnight Parking.** No overnight parking of mobile food trucks is allowed on the permitted vending site.
 - 4. **Displaced Parking.** Mobile vendors may displace up to three required non-residential parking spaces for a maximum of four hours per day per parking lot, provided that no more than 10 percent of the total number of parking spaces on site are displaced. Required parking spaces for an existing non-residential use may be displaced if the existing non-residential use is not open during the event.
 - 5. **Lighting.** Mobile food truck operators must provide adequate lighting on the vehicle to ensure customer safety during business hours.
 - 6. **Paving.** Mobile vendor vehicles must only be stopped or parked on a surface paved with concrete, asphalt, or another surface approved by the Community Development Director.
- F. **Obstructions.** Mobile vendor location and operations, including customers, seating, and equipment, must not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location must comply with applicable accessibility requirements and the Americans with Disabilities Act.

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G. Nuisance.

1. Mobile vendors must be responsible for keeping the area clean of any litter or debris and must provide trash receptacles for customer use on site. All litter generated within a minimum of a 100-foot radius of the site must be collected prior to closure of the mobile food truck operations.
2. Mobile food trucks must not idle vehicle engines for more than five minutes during any one-hour time period.
3. Mobile food truck operators are responsible for controlling smoke and odors caused by food preparation so as to avoid a public nuisance.
4. No vendor must ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within City limits.
5. Separate refuse and recycling containers must be provided on site during all hours of mobile food truck operations.
6. The use of prohibited or unpermitted signs for mobile food vendors is not allowed.

- H. Modifications.** Modifications to the standards of this Section may be approved pursuant to Section 17.11.010, Minor Modifications to Development Standards.

17.22.160 Mobile Homes

The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction of Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.) on a foundation system pursuant to § 18551 of the Health and Safety Code must be permitted in accordance with the following conditions:

- A. To be occupied only as a single-family residential use.
- B. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings.
- C. To be attached to a permanent foundation system in compliance with all applicable building regulations.
- D. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation.
- E. To have parapet walls or roofs which utilize shingle or other materials customarily used on conventionally built dwellings.

17.22.170 Outdoor Dining and Seating

- A. Permit.** Administrative approval of a sidewalk dining permit is required to establish outdoor seating for dining.
1. Outdoor dining for seating that results in an increase in the number of seats must be reviewed by the Community Development Director for compliance with parking

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standards and by Napa County Environmental Management for compliance with regulations pertaining to food storage, health and safety.

2. For those restaurants that wish to serve alcohol outside, the licensee must obtain approval for premises expansion from the California Department of Alcoholic Beverage Control.
- B. **Standards.** To establish outdoor seating for dining on a sidewalk, the following are required:
1. All entrances and emergency exits must be kept free of obstructions to ingress and egress.
 2. A one-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions, per CalTrans requirements.
 3. A four-foot clear path of travel, which clearly maintains ADA compliance along the sidewalk, must be maintained to provide disabled access.
 4. Tables and chairs must be brought indoors when the restaurant is closed.
 5. Entertainment is not allowed on the sidewalk as part of the restaurant service.
 6. An encroachment permit must be obtained from the City. The application must include documentation of required liability insurance. The City maintains the preeminent right to use the sidewalk and suspend the right to encroach whenever the sidewalk is needed for another public use or for repair.
 7. No more than 20 percent of total restaurant seating may be located on the sidewalk or other public property.
 8. If dogs are desired in the outdoor dining area, the following regulations must be enforced:
 - a. Employees and patrons must not allow dogs to come into contact with serving dishes, utensils, tableware, linens or any other items involved with food service operations.
 - b. Patrons must keep dogs in their charge on a leash at all times and under control.
 - c. Dogs must not be allowed on chairs, tables, or other furnishings.
 - d. All table and chair surfaces must be cleaned and sanitized between seating of patrons.
 - e. Dog waste must be removed immediately and the area immediately cleaned and sanitized with an appropriate product.
 - f. Dogs must not be permitted to travel through indoor portions of the public food service establishment.

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17.22.180 Outdoor Display and Sales

- A. **Primary Uses.** Uses that may include outdoor commercial displays and sales are limited to the following:
1. Auto dealers.
 2. Bicycle sales, repair, and rentals.
 3. Farmers' markets.
 4. Parking and loading areas.
 5. Plant nurseries.
 6. Portable shoeshine stands when the business is conducted in conjunction with an approved use, provided the shoeshine stand conducts business during the same business hours as the approved primary use.
 7. Seasonal sales (Christmas trees, pumpkins, etc.).
 8. Service stations.
 9. Storage of building materials and supplies accessory to an approved use.
 10. Any other uses which, in the opinion of the Community Development Director, require outside display or storage.
- B. **Standards.** Provided the use is allowed (either as a permitted or conditional use) by the zoning district regulations for the zoning district in which the property is located, the following provisions apply to the incidental placement, storage, display, sale, or offer for sale of any merchandise out-of-doors or outside any completely enclosed building:
1. The merchandise or activity must be incidental and adjacent to any lawfully established business that normally sells the merchandise inside the building.
 2. The merchandise or activity must not present a hazard to pedestrians or vehicles.
 3. The merchandise or activity must not occupy the space formed by extending the width of any required or existing building exit, whichever is wider, to the public right-of-way.
 4. The display of merchandise must not be located within the public right-of-way.
 5. The merchandise or activity must not occupy any required parking spaces.
 6. The storage, display or sales area is limited to 200 square feet or 10 percent of the gross floor area of the business, whichever is less.
 7. Along Main Street, between Mitchell Street and Pine Street on the west side, and Pope Street to Pine Street on the east side, planter boxes and plants must not encroach more than 12 inches into the public right-of-way; must have a maximum height of four feet zero inches; and, a minimum clearance of six feet of sidewalk must be kept clear for pedestrian use. These standards also apply elsewhere in the Central Business District outside of the area designated; however, the City Council may waive these standards on a case-by-case basis.

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8. ***Bicycle sales, repairs and rentals.*** Storage or display of rental vehicles is not permitted within the public right-of-way, except where the City has jurisdiction over the sidewalks and as may be allowed with a Conditional Use Permit with the following conditions:
 - a. One-and-one-half-foot “recovery zone” from the edge of curb that must be kept free of obstructions, ~~per-consistent with~~ CalTrans requirements;
 - b. A four-foot clear path of travel along the sidewalk must be maintained to provide disabled access;
 - c. Bicycles/scooters must be brought indoors when the business is closed; ~~and~~
 - d. An encroachment permit must be obtained from the City.
- C. **Use of Street or Sidewalk.** Nothing in this Section may authorize the placement, storage, display, sale or offer for sale of any merchandise on any street or on any sidewalk or any other portion of the public right-of-way, with the exception of sidewalk sales permitted by subsection D.7.
- D. **Exceptions.** No Conditional Use Permit for the outdoor storage, display or sale of the following merchandise is required for:
 1. Fruits and vegetables.
 2. Plants and other growing vegetation, with the limitation in subsection B.6 not applicable to nurseries.
 3. Cut flowers (planter boxes subject to the standards specified in subsection B.7).
 4. Gasoline pumps, oil racks and accessory items when located on pump islands.
 5. Vehicles, including automobiles, trucks, motorcycles, trailers and recreational vehicles, with the limitation in subsection B.6 not applicable.
 6. Areas within a completely roofed street alcove or entryway; provided, that the merchandise is inside the line of the building face.
 7. Parking lot and sidewalk sales and other promotional events that involve retail sales, as long as they do not exceed 12 days total during any 12-month period with no more than three days being consecutive, regardless of the number of businesses located on the property, with the limitations in subsection B.5 and B.6 not applicable.
 8. Nonpromotional events conducted by or for recognized nonprofit or charitable community groups, with the limitations in subsection B.1, B.5, and B.6 not applicable.
 9. Garage and yard sales, provided they are conducted on property used for residential purposes by a resident and do not exceed three days during any six-month period, with the limitations in subsection B.1, B.5, and B.7 not applicable.
 10. Merchandise associated with hardware stores and building supply stores.
 11. Activities similar to the above, as determined by the Planning Commission.

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17.22.190 Service Stations

- A. **Approval Criteria.** The following criteria must be met prior to approval of a service station:
1. The site is not closer than 100 feet to any R ~~Z~~oning ~~D~~istrict;
 2. No block would have more than two service station sites;
 3. No intersection would have more than two service station sites;
 4. All operations and display of merchandise would be kept within an approved structure, except those directly required for the dispensing of gasoline, water and air, and the replenishment of oil;
 5. The proposed use will not create increased traffic hazards to pedestrians when located near a church, school, theater, or other place of assembly; and
 6. That the minimum landscaping requirements established in the zoning district in which the use is located have been incorporated into the design of the proposed use; and
 7. The use does not include the sale of staple grocery items nor does it include a mini market, but may include the sale of snack foods, drinks, and convenience foods.
- B. **Public Service Facilities.** All service stations must:
1. Provide restrooms on-site, at no charge, for public use during normal business hours. The restrooms shall be continuously maintained in compliance with the standards of the county health department.
 2. Provide and maintain, in usable and good working order, an air pump and radiator water hose for public use.
 3. Provide petroleum and solvent waste dispensers, at no or a minimum charge, for use by customers to dispose of their used petroleum product liquids and shall accept used oil and containers during normal business hours.
 4. Provide petroleum and solvent waste containers, at no or a minimal charge, for use by customers to return and to recycle their oil and other used petroleum product liquids.
 5. Recycle all oil collected and make every effort to recycle the returned containers and other used petroleum product liquids.
- C. **Standards.** The following provisions apply to the establishment and operation of service stations:
1. Service stations must be designed to maintain the scale, appearance and character of the surrounding area.
 2. The location of service station islands, pumps, underground and aboveground tanks must meet the requirements of the City Fire Department and Uniform Fire Code.
 3. **Minimum Side and Rear Setbacks.** Structures shall be set back at least 10 feet from the side and rear property lines where the adjoining parcels are located in a residential district.

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4. **Vehicular Access Points.** There shall be no more than two vehicular access points to/from each public right-of-way and a minimum distance of 30 feet between curb cuts along a public right-of-way.
 5. **Driveway Widths.** The width of a driveway shall not exceed 25 feet, measured at the sidewalk.
 6. **Pump Island Location.** Pump islands shall be set back a minimum of 15 feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.
 7. **Canopies.** Canopy height shall be limited to a maximum of 18 feet.
 8. **Restroom Screening.** Restroom entrances viewable from adjoining rights-of-way or properties shall be concealed from view by planters or screening subject to the approval of the Community Development Director.
 9. **Peripheral Wall.**
 - a. Where a service station adjoins property in a residential zoning district, a solid decorative masonry wall shall be constructed along the common property line. The height of the wall, which shall be at least six feet, shall be measured from the finished grade of the residential property. Colors, design, materials, and textures of the wall shall be compatible with on-site development and adjoining properties and subject to the approval of the ~~City planner~~ Community Development Director.
 - b. When the wall reaches the established front setback line of a residentially zoned parcel adjoining the service station, the wall shall decrease to a maximum height of 42 inches.
- D. **Accessory Uses.** Accessory uses of a service station which are customarily incidental and clearly subordinate to the principal use (i.e., a car wash, motor vehicle and trailer rental, sale of food and beverage items, video rental, motor vehicle fleet maintenance, etc.) may be permitted with the approval of a separate Conditional Use Permit by the Planning Commission.

17.22.200 Short-Term Rentals

- A. **Purpose.**
 1. The City Council hereby finds that unregulated transient occupancy uses in residential and agricultural district present a threat to the public welfare.
 2. The purposes of the short-term rental regulations are to:
 - a. Establish a permitting process and appropriate restrictions and standards for short-term rental of single-family dwellings;
 - b. Provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City;
 - c. Ensure the collection and payment of transient occupancy taxes;

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- d. Minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods; and
 - e. Retain the character of the neighborhoods in which any such use occurs.
- 3. The short-term rental regulations are not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals.
- 4. The short-term rental regulations are not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this Section.
- 5. The City Council also finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to Short-Term Rental Permits (refer to Section 17.05.100, Short-Term Rental Permit), is necessary to protect the public health, safety and welfare. The purposes of the short-term rental permit regulations are to:
 - a. Provide a permit system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density;
 - b. Ensure the health, safety and welfare of renters and guests patronizing short-term rentals;
 - c. Impose limitations on the total number of permits issued in order to ensure the long-term availability of the affordable housing stock; and
 - ~~6.d.~~ Provide for robust enforcement remedies and penalties to prevent and deter violations of this Section and unjust enrichment by those who violate this Section.
- B. **Short-Term Rental Permit Required.** No person must use or maintain, nor must any person authorize, aid, facilitate or advertise the use of, any single-family dwelling on any parcel in any zoning district for short-term rental without a short-term rental permit. See [Section 17.05.100](#), Short-Term Rental Permit.
- C. **Permitted Locations.** Short-term rentals must be permitted in accordance with the provisions established in each zoning district and as provided in this Section.
- D. **Restrictions and Standards.** Short-term rentals are subject to the following restrictions and standards:
 - 1. The short-term rental use is permitted in no more than one single-family dwelling per lot.
 - 2. The short-term rental permit must be in the name of the owner-applicant, who must be an owner of the real property upon which the short-term rental use is to be permitted. One person may hold no more than one short-term rental permit. The permit is not transferable.
 - 3. Short-term rental uses are limited to single-family dwellings existing and constructed as of the date of application for the short-term rental permit.

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4. The total number of permits for short-term rental dwellings in the City must not exceed 25 at any time.
5. The maximum number of bedrooms used for short-term rental use in the short-term rental dwelling must be no greater than five. The total number of guests staying in the short-term rental dwelling at any one time must be no greater than two times the number of bedrooms plus two persons, up to a maximum of 12 persons.
6. Short-term rental dwellings must meet all applicable building, health, fire and related safety Codes at all times and shall be inspected by the Fire Department before any short-term rental activity can occur.
7. A minimum of two on-site parking spaces must be provided for use by the short-term rental occupants.
8. The owner-applicant must keep on file with the City the name, address, telephone number, cell phone number, and e-mail address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be posted in a conspicuous location within the short-term rental dwelling. The local contact person shall be available 24 hours a day to accept telephone calls and respond physically to the short-term rental within 30 minutes when the short-term rental is rented and occupied. The City shall post the name and contact information of the local contact person associated with each short-term rental on the City's webpage. The City reserves the right to reject a local contact person if their location is out of the area.
9. The owner-applicant must post "house policies" within each guest bedroom. The house policies must be included in the rental agreement, which must be signed by the renter and must be enforced by the owner-applicant or the owner-applicant's designated contact person. The house policies at a minimum must include the following provisions:
 - a. Quiet hours must be maintained from 10:00 P.M. to 7:00 A.M., during which noise within or outside the short-term rental dwelling must not disturb anyone on a neighboring property.
 - b. Outdoor amplified sound is prohibited.
 - c. Except as permitted by the Community Development Director, vehicles must be parked in the designated on-site parking area and must not be parked on the street overnight.
 - d. Parties or group gatherings which exceed the maximum number of allowed guests and/or which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.
 - e. Guests must not leave any waste or trash outside the house.
10. Auctions, weddings, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited.

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11. The owner-applicant must ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the City up to and including revocation of the short-term rental permit.
12. The owner-applicant, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or state law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, must prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the City up to and including revocation of the short-term rental permit.
13. All advertising for any short-term rental, including electronic advertising on short-term rental websites, must include the number of the short-term rental permit granted to the owner-applicant.
14. The owner-applicant must maintain City business licenses and pay all transient occupancy taxes in accordance with St. Helena Municipal Code Chapter 3.28, Transient Occupancy Tax, as required.
15. Preference for the review and issuance of new short-term rental permits must be given to current residents of St. Helena over nonresident applicants. Applicants whose primary residence is within the City must be reviewed and acted on ahead of other nonresident applications to implement the local preference policy for short-term rental permits.
16. Applicants for short-term rental permits are required to have owned their homes for a minimum of three years prior to applying for and being issued a short-term rental permit.
17. Short-term rental permit holders are required to rent their properties on a short-term basis for a minimum (average) of 60 days per year. Individual permit holders who do not meet this minimum rental activity may (at the determination of the Community Development Director) have their renewal denied and/or reviewed by the Planning Commission at a noticed public hearing. Short-term rental permit holders who utilize their primary residence for short-term rental activities are exempted from this requirement.

17.22.210 Single-Room Occupancy Units

Single room occupancy (SRO) units must be located, developed, and operated in compliance with the following standards:

- A. **Maximum Occupancy.** Each SRO living unit must be designed to accommodate a maximum of two persons.
- B. **Minimum Size.** An SRO living unit must have at least 150 square feet of floor area, excluding closet and bathroom. No individual unit may exceed 400 square feet.

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- C. **Minimum Width.** A one room SRO must not be less than 12 feet in width.
- D. **Entrances.** All SRO units must be independently accessible from a single main entry, excluding emergency and other service support exits.
- E. **Cooking Facilities.** Cooking facilities must be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, SRO units must have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; a small refrigerator; and cabinets for storage.
- F. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility must have at least a toilet and sink; a full facility must have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities must be provided in accordance with the Building Code for congregate residences with at least one full bathroom per floor.
- G. **Closet.** Each SRO unit must have a separate closet.
- H. **Common Area.** Common area in an amount equal to 10 square feet per living unit must be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet in area of interior common space must be provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings. The common area must provide wi-fi for tenants.
- I. **Income Restriction.** One hundred percent of units must be designated as affordable at the low-income level or very-low income level.
- J. **Tenancy.** Tenancy of SRO units are limited to 30 or more days.
- K. **Facility management.** An SRO facility with 10 or more units must provide full-time on-site management. An SRO facility with less than 10 units must provide a management office on-site.
- L. **Management Plan.** A management plan must be submitted with the ~~M~~ainor ~~U~~se ~~P~~ermit application for all SRO projects. At minimum, the management plan must include the following:
 - 1. **Security/Safety.** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
 - 2. **Management Policies.** Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliance;
 - 3. **Rental Procedures.** All rental procedures, including weekly and monthly tenancy requirements;
 - 4. **Staffing and Services.** Information regarding all support services, such as job referral and social programs; and
 - 5. **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

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17.22.220 Small Recycling Facilities

A Minor Use Permit for the establishment of a small recycling center shall be conditioned upon compliance with the following requirements:

- A. **Location.** A small recycling center must not be located in any required setback.
- B. **Screening.** Small recycling centers must be screened from the public right-of-way by landscaping (fences or walls fence may be used if located outside a required setback). The landscaping must generally be planned and installed in accordance with the Chapter 17.25, Landscaping. Any impairment of existing landscaping or landscaping required pursuant to this Title must be mitigated by installing a similar amount of landscaping.
- C. **Operations.**
 - 1. May not exceed 500 square feet including mobile recycling units, nonprofit drop-off facilities and reverse vending machines.
 - 2. Only glass, metals, plastic containers and paper may be accepted at a small recycling center. Motor oil must not be collected for recycling at a small recycling center.
 - 3. No power-driven processing equipment is allowed except for reverse vending machines.
 - 4. Containers used for the collection and storage of recyclable materials must be constructed of a durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material and must have a capacity sufficient to accommodate materials collected between collection schedules.
 - 5. Containers must be clearly marked to:
 - a. Identify the type of material which may be deposited in each container;
 - b. The name and telephone number of the operator and hours of operation; and
 - c. Shall display a notice stating that no material is to be left outside the recycling enclosure or containers.
 - 6. Attended facilities located within 100 feet of property zoned or occupied for residential use must operate only during the hours between 9 AM and 7 PM. Containers for the 24-hour donation of materials must be located at least 500 feet from any property zoned or occupied for residential use unless there is acoustical shielding between the containers and residential use. In no event must the containers for the 24-hour donation of materials be located less than 30 feet from property zoned for residential use.
- D. **Maintenance.** The site must be maintained free of litter and any other undesirable materials and must be picked up and cleaned on a daily basis.
- E. **Signs.** Signs on recycling containers must comply with the following:
 - 1. The maximum sign area allowed must be 35 percent per side of the container or nine square feet (whichever is less) with a total sign area of 40 square feet for all containers. These may be in addition to the informational signs required by subsection C.5. In the

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case of a wheeled container, the side will be measured from the pavement to the top of the container.

2. On-site directional signs may be allowed to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
3. These regulations are in addition to the sign standards established in Chapter 17.27, Signs.

F. Parking.

1. No additional parking spaces are required for a small recycling center, over and above those required for the principal use. Mobile recycling units must have an area clearly marked to prohibit other vehicular parking during the hours mobile unit is to be present.
2. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the principal use unless the facility is located in a convenience zone as designated by the California Department of Conservation.

G. Permit.

1. The Minor Use Permit for a small recycling center is valid for a period of time not to exceed five years, after which time it may be reviewed for another five years. If at any time the small recycling center is not in use for six months or more, it must be immediately removed from the site and the Community Development Director notified.
2. Applicants seeking approval for a small recycling center shall submit plans and other information sufficient to demonstrate compliance with the above requirements including the name, address and telephone number of the person responsible for the daily maintenances and periodic collection of recyclable materials and written approval from the property owner.
3. The above requirements may be waived or modified by the Community Development Director if the result is to improve the overall function, site operation or appearance of the small recycling center; or that the design and/or location of the small recycling center makes the above unnecessary.

17.22.230 Small Wineries

A. Purpose. The purpose of the small winery regulations is to:

1. Promote and implement the policies of the General Plan to preserve agricultural land uses within the City;
2. Support the economic feasibility of continuing agricultural use of the land where individual property owners can process grape crop into wine within a privately owned facility; and
3. Support the establishment of smaller, locally owned and operated wineries where an existing residential use exists.

B. Applicability.

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1. The reestablishment of pre-prohibition wineries may be permitted within any zoning district, except the W (Winery) ~~Z~~oning ~~D~~istrict, in compliance with the regulations in ~~sub~~Section D.
2. The reestablishment of pre-prohibition wineries in the W (Winery) ~~Z~~oning ~~D~~istrict must comply with the winery district regulations in Chapter 17.19, Community Agriculture and Natural Resource ~~Z~~oning Districts.

C. Uses Prohibited.

1. Events which are open to members of the general public who are not members of the wine trade or who do not have pre-established business relationships with the ~~s~~Small ~~w~~Winery or its owner/operator are not permitted.
2. Facilities for assembly, public sales, or entertain~~menting~~, including retail sales rooms, visitor centers, dining rooms separate from that within the residential unit, kitchens or food service facilities, are prohibited.

D. Pre-prohibition Wineries.

1. The reestablishment of a pre-prohibition winery may be permitted with approval of a Conditional Use Permit.
2. The following findings must be made in order to approve a Conditional Use Permit for the reestablishment of a pre-prohibition winery:
 - a. There is substantial evidence proving that the subject structure was used as a winery building prior to January 16, 1920; ~~and~~.
 - b. More than 50 percent of the exterior of the original historic structure remains standing.
3. The appearance of the renovated building must be consistent with the original appearance of the building, as documented by photographs or as recommended by a qualified architectural historian.
4. Pre-prohibition winery status may allow modification of regulations of the underlying zoning district to preserve the historic nature of the structure.
5. Pre-prohibition wineries are not automatically entitled to the prior annual production capacity, or type or intensity of prior social or marketing activities. Pre-prohibition winery operations must be consistent with all small winery regulations contained in subsections E through G.
6. Conditions of approval for a Conditional Use Permit to reestablish a pre-prohibition winery must provide for the continued preservation of the historic nature of the structure through rezoning to include an Historic Preservation Overlay or other means deemed suitable.
7. Construction must comply with the California Uniform Building Code and/or the State Historic Building Code, as amended and adopted by the City.

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E. Development and Use Standards.**1. Parcel size.**

- a. Small wineries are allowed only on parcels of five acres or greater in size; however, exceptions may be granted if it can be demonstrated that there will be minimal impact upon surrounding properties.
- b. Small wineries that host tastings or other are allowed only on parcels 10 acres or greater in size; however, exceptions may be granted if it can be demonstrated that there will be minimal impact upon surrounding properties.

2. Small wineries must be an accessory use to a residential use. ~~The residential use must be the primary residence of the winery owner.~~

3. ~~Accessory buildings in association with~~ ~~The development of a~~ small winery ~~ies~~ must be ~~developed~~ consistent with the ~~development~~ standards for accessory buildings for the zoning district in which the small winery is located. ~~, except that m~~ More restrictive standards may be applied if ~~it—the Community Development Director is determined~~ determines that the winery building or operations will have a negative impact upon other properties in the vicinity.

4. Only one small winery is permitted per parcel.

5. ~~A minimum of 85 percent of the grape source~~ Grapes utilized for the wine produced at the small winery must be sourced from within the City limits. ~~grown on the premises, on parcels whose property lines adjoin the parcel upon which the small winery is located, or on any parcel that is immediately adjacent to or across any public or private street, excluding Highway 29, from that parcel upon which the small winery is located.~~

6. There must be a direct correlation between the yearly production limit of the small winery and the anticipated tonnage of grapes. A general guideline for establishing the production limit is 1,000 gallons per acre of vineyard planted on the property where the small winery is located; however, the general guideline can vary depending upon the crop yield of the particular vineyard.

7. Pursuant to Section 13.04.100. ~~(f)~~, no municipal water may be utilized for the small winery operations or vineyard irrigation.

8. A minimum of three parking spaces (two standard parking spaces and one accessible parking space) must be provided with the winery use. Additional parking spaces may be required depending upon the number of employees employed at the winery. All employees must park on-site.

F. CUP Requirements and Conditions.

1. All private visitor and event parking, including employee parking, must be provided on-site.
2. Wine marketing events are limited to a maximum of one event per calendar month.
3. The maximum number of guests allowed at any private wine marketing event must not exceed the Fire Code occupancy of the small winery building. This maximum capacity shall be posted in a conspicuous place in the small winery building.

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4. Conditional Use Permit conditions shall state the maximum number of guests per event and may impose stricter limitations if residential development on adjoining parcels is within 400 feet of the new small winery use.
5. Amplified music outdoors is not permitted within 500 feet of a residence.
6. There can be no advertising in publications produced for general distribution for private wine marketing events and all attendees must have been specifically invited to participate in the private wine marketing event by the small winery owner/operator. Because facilities for assembly or ~~entertaining~~entertainment are prohibited, all private wine marketing events must be held within the confines of the on-site residential unit, the production area of the small winery building, or outside.
7. The establishment of on-premises wine sales will be determined during the process for consideration of a Conditional Use Permit. If wine sales are to be allowed, they must be restricted only to wine that is produced on the parcel on which the small winery is located. No merchandise must be sold.
8. The hours of sales must be by appointment only as reviewed during the process for consideration of a Conditional Use Permit.

G. **Inspection, Fees, and Licenses.**

1. A business license is required prior to the commencement of operation of a small winery.
2. The ~~Building and~~ Community Development Director must inspect small wineries as often as necessary to ensure compliance with this ~~Title Article~~ and Conditional Use Permit conditions. An inspection fee must be set by resolution of the City Council.

17.22.240 Solar Energy Systems

Solar energy systems must be located, developed, and operated in compliance with the following standards:

A. **Height.**

1. **Ground-Mounted Solar Energy Systems.** The maximum height of a ground-mounted solar energy collector system is 25 feet or the maximum height allowed in the underlying zoning district, whichever is less.
2. **Roof-Mounted Solar Energy System.** Solar energy systems may extend up to five feet above the roof surface on which they are installed and are excluded from the maximum height limit of the zone in which they are located.

- B. **Required Setback.** Solar energy systems less than six feet in height may be installed within a required side and rear setback, but no closer than three feet to any property line. All other solar energy systems must meet the required setback of the underlying zoning district.

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17.22.250 Temporary Uses

- A. **Purpose.** This Section establishes regulations to ensure that short-term activities on privately or publicly owned property will be compatible with surrounding areas.
- B. **Permit.** A Temporary Use Permit allows the short-term activities listed in subsection D (~~Allowed Temporary Activities~~) that may not comply with the normal development or use standards of the applicable zoning district but may otherwise be acceptable because of their temporary nature. Temporary Use Permits, issued in accordance with Section 17.05.110, Temporary Use Permit, are not subject to design review or standard parking requirements otherwise restricted by this Code.
- C. **Exempt Temporary Activities.** The following allowed temporary activities are exempt from the requirement for a Temporary Use Permit. Activities that do not fall within the categories defined below must comply with subsection D (~~Allowed Temporary Activities~~).
1. **Construction Yards—On-Site.** On-site contractors’ storage yards of less than one acre, including a work trailer, only in conjunction with an approved construction project located on the same site. The contractor’s storage yard must be removed immediately upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.
 2. **Emergency Facilities.** Emergency public health and safety needs/activities, as determined by [the](#) City Council or [the](#) City Manager.
 3. **Location Filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, etc., as regulated and approved by the City Manager pursuant to St. Helena Municipal Code Chapter 5.24, Film Permits.
 4. **Garage Sales or Similar Sales Activities.** The sale of personal goods which are owned by the household, or neighboring households located on residentially zoned property, for up to three consecutive days and three times within a 12-month period.
 5. **Public Property.** Activities conducted on public properties that are approved by the City Council.
 6. **Nonprofit Special Events.** Special events (such as carwashes, bake sales, rummage sales or flea markets) conducted by or for a recognized nonprofit or charitable community group may be conducted on the grounds of a religious institution, commercial property, school or other permanent place of public assembly up to three days during any six-month period provided they meet the following standard or provisions:
 - a. Event activities do not block a building exit, present a hazard to pedestrians or vehicles, reduce the width of a pedestrian walkway to less than required ADA access dimensions, significantly reduce on-site parking or occupy a fire lane.
 - b. If the merchandise or activity is proposed for location on any street, sidewalk or public right-of-way, an encroachment permit must be secured from the public works department.

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- c. If any commercial vendors are involved in the event, they must secure a business license from the Finance Department pursuant to [St. Helena Municipal Code](#) Title 5, Business Licenses and Regulations.
 - d. Nonprofit special events occurring more frequently than three days during any six-month period must require a Conditional Use Permit or Temporary Use Permit.
- D. **Allowed Temporary Activities.** The following temporary activities may be allowed within the specified time limits, but in no case for more than ~~24~~¹² months [\(other than as noted in this Section\)](#), subject to the issuance of a Temporary Use Permit by the Community Development Director. Other temporary or short-term activities that do not fall within the categories defined below must instead comply with the Temporary Use Permit requirements and development standards that otherwise apply to the property.
 - 1. **Events.** Arts and crafts exhibits, carnivals, concerts, fairs, farm stands, festivals, flea markets, food events, outdoor entertainment/sporting events, and swap meets for up to 14 consecutive days, or six two-day weekends, within a 12-month period, when conducted on nonresidential properties. Decisions on large scale temporary uses such as concerts or festivals which are intended to draw large numbers of individuals (i.e., 400 or more people) to the temporary use in a single day may be elevated to the Planning Commission at the discretion of the Community Development Director.
 - 2. **Pop-Up Uses.** Retail sales, museums, outdoor movies for commercial profit, outdoor dining in junction with a restaurant, art exhibits, restaurants or cafes for up to ~~24~~¹² months when conducted on nonresidential properties.
 - 3. **Formula Pop-Up Uses.** Pop-up uses meeting the definition of a “formula business” are limited to 90 days of operation when conducted on nonresidential properties.
 - 4. **Seasonal Sales Lots.** Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers, on nonresidential properties, for up to 30 days and ~~eight~~^{four} times within a ~~24~~¹²-month period.
 - 5. **Temporary Structures.** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of ~~24~~¹² months from the date of approval without Design Review, to accommodate an existing approved primary or accessory use, or as the first phase of a development project. The type of temporary use must be allowed within the base zoning district.
 - 6. **Temporary Off-site Storage.** Temporary off-site storage requires a Minor User Permit and is limited to a period of one year, with an extension at the discretion of the [Community Development](#) Director.
 - 7. **Similar Temporary Activities.** Similar temporary activities that the Community Development Director determines are compatible with the zoning district and surrounding land uses.

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17.22.260 Time Share Uses

A. Purpose and Findings.

1. There is a critical shortage of permanent, long-term housing in St. Helena.
2. A limited supply of suitable vacant land, land values, and market demand for land for other uses, including but not limited to use of property for vineyards, have limited the construction of additional housing in the City.
3. St. Helena is a popular tourist destination known for its scenic Napa Valley location, exceptional wineries and restaurants, historic Main Street and small town agricultural character.
4. St. Helena stands out in the Napa Valley for its ability to attract visitors while also supporting the needs of its resident population. Maintaining the balance between the quality of life for residents and those who work in the City and the visitors who help to sustain the City's tourist economy is key to maintaining a sustainable community and a stable economy.
5. Time-share uses are not an appropriate land use in the City's residential districts due to the multiple occupancy of time-share properties, the short-term, tourist oriented use of such property and commercial management of time-share facilities, all of which create increased traffic generation, excessive noise, disruption to residential communities through commercial-level maintenance of the time-share facilities, and therefore are appropriately confined to commercial zoning districts.
6. Conversion of permanent housing to time-share facilities removes existing housing units from the City's existing stock and exacerbates an already severe housing shortage.
7. It is, therefore, in the public interest to prohibit conversions of existing housing units into time-share facilities, as to do so eliminates needed housing stock by diverting those units to a tourist-oriented, commercial use. (Ord. 22-5 § 2)

B. Definitions. For purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

1. "Accommodation" means any dwelling unit, apartment, condominium or cooperative unit, hotel or motel room, or other structure constructed for residential use and occupancy, including but not limited to a single-family dwelling, or unit within a two family dwelling, three family dwelling, multiple family dwelling, or townhouse dwelling as defined in Chapter 17.33, Definitions of Uses.
2. "Building" shall have the meaning ascribed to it by Chapter 17.32, Definitions of Terms.
3. "Dwelling unit" shall have the meaning ascribed to it by Chapter 17.32, Definitions of Terms.
4. "Managing entity" means the person who undertakes the duties, responsibilities and obligations of the management of a time-share plan.

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5. "Person" means a natural person, corporation, limited liability company, partnership, joint venture, association, estate, trust, or other legal entity, or any combination thereof.
6. "Time-share instrument" means one or more documents, by whatever name denominated, creating or governing the operation of a time-share plan and includes the declaration dedicating accommodations to the time-share plan.
7. "Time-share interest" means the right to exclusively occupy a time-share property for a period of time on a recurring basis pursuant to a time-share plan, regardless of whether or not such right is coupled with a property interest in the time-share property or a specified portion thereof.
8. "Time-share plan" means any arrangement, plan, scheme, or similar device, whether by membership agreement, bylaws, shareholder agreement, partnership agreement, sale, lease, deed, license, right to use agreement, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of an accommodation or accommodations, whether through the granting of ownership rights, possessory rights or otherwise, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years.
9. "Time-share property" means one or more accommodations subject to the same time-share plan, together with any other property or rights to property appurtenant to those accommodations.
10. "Time-share use" means the use of one or more accommodations or any part thereof, as a time-share property pursuant to a time-share plan.

C. **Time-share Uses Restricted to Service Commercial (SC) and Central Business (CB) Districts.** Time-share uses are conditional uses within the City's Service Commercial (SC) District and Central Business (CB) District, subject to approval of a Conditional Use Permit applied for and approved in conformance with this Chapter. Time-share uses are not permitted in all other Zoning Districts in the City.

D. **Application Process and Development Standards.**

1. **Application Process.** ~~Approval of a conditional use permit for time-share uses in the SC or CB Zoning Districts.~~ In addition to the application requirements contained in Chapter 17.04, Common Procedures, and Chapter 17.05, Planning Permits and Approvals, an application for a time-share use shall be accompanied by the following documents which shall be subject to the approval of the Community Development Director:
 - a. *Management Plan.* A management plan shall describe the methods employed by the applicant to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance of the time share use.
 - b. *Application Requirements.* In addition to any application requirements established by this Section and any other applicable requirements of this Code, the following information shall be submitted as part of any application to develop or establish a time-share use:

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- i. Typical floor plans for each accommodation.
 - ii. The phasing of the construction of the accommodations on the time-share property, if applicable.
 - iii. A description of any ancillary uses which are proposed in conjunction with the time share use.
 - iv. A description of the method of management of the time share use and indication of the management entity for the time-share property.
 - v. Any restrictions on the use or occupancy of the accommodations.
 - vi. Any other information or documentation the applicant, City staff or commission deems reasonably necessary to the consideration of the time-share use, including any required environmental documents.
- 2. ***Development Standards and Operational Requirements.*** Notwithstanding any other provision of this Chapter, the following conditions must be met by any time-share use ~~in any conditionally permitted zone~~. Additional requirements may be attached to a Conditional Use Permit or development agreement if found to be necessary to assure that the time-share use meets the intent of this Chapter:
 - a. Time-share uses developed in the SC or CB Zoning Districts shall be limited to accommodations in upper floors in conjunction with a mixed-use project.
 - b. No existing residential use in the SC or CB Zoning District shall be converted to a time-share use.
 - c. *Development Standards.* The time-share use shall comply with all development standards for the zoning district in which it is located.
 - d. *Parking.* Parking shall be provided as follows:
 - i. For accommodations of two or fewer bedrooms, one parking space shall be provided for each accommodation.
 - ii. For accommodations of three or more bedrooms, two parking spaces shall be provided for each accommodation.
 - e. *Modification or Waiver of Standards.* The Planning Commission may modify or waive one or more of the regulations contained in this Section if it determines that strict compliance is not necessary to achieve the purpose and intent of this Section.

E. Violations, Enforcement and Civil Penalties.

- 1. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way and through any medium, the availability for sale or use of an accommodation in violation of this Chapter is guilty of a misdemeanor for each day in which such accommodation is used, allowed to be used, or advertised for sale or use in violation of this Chapter. Such violation shall be punishable pursuant to St. Helena Municipal Code Chapter 1.20, General Penalties.

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2. Time-share use, and/or advertisement for time-share use, of an accommodation in violation of this Chapter is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated and/or restored by the enforcement official and also may be abated pursuant to St. Helena Municipal Code Chapter 1.12, Enforcement Procedures, except that the civil penalty for a violation shall be \$1,000.00. Each day the violation occurs shall constitute a separate offense.
3. Any responsible person who violates this Chapter shall be liable and responsible for a civil penalty of \$1,000.00 per violation per day such violation occurs. The City may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the City, including without limitation the City's staff time, investigation expenses and attorney's fees.
 - a. Where the City proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this Chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the responsible person's enrichment or profit as a result of the violation of this Chapter. In any such civil action the City also may abate and/or enjoin any violation of this Chapter.
 - b. Where the City proceeds by administrative citation, the City shall provide the responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.
 - i. The responsible person shall have the right to request the administrative hearing within 45 days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the responsible person shall notify the City Clerk in writing within 45 days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances and arguments upon which the appeal is based.
 - ii. The City Manager is hereby authorized to designate a Hearing Officer to hear such appeal. The City Hearing Officer shall conduct a hearing on the appeal within 90 days of the request for the hearing unless one of the parties requests a continuance for good cause. The Hearing Officer shall only consider those facts, circumstances or arguments that the property owner or responsible person has presented in the appeal notification.
 - iii. The Hearing Officer shall render a decision in writing within 30 days of the conclusion of the hearing. The Hearing Officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of

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culpability and/or inability to pay. Provided, however, that in exercising its discretion the Hearing Officer should consider the purpose of this Chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this Chapter.

- iv. Any aggrieved party to the Hearing Officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County superior court in accordance with the timelines and provisions set forth in [California Government Code § 53069.4](#).
 - v. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this Section, such penalty, if unpaid within 45 days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to St. Helena Municipal Code Chapter 1.12, Enforcement Procedures. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.
- 4. Any violation of this Chapter may also be abated and/or restored by the enforcement official and also may be abated pursuant to St. Helena Municipal Code Chapter 1.12, except that the civil penalty under St. Helena Municipal Code Chapter 1.12, Enforcement Procedures, for a violation shall be \$1,000.
 - 5. Each day the violation of this Chapter occurs shall constitute a separate offense.
 - 6. The remedies under this Chapter are cumulative and in addition to any and all other remedies available at law and equity.

17.22.270 Wireless Telecommunication Facilities

- A. **Purpose.** The purpose and intent of this Section is to provide uniform and comprehensive standards for the approval and design of telecommunication facilities. These regulations are designed to protect and promote public health, safety, and community welfare while at the same time not unduly restricting the development of needed telecommunication facilities. They have [also](#) been ~~also~~ developed to further the policies of the General Plan. It is intended that these regulations specifically accomplish the following:
 - 1. Ensure that new telecommunication facilities are installed in a manner that minimizes their visual impact on the community;
 - 2. Protect the environmental resources of the City;
 - 3. Create telecommunication facilities that will serve as an important and effective part of the City's emergency response network; and

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4. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while protecting the legitimate interests of the City's citizens.

B. **Applicability and Exemptions.** The requirements of this Section apply to all telecommunication facilities on private property and public property not including the public right-of-way that transmit and/or receive electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt:

1. Licensed amateur (ham) radio and citizen band operations.
2. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
3. Public safety communications radio.
4. Radio and television mobile broadcast facilities.
5. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
6. A temporary telecommunication facility mounted on a trailer or a portable foundation, with approval of the City Manager for an emergency for a period of up to one year.
7. A single ground- or building-mounted dish antenna not exceeding the maximum height permitted by this Section, including any mast, subject to the following restrictions:
 - a. *Satellite Dish 39.37 inches (one meter) or less.* A satellite dish antenna 39.37 inches (one meter) or less in diameter and (a) intended for the sole use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot provided it does not exceed the height of the ridgeline of the primary structure on the same parcel.
 - b. *Non-Satellite Dish 39.37 inches (one meter) or Less.* A dish antenna 39.37 inches (one meter) or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot.
8. -An antenna that is less than 25 feet in height and that is mounted on any existing building or other structure. The antenna shall be for the sole use of a person occupying the same parcel on which the antenna is located to receive television broadcast signals.

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- 9. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Community Development Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.
- 10. Minor modifications to existing wireless facilities as determined by the Community Development Director that replace existing equipment in-kind or with smaller or less visible equipment, that meet the standards set forth in this Section, and will have little or no change in the visual appearance of the facility.

C. Definitions of Telecommunications Terms.

- 1. *Antenna.* Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is operated or operating from a fixed location.
- 2. *Base Station.* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.
 - a. ~~(i)~~ The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - b. ~~(ii)~~ The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).
 - c. ~~(iii)~~ The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this Section, supports or houses equipment described in subsections (i) and (ii) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
 - d. ~~(iv)~~ The term does not include any structure that, at the time the relevant application is filed with the State or local government under this Section, does not support or house equipment described in subsections (i) ~~and~~ (ii).
- 3. *Collocation.* (1) Mounting or installing a wireless telecommunication facility on a pre-existing structure; and/or (2) Modifying a structure for the purpose of mounting or installing a wireless telecommunications facility on that structure. For the purposes of Eligible Facilities Requests, collocation means the mounting or installation of transmission equipment on an existing tower or base station.

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4. *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - a. ~~(i)~~ Collocation of new transmission equipment;
 - b. ~~(ii)~~ Removal of transmission equipment; or
 - c. ~~(iii)~~ Replacement of transmission equipment.
5. *Fixed wireless signal.* Any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur ("HAM") radio, CB radio, and Digital Audio Radio Service (DARS) signals.
6. *Hub or relay antenna.* Any antenna that is used to receive or transmit fixed wireless signals for the distribution of fixed wireless services to multiple customer locations as long as the antenna serves a customer on whose premises it is located but excludes any hub or relay antenna that is used to provide any telecommunications services or services that are provided on a commingled basis with telecommunications services.
7. *Lattice tower.* A sub-type of tower; a three or more legged structure designed and erected on the ground to support wireless telecommunication antennas and connecting appurtenances.
8. *Monopole.* A sub-type of tower; a structure of single pole (non-lattice) design and erected on the ground to support wireless telecommunications antennas and connecting appurtenances.
9. *Satellite dish or Non-satellite dish.* A sub-type of antenna incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.
10. *Small wireless facilities.* Facilities that meet each of the following conditions:
 - a. ~~(1)~~ The facilities:
 - i. ~~(i)~~ Are mounted on structures 50 feet or less in height including their antennas as defined in this Section;
 - ii. ~~(ii)~~ Are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - iii. ~~(iii)~~ Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
 - b. ~~(2)~~ Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna), is no more than three cubic feet in volume;
 - c. ~~(3)~~ All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing

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associated equipment on the structure, is no more than 28 cubic feet in volume;

d. ~~(4)~~ The facilities do not require antenna structure registration under CFR Part 17;

e. ~~(5)~~ The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

f. ~~(6)~~ The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

11. *Stealth design.* Improvements or treatments added to a wireless telecommunication facility which are intended to make the facility look like something other than a wireless tower or base station or to mask or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer.
12. *Tower.* Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
13. *Wireless telecommunication facility, or telecommunication facility.* A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development.
 - a. *Telecommunication facility – major.* Any new stand-alone facility, excluding stand-alone small wireless facilities up to 35 feet in height.
 - b. *Telecommunication facility – minor.* Collocations and small wireless facilities up to 35 feet in height. If a facility does not meet these criteria then it is considered a major telecommunications facility.

D. Permits Required.

1. ***Collocation Facilities (Government Code § 65850.6).*** Collocation facilities are allowed by right when proposed on a wireless telecommunications collocation facility that was subject to a discretionary permit issued and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.
2. ***Eligible Facilities Request (EFR).*** For Eligible Facilities Requests, collocation of new transmission equipment, removal of transmission equipment, or the replacement of transmission equipment is allowed by right provided the modification of an existing

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tower or base station that does not substantially change the physical dimensions of such tower or base station.

3. **Telecommunication Facility, Major.** Non-exempt major telecommunication facilities are permitted subject to Conditional Use Permit.
4. **Telecommunication Facility, Minor.** Non-exempt minor telecommunication facilities are permitted subject to a Minor Use Permit.

E. **Application Requirements and Review Process.** The following are the minimum criteria applicable to all telecommunication facilities. In the event that a project is subject to discretionary and/or environmental review, mitigation measures, more restrictive criteria than presented in this Chapter, or other conditions of approval may also be necessary. All telecommunication facilities shall comply with:

1. **Minimum Application Requirements.** The Community Development Director ~~or~~ shall establish and maintain a list of information that must accompany every application for the approval of a telecommunication facility. Requirements are found on the Telecommunication Facility Application on file with the Community Development Department.
2. **Expert Review.** The Community Development Director is explicitly authorized to employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section and in those cases where a technical demonstration of feasibility or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City. Any proprietary information disclosed to the City or the expert hired shall remain confidential and shall not be disclosed to any third party.
3. **Approval Authority.**
 - a. *Major telecommunications facilities.* The Planning Commission shall be the hearing authority for major telecommunications facilities. All major telecommunications facilities require a public hearing.
 - b. *Minor telecommunications facilities.* Minor telecommunication facilities may be approved by the Community Development Director through a Minor Use Permit application. The [Community Development](#) ~~eD~~irector may refer an application for a minor telecommunication facility to the Planning Commission in his or her discretion based on comments received in response to public notice.
 - c. *Collocation facilities requests and eligible facilities requests, in compliance with [Subsections D.1 and D.2](#).* Collocation facilities requests and eligible facilities requests may be approved by the Community Development Director through a Minor Use Permit application.
4. **Public Notice.** In addition to the public notice required under Part II, the following special noticing shall be provided:

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- a. Notice of a public hearing on a Conditional Use Permit application under this Section shall be provided to the operators of all telecommunication facilities within one mile of the subject parcel via mailing of the standard legal notice.
 - b. Notice of any application for a telecommunication facility shall be mailed to all adjacent property owners within 300 feet. The notice shall include the date by which public comments regarding the application shall be submitted for consideration and the date of the scheduled public hearing or date that the Community Development Director shall make a determination on the application.
5. **Required Findings.**
 - a. *General Findings.* In approving any telecommunication facility except for a collocation facility request or an eligible facilities request, the Approval Authority shall make the following findings:
 - i. The proposed use conforms with the specific purposes of this Section and any special standards applicable to the proposed facility;
 - ii. The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna or to accomplish collocation;
 - iii. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and
 - iv. The proposed facility uses a stealth design.
 - b. *Additional Findings for a Major Facility.* To approve a major telecommunication facility, the Approval Authority shall find that a minor telecommunication facility is not feasible because of technical, aesthetic, or legal consideration including that such siting:
 - i. Would have more significant adverse effects on views or other environmental considerations;
 - ii. Is not permitted by the property-owner;
 - iii. Would impair the quality of service to the existing facility; or
 - iv. Would require existing facilities at the same location to go off-line for a significant period of time.
 - c. *Findings for Collocation Facilities Requests*
 - i. The proposed collocation facility meets the requirements of Section 17.22.270(D.1).
 - d. *Findings for Eligible Facilities Requests:*
 - i. The proposed collocation or modification meets each and every one of the applicable criteria for an eligible facilities request stated in 47 C.F.R. 1.6100(b)(3)-(9), or any successor provisions, after application of

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- the definitions in 47 C.F.R. 1.6100(b). The Approval Authority shall make an express finding for each criterion;
- ii. The proposed facility complies with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, except to the extent preempted by 47 C.F.R. 1.6100(b)(7)(i) through (iv), or any successor provisions; and
 - iii. That the proposed facility will comply with all generally applicable laws.
- e. *Additional Findings for Setback Reductions.* Except for a collocation facility request or an eligible facilities request, to approve a reduction in setback, the Approval Authority shall make one or more of the following findings:
- i. The facility will be collocated onto or clustered with an existing, legally established telecommunication facility; and/or
 - ii. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
- f. *Additional Findings for Any Other Exception to Standards.* The Planning Commission may waive or modify requirements of this Section upon finding that strict compliance would result in noncompliance with applicable federal or State law. Requirements may be waived or modified only to the minimum extent required to avoid the noncompliance. An applicant seeking an exception must provide all supporting evidence for the request at the time of application submittal.
6. ***Conditional Use Permit Conditions of Approval.*** In addition to compliance with the requirements of this Chapter, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Approval Authority:
- a. The Conditional Use Permit expires 10 years from approval and must be renewed in order to continue the use.
 - b. The permittee shall not place any facilities that will deny access to, or otherwise interfere with, any public utility, easement, or right-of-way located on the site. The permittee shall allow the City reasonable access to, and maintenance of, all utilities and existing public improvements within or adjacent to the site, including, but not limited to, pavement, trees, public utilities, lighting and public signage.
 - c. At all times, all required notices and signs shall be posted on the site as required by the FCC and CPUC, and as approved by the City. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.
 - d. At all times, the permittee shall ensure that the facility complies with the most current regulatory and operational standards, including, but not limited to, radio frequency emissions standards adopted by the FCC.

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- e. The permittee and owner of any site on which a telecommunication facility is located shall cooperate and exercise good faith in collocating telecommunication facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of collocation and may include negotiations for erection of a replacement support structure to accommodate collocation. A competitive conflict to collocation or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.
 - i. No collocation may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.
 - ii. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Section is grounds for denial of a permit request or revocation of an existing permit.
 - f. Within one month after construction of the wireless communications facility, the permittee shall verify compliance with FCC radio frequency emissions standards. The verification shall be submitted to the Community Development Director. If at any time while the permit is in effect the Community Development Director determines there is good cause to believe that the facility may emit RF emissions that are likely to exceed FCC standards, the Community Development Director may require the permittee to submit a report described by this Section. Failure to comply with this Section shall be grounds for revocation of the Conditional Use Permit.
 - g. Within 60 calendar days after the applicant commences full, unattended operations of the permitted facility, the applicant shall provide the Community Development Director with documentation that the permitted facility has been installed and/or constructed in compliance with the approved construction drawings and photo simulations and a technically sufficient written report by a qualified radio frequency emissions engineer certifying that the facility is in compliance with the radio frequency emissions guidelines or standards of the FCC.
7. ***Conditions of Approval for Collocation Facilities Requests.*** In addition to compliance with the requirements of this Chapter, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Approval Authority:
- a. Permit subject to conditions of underlying permit. Any permit granted in response to an application qualifying as a collocation facility request shall be subject to the terms and conditions of the underlying permit.
 - b. No permit term extension. The City's grant or grant by operation of law of a collocation facility permit will not extend the permit term for the underlying wireless telecommunication collocation facility permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying

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permit or other regulatory approval for the subject wireless telecommunication collocation facility.

8. ***Eligible Facilities Requests Conditions of Approval.*** In addition to compliance with the requirements of this Chapter, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Approval Authority:
 - a. Permit subject to conditions of underlying permit. Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.
 - b. No permit term extension. The City's grant or grant by operation of law of an eligible facilities request permit constitutes a federally mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the City's grant or grant by operation of law of a an eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.
9. ***Life of Approvals.***
 - a. A Conditional Use Permit or issued pursuant to this Section authorizing establishment of a telecommunication facility must be renewed every 10 years through the approval process specified in Section 17.05.020, Conditional Use Permit. The grounds for non-renewal shall be limited to a showing that one or more of the situations listed below exist:
 - i. The use involved is no longer allowed in the applicable zoning district,
 - ii. The facility fails to comply with the relevant requirements of this Section as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Community Development Director that the facility will be brought into compliance within 120 days, and
 - iii. The permittee has failed to comply with the conditions of approval imposed.
 - b. The grounds for appeal of issuance of a renewal shall be limited to a showing that one or more of the situations listed above does in fact exist or that the notice required under subsection D.4 was not provided.
10. ***Standard Agreement Required.***
 - a. The property owner(s) and the permittee shall enter into a performance and maintenance agreement with the City. The terms of the agreement shall:
 - i. Ensure compliance with this Chapter and all applicable conditions of approval.
 - ii. Require the facility to be appropriately maintained.

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- iii. Ensure new landscaping is installed and existing landscaping is maintained, preserved and protected, as indicated on the plans; and
 - iv. Require the property owners to defend, indemnify, and hold harmless the City.
 - b. The agreement shall be signed and notarized and submitted to the Community Development Department when located on private property. The agreement shall run with the property to ensure that future property owner(s) are aware of the requirement for ongoing maintenance of the existing and approved landscaping.
- F. **Design and Location Standards.** Telecommunication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district in which they are located.
 - 1. **Location and Siting.**
 - a. No new freestanding facility, including a tower, shall be located within 1,000 feet of another freestanding facility, unless mounting on an existing building or existing pole or tower is not feasible.
 - b. All wireless telecommunication facilities shall meet the building setback standards of the district which they are to be located unless findings for a setback reduction are made in accordance with [Section E.5.e](#) above.
 - c. Major telecommunication facilities are not permitted in the LR, MR, and HR [Zoning](#) districts.
 - d. Major and minor telecommunication facilities are not permitted on properties within the Historic Preservation Overlay District.
 - 2. **Support Structures.** Support structures for telecommunication facilities may be any of the following subject to owner approval:
 - a. An existing nonresidential building.
 - b. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.
 - c. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the telecommunication facility to achieve a stealth design. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.
 - d. Existing publicly owned and operated tower exceeding the maximum height limit.

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- e. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole shall be constructed to allow for collocation of at least one other similar communications provider.
3. **Height Limitations.**
- a. *Freestanding Wireless Telecommunications Facility.* A freestanding wireless telecommunications facility shall not exceed a height of 15 feet above the height limit of the district in which it is located.
 - b. *Building-Mounted Facilities.* Building-mounted telecommunication facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of a legally established building, whichever is lower, measured from the top of the facility to the highest (lowest?) point of attachment to the building.
 - c. *Facilities Mounted on Structures.* Telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 15 feet above the height of an electric utility pole.
 - d. *Facilities Mounted on Light Poles.* A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles.
 - e. *Height Determination.* A telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted and to the tip of the highest antenna or piece of equipment attached thereto. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it can be raised including any antenna or other equipment attached thereto.
4. **Design and Screening.** All telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts.
- a. *Minimum Functional Height.* All free-standing wireless telecommunications facilities shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher facility will facilitate collocation.
 - b. *Stealth Design.* State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to achieve a stealth design in a manner that is

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- compatible with the architectural design of the building or structure. All finishes shall be non-reflective.
- c. *Equipment Cabinets.* Equipment cabinets shall be located within the building upon which antennas are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the City. Any wall shall be architecturally compatible with the building or immediate surrounding area.
 - d. *Vegetation Protection and Facility Screening.* All telecommunication facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility where necessary. To this end the following measures shall be implemented:
 - i. Existing trees and other vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter.
 - ii. Where mature trees exist near the construction site, a tree protection plan shall be submitted with building permit or improvement plan submittal. This plan shall be prepared by a certified arborist and give specific measures to protect trees during project construction.
 - iii. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it.
 - e. *Lighting.* Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.
 - f. *Advertising.* No advertising shall be placed on telecommunication facilities, equipment cabinets, or associated structures.
 - g. *Collocation of additional wireless facilities on an approved major telecommunications facility.*
 - i. All facilities shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Collocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third-party technical study at applicant's expense. The City may review any

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information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

- ii. All collocated and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.
5. **Security Features.** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.
 - a. *Fencing.* Security fencing, if any, shall not exceed the fence height limit of the base district. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.
 - b. *Maintenance.* The permittee shall be responsible for maintaining the site and facilities free from graffiti.
6. **Roads and Parking.** All telecommunication facilities shall be served by the minimum roads and parking areas necessary. To this end, existing roads shall be used for access whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the Fire Chief and City Engineer.
7. **Radio Frequency Emissions Standards, Interference, and Noise.**
 - a. *Radio Frequency.* Telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.
 - b. *Interference.* Telecommunications facilities shall not interfere with public safety radio communications.
 - c. *Noise.* Telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of 50 dBa during the hours of 7:00 AM to 10:00 PM and 40 dBa during the hours of 10:00 PM to 7:00 AM measured at the property line of any nonresidential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 AM and 5:00 PM.
8. **Fire Prevention.** All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.
 - a. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.

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- b. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.
 - c. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.
 - d. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.
- G. **Vacation and Removal of Facilities.** The service provider shall notify the Community Development Director of the intent to vacate a site at least 30 days prior to the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within 60 days of discontinuation of the use and the site shall be restored to its original, pre-construction condition.

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Chapter 17.23 Reserved

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Chapter 17.24 General Site Standards

17.24.010 Purpose

This Chapter prescribes site regulations that apply, except where specifically stated, to development in all zoning districts. These standards shall be used in conjunction with the standards for each zoning district established in Part III, Zoning District Regulations. In any case of conflict, the standards specific to the zoning district shall control.

17.24.020 Accessory Buildings and Structures

Accessory buildings or structures that do not have toilet plumbing or cooking facilities are subject to the following provisions:

A. Location.

1. An accessory building or structure must not be located in any required setback fronting a public or private street nor in that portion of a required side setback adjacent to the main building on the adjacent parcel(s).
2. No more than one accessory building or structure may be located in front of the most forward portion of the front elevation of the primary structure. The intent of this provision is to discourage the construction of walls and accessory buildings or structures that obscure the visibility of the main house from the street.
3. An accessory building or structure attached to the main building with a trellis, breezeway or similar structure must conform to the setbacks of the main building.
4. An accessory building or structure may be located in a required rear setback and that portion of a side setback not adjacent to the main building on the adjacent parcel(s) subject to the following provisions:
 - a. The maximum coverage of a required setback must not exceed 50 percent.
 - b. A minimum distance of four feet must be provided from the property line to the accessory building or structure.

B. Building Separation. An accessory building or structure must be separated from a principal building on the same lot subject to the following provisions:

1. A minimum separation of eight feet if any portion of an accessory building or structure is located within a required setback.
2. If no portion of an accessory building or structure is located within a required setback no minimum separation is required subject to the following conditions:
 - a. Drainage and fire containment are addressed to the satisfaction of the Public Works Director and the Fire Chief.
 - b. If the Chief Building Official determines that the separation between an accessory building or structure that is habitable as defined by this Code and a

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principal building may be reduced to zero feet, then the accessory building or structure must be connected to the principal building by a doorway providing direct access between the accessory building or structure and the principal building.

- c. If the Chief Building Official determines that the separation between an accessory building or structure that is habitable as defined by this Code and a principal building may be reduced to less than three feet but more than zero feet, then approval of a Conditional Use Permit must be required prior to the issuance of a building permit.

17.24.030 Encroachments into Required Setbacks

Buildings may encroach into required setbacks according to the standards of this Section, subject to all applicable requirements of the Building Code. These limitations shall not apply to patios, walks, or other similar types of surfaced areas when constructed at grade.

A. Architectural Features.

- 1. Architectural features such as bay windows, fireplaces, chimneys, and sills less than 15 feet in length may encroach into any required setback for a distance of not more than two feet.
- 2. Eaves may encroach into any required setback for a distance of not more than two feet.

- B. **Open Floor Space Areas Over 18 Inches Above Finished Grade.** Open decks, unenclosed porches, unenclosed balconies, fire escapes, landings, steps, and other open floor space areas with a floor elevation over 18 inches above finished grade may extend into any required front setback or side setback for a distance of not more than six feet and must cover no more than 50 percent of the setback area.

- C. **Open Floor Space Areas 18 Inches or Less above Finished Grade.** Open floor space areas with a floor elevation 18 inches or less above finished grade may extend into the required setback for a distance of not more than one-half the width of the setback required by the zoning district requirements.

- D. **Exemptions.** The following structures and features are exempt from the regulations of this Section when approved by the Community Development Director.

- 1. Ramps, railings, lifts and other similar open floor space areas or facilities used for handicapped access;
- 2. Ornamental gate archways up to eight feet in height and 12 feet in width;
- 3. Trellises and pergolas up to eight feet in height and covering less than 60 square feet; and
- 4. Planters, light standards, windbreaks, sun screens, outdoor fireplaces, ponds, ornamental fixtures, flagpoles, arbors, trees, shrubs, and similar features.

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17.24.040 Height Exceptions

The following provisions shall apply to the modification of the height limitations of this Code.

- A. **Height Exceptions Allowed By-Right.** The following buildings and structures may exceed the height limitations specified in this Title by up to five feet:
 - 1. Cupolas, belfries, domes, chimneys, ~~and~~ flagpoles, and television and radio receiving antennae, excluding "satellite antennas" as defined by Section 17.22.270, Wireless Telecommunications Facilities.
 - 2. Roof screening structures for elevators, stairways, tanks, ventilating fans, air conditioning, or similar equipment used solely to operate and maintain a building.
- B. **Height Exceptions Permitted with a CUP.** The following buildings and structures may exceed the height limitations specified in this Title with the approval of a Conditional Use Permit:
 - 1. Church spires and smoke stacks;
 - 2. Radio and television transmitting antennas pursuant to Section 17.22.270, Wireless Telecommunications Facilities, excluding "satellite antennas" as defined by the same Section;
 - 3. Freestanding water tanks and support structures;
 - 4. Electric power transmission and distribution lines, poles and towers; and
 - 5. Other buildings, structures and appurtenances which, in the opinion of the Planning Commission, are similar to the above types of buildings and structures.

17.24.050 Fences, Walls, and Hedges

- A. **Fences, Walls, and Hedges in the LR-1A, LR, MR, HR, PQP, PR, WW, A-20, and OS Districts.** The following standards shall apply to walls, fences, and hedges located in the LR-1A, LR, MR, HR, PQP, PR, WW, A-20 and OS districts:
 - 1. ***Within the Required Front or Side Setback:*** Maximum three and one-half feet.
 - a. *Exceptions:* A six-foot fence, wall, or hedge is allowed in a side setback when it:
 - i. Is at least 50 feet from the front street curb or 40 feet from the front property line on a street without a curb; and
 - ii. Is at least 20 feet from the side street curb or 10 feet from the side property line on a street without a curb.
 - 2. ***Outside of the Required Front or Side Setback:*** Maximum six feet.
 - a. *Exceptions:*
 - i. A two-foot open lattice extension above the fence is permitted with a building permit.
 - ii. Up to 12 feet for tennis courts may be permitted with a ~~Minor Use~~ Minor Use Permit.

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3. **Vehicular Gates.** Vehicular gates must be set back a minimum of 30 feet from the front street curb or 20 feet from the property line on a street without a curb.
- B. **Height Within the Visibility Triangle in All Districts.**
1. Fences, hedges, or dense planting in the form of a hedge shall not exceed two feet in height when located in the visibility triangle as defined in Part V, Definitions and Rules of Measurement.
 2. Trees shall be maintained so as to provide a clearance of seven and one-half feet from the ground to the lowest branches.
- C. **Temporary Security Fences in All Districts.** With the approval of the Public Works Director, temporary security fences may be erected around construction sites during the time a valid building permit is in effect for construction on the premises. Temporary security fences need not comply with the above regulations and must be immediately removed upon completion of the construction authorized by the building permit. Any temporary fences within public rights-of-way must also secure an encroachment permit.

17.24.060 Flag Lots

Many residential properties with the potential for additional dwelling units are difficult to develop under conventional zoning standards. This Section provides standards for residential development on flag lots to ensure effective utilization of the property. These standards supplement the base zone standards; where standards in this Section conflict with those of the base zone, the standards of this Section shall apply. In those cases where the flag lot is also substandard in area for the zone, the small lot standards shall also apply.

- A. Flag lots shall be permitted in the A-20, LR-1A, LR, MR, HR, and WW districts only. Review of flag lots will be subject to Conditional Use Permit approval as well as the provisions of ~~the~~ St. Helena Municipal Code Title 16, Subdivisions ~~Ordinance~~.
- B. The density and development standards of the zoning district in which a property is located shall apply to a flag lot development with the following exceptions:
 1. The narrow strip of land (or panhandle portion of the lot) connecting the lot with a public or private street shall have a minimum width and frontage of 20 feet (16 foot access drive plus four feet for landscaping). The minimum width and requirement may be increased in higher density situations that permit multiple units to be constructed, or where an additional landscape buffer is necessary.
 2. A panhandle may provide access to two lots.
 3. The panhandle portion of the lot connecting with a public or private street shall be included when calculating residential densities but shall be excluded when determining the compliance with minimum lot width and lot size standards.
 4. A grading and drainage plan shall be submitted to and reviewed by the Public Works Director to determine the impacts of the flag lot on adjacent properties. Finished building pad elevations shall not be significantly different from those of adjoining properties.

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- C. The standards for residential driveways or access drives as set forth in Chapter 17.26, Parking and Loading, shall be observed ~~in the provision to provide of~~ access to a flag lot. The access drive to the flag lot shall be inspected annually by the Fire Chief to ensure that landscaping or other obstructions do not hinder emergency vehicle access.
- D. The provision of gates, turnarounds, clearance, road grades, and distance to fire hydrants shall be reviewed and approved by the Fire Chief. The site address of each flag lot shall be placed on a sign in the panhandle of the lot so as to be clearly visible to police, fire and other emergency services personnel from the public or private street.
- E. On-site parking shall be provided pursuant to Chapter 17.26, Parking and Loading. Additional on-site parking spaces for guests may be required, if the on-street parking provided in the area of the proposed flag lot is inadequate.
- F. Landscaping in the panhandle portion of a flag lot alongside the driveway shall be required. Improvements such as curb and gutter may also be required by the ~~P~~public ~~W~~works ~~D~~irector for an access drive in the panhandle portion of a flag lot depending upon such factors as the number of homes served, drainage characteristics, terrain, and soil conditions.
- G. Fences which meet the standards of Section 17.24.050, Fences, Walls, and Hedges, may be placed in the panhandle portion of the lot connecting the lot with a public or private street; provided, that the fence height shall not exceed three and one-half feet in that portion of the panhandle within the front or side setback established for a lot with normal width and frontage.
- H. Easements across adjoining property may not be used to provide the panhandle portion of the lot, unless the lots were lots of record existing prior to January 28, 1956, or legally created pursuant to the State Subdivision Map Act and [St. Helena Municipal Code Title 16, Subdivisions](#), ~~the subdivision ordinance of the City~~ prior to April 11, 1994.

17.24.070 Lighting and Illumination

- A. **Applicability.**
 - 1. **Existing Buildings and Uses.** The standards of this Section apply to all new development and to exterior alterations and additions that involve replacement light fixtures. Any new outdoor lighting installed on a building or parcel must meet the requirements of this Code for shielding and lamp type.
 - 2. **Change of Use.**
 - a. For a change of use or major addition or modification that requires an increase of 25 percent of the number of: required onsite parking spaces, additional dwelling units, gross floor area, seating capacity, or other units of measurement, all lighting must be brought into compliance with the requirements of this Code.
 - b. For a change of use or minor addition or modification that requires an increase in the number of onsite parking spaces, additional dwelling units, gross floor area, seating capacity, or other units of measurement that is less than 25

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percent, the applicant must comply with the requirements of this Section for any new outdoor lighting provided.

3. **Conformance with Applicable Codes.** All outdoor lighting fixtures must be installed and maintained in conformance with the provisions of this Section and all applicable Building Codes.
4. **Conformance after Abandonment/Damage.** In the event that an outdoor lighting fixture is abandoned or is damaged and requires repairs for safe operation, the repaired or replacement fixture must comply with the provisions of this Section.
5. **Exemptions.** The following lighting is exempt from the provisions of this Section.
 - a. Public and private street lighting.
 - b. Athletic field lights used within a school campus or public or private park.
 - c. Safety and security lighting for public facilities.
 - d. State and federal facilities
 - e. Construction and emergency lighting, provided such lighting is temporary and discontinued immediately upon completion of the construction work or abatement of the emergency.
 - f. Temporary seasonal lighting installed between September 1 and January 15 is exempt from the provisions of this Division.
 - g. Underwater lighting used for the illumination of swimming pools and decorative water fountains

B. General Requirements.

1. **Lighting Classes.**
 - a. **Class 1.** Class 1 Lighting is permitted where accurate color rendition is required to preserve the effectiveness of an activity listed below. Lighting sources used for Class 1 lighting must have a Correlated Color Temperature (CCT) of 2700 Kelvin (K) or less. Uses not included in the list below require an interpretation by the Community Development Director of the essential nature of accurate color rendition to preserve the effectiveness of the activity. Class 1 lighting applications include:
 - i. Primary customer building entry/exit areas (does not include service or emergency entry/exits);
 - ii. Outdoor seating areas at restaurants;
 - iii. External and internal lighting for signs, excluding neon;
 - iv. Outdoor sales areas, including service station canopies;
 - v. Outdoor assembly or repair areas and vineyards and wineries where assembly, repair or farm work occurs at night on a regularly scheduled basis; and
 - vi. Outdoor recreational field/track/arena areas.

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- b. *Class 2.* Class 2 Lighting is used for general illumination for utility, safety, or security purposes. Examples of Class 2 Lighting include:
 - i. Pedestrian walkways, driveways, and roadways;
 - ii. Parking lots;
 - iii. Equipment yards; and
 - iv. Outdoor security.
 - c. *Class 3.* Class 3 Lighting is used for decorative purposes. Examples of Class 3 Lighting include:
 - i. Architectural illumination;
 - ii. Flag and monument lighting;
 - iii. Neon incorporated on signs; and
 - iv. Landscape lighting.
 - 2. **Lamp Source and Shielding.** The standards provided in Table 17.24.070.[AB](#), Lamp Type and Shielding Standards, shall apply: |

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Table 17.24.070.B: Lamp Type and Shielding Standards	
Lamp Type and Lightning Class	Required Shielding
Non-Residential¹	
Class 1 Lighting (Color Rendition):	
All lamp types and outputs	Allowed; only fully shielded fixtures permitted
Class 2 Lighting (General Illumination):	
All lamp types and outputs	Allowed; only fully shielded fixtures permitted
Class 3 Lighting (Decorative):	
All lamp types 2500 lumens or above per fixture	Prohibited
All lamp types below 2500 lumens	Allowed; only fully shielded fixtures permitted
Residential¹	
All Lighting Classes	
All lamp types 1000 lumens or above per fixture	Allowed; only fully shielded fixtures permitted
All lamp types 1000 lumens or above per fixture	Allowed; fully shielded fixtures preferred, partially shielded fixtures permitted ²

Notes:

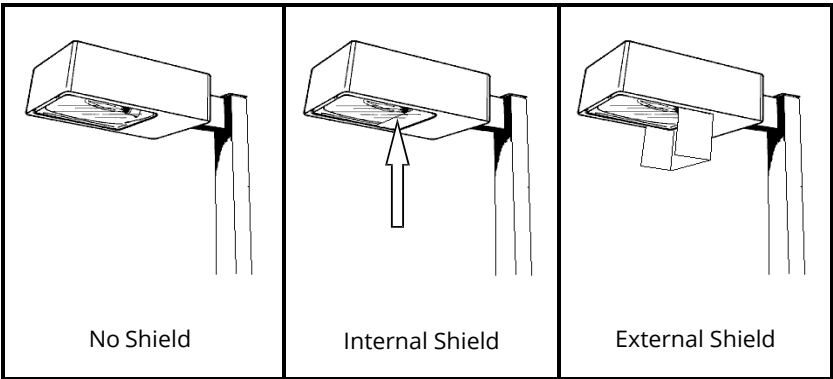
1. For purposes of this Section, residential refers to property developed primarily for residential purposes. Non-residential uses include all other uses.
2. The acceptance of a fixture as "Partially Shielded" shall be determined is subject by the Community Development Director.

3. **Maximum Height.**
 - a. *Within 100 feet of a Residential District:* 16 feet.
 - b. *Parking Lot Illumination:* 15 feet.
 - c. *Other Locations:* 25 feet.
 - d. *Exceptions:* The Planning Commission may allow additional height for activities, uses, or development with unique lighting needs; accentuating historic architectural features of a building; accentuating signage and/or landscape features; or for security purposes.
4. **Effective Shielding.** All light fixtures that are required to be fully shielded must be installed in a manner that satisfies the definition of a fully shielded fixture.
5. **Light Trespass Standard.**
 - a. All light fixtures must be located, aimed, and shielded so that the direct illumination from the fixture shall be confined to the property boundaries of the source.

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- b. Any light fixture located within 50 feet of a residential zone or public right-of-way must utilize an internal or external shield, with the light fixture and shield oriented to minimize light trespass onto adjacent property or right-of-way line. If an external shield is used, its surface must be painted black to minimize reflections.

Figure 17.24.070.B.1: Shielding Configurations.



6. **Motion Sensing Light Fixtures.** All motion sensing light fixtures must conform to all applicable standards of this Division, including the shielding standards of Table 17.24.060.B, Lamp Type and Shielding Standards.
7. **Lighting that Changes Color.** Decorative lighting that changes colors is only permitted to change color every two minutes.
8. **Time Limits for Outdoor Lighting.** All Class 1 and Class 3 lighting (including Class 2 lighting located more than 50 feet from any building or outdoor product display or storage area) must be turned off by 11:00 PM and/or no later than 30 minutes after the business closes, whichever is later, and remain off for the remainder of the night or until the business reopens.
9. **Sign Illumination.** Standards for external and internal sign illumination are provided in Section 17.27.0860.F, ~~Sign Illumination~~.
10. **Architectural/Landscape Lighting.** Architectural lighting used to illuminate a building or landscape lighting used to illuminate trees or other landscape elements is permitted subject to all applicable standards of this Division.
- C. **Prohibited Outdoor Lighting.** The following types of outdoor lighting are prohibited:
1. Outdoor floodlighting.
 2. Search lights, flood lights, strobe lights, laser lights, or similar high intensity light, except as necessary for official emergency services or for meteorological data gathering purposes.
 3. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the property boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating, or strobe light illumination.

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4. Lighting that results in glare to motor vehicles on public rights-of-way.

17.24.080 Refuse and Recycling Areas

This Section establishes design and location criteria for the construction and placement of refuse, solid waste, and recycling, compost, and green waste storage areas. Refuse, solid waste, recycling, compost, and green waste are collectively referred to as “refuse and recycling.”

- A. **General Requirements.** All refuse and recycling materials shall be placed in an appropriate receptacle. All garbage cans, mobile refuse bins, receptacles, and all recycling materials and containers shall be maintained and stored pursuant to this Section.
- B. **Location.** The waste and recycling containers shall not be located within any required front setback, street side setback, any required parking and landscaped areas, or any other area required to remain unencumbered, according to fire and other applicable building and public safety codes.
- C. **Visibility.** The refuse and recycling containers shall not be visible from the public right-of-way and shall be screened by landscaping (fences or walls may be used if located outside a required setback).
- D. **Accessibility.** Waste and recycling storage areas shall be accessible so that trucks and equipment used by the contracted waste and recycling collector has sufficient maneuvering area.
- E. **Clear Zone.** An area of five feet in front of and surrounding all enclosure types shall be kept clear of obstructions, and shall be painted, striped, and marked “No Parking.”
- F. **Maintenance.** The site must be maintained free of litter and any other undesirable materials and must be picked up and cleaned on a daily basis.
- G. **Container Materials.** Containers used for the collection and storage of refuse and recyclable materials shall be constructed of a durable, waterproof, and rustproof material and with a cover secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected between collection schedules.
- H. **Enclosure Materials.** Unless specifically waived by the design review processes described in Chapter 17.05, Planning Permits and Approvals, all development projects shall have a refuse enclosure constructed with a wall of such materials as to be opaque and of sufficient size to permit the storage, removal and replacement of standard commercial size refuse containers. The trash enclosure must utilize colors/materials found on the primary building and have a roof integrated into the design. Trash enclosures must be located so that the enclosure is slightly elevated from its surroundings. The location must ensure that run-off drains to the sewer system. No collection, storage or stacking of refuse is permitted outside the refuse enclosure. This requirement does not preclude the placement of individual refuse containers within the I, PQP, PR, and OS districts.
- I. **Drainage.** The floor of the enclosure shall have a drain that connects to the sanitary sewer system.

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17.24.090 Screening

- A. **Uses and Equipment that Require Screening.** The following uses and equipment must be screened from view:
1. **Ground-Mounted Equipment.** All ground mounted equipment must be screened from surrounding properties and the public right-of-way streets or enclosed within a building. Equipment to be screened includes but is not limited to commercial air conditioners, heating units, commercial generators, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems.
 2. **Roof-Mounted Equipment in the CB, SC, MU, BPO, and I Districts.** In the CB, SC, MU, BPO, and I zoning districts, rooftop mounted mechanical and electrical service equipment must be entirely screened from surrounding properties and the public right-of-way. Exceptions may be granted by the Community Development Director where screening is infeasible due to health and safety or utility requirements.
 3. **Outdoor Storage Areas.** Outdoor storage areas shall be screened from view from any public right-of-way; existing or residential areas; or publicly accessible open space area, parking area, access driveway, or similar thoroughfare.
 4. **Other Outdoor Use Areas.** Any use not conducted entirely within an enclosed structure shall be screened from view from any public right-of-way; existing or planned residential area; or publicly accessible open space area, parking area, access driveway, or similar thoroughfare where the Community Development Director finds that the use without screening would have a detrimental effect on adjacent properties. Outdoor dining areas and patios may remain unscreened.
- B. **Screening Height.** Screening fences and walls must not exceed the maximum allowable fence heights as established in Section 17.24.050, Fences, Walls and Hedges, unless allowed with approval of a Minor Use Permit.
- C. **Screening Materials.** Screening materials shall be architecturally compatible with the exterior colors and materials of the primary building. Screen walls may be stucco, decorative block, or concrete panel, wood, or other substantially equivalent material.
- D. **Maintenance of Screening.** Screen walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height.

17.24.100 On-Site Storage

This Section provides regulations for the placement of material objects on a site for any period exceeding seven consecutive days.

- A. **Applicability.** This Section applies to the storage of building supplies, discarded or salvaged materials, motor vehicle parts, mechanical equipment or other material objects or equipment

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as determined by the Community Development Director except as provided ~~for~~ elsewhere in this Title. This Section does not apply to self-storage facilities.

B. Restrictions.

1. On-site storage shall be prohibited within any front or side setback of any property.
2. On-site storage is not permitted on vacant lots.
3. Materials or equipment shall not be stored to a height greater than the height of the screening fence or wall required in Section 17.24.090, Screening.

C. Exceptions. The regulations set forth in this Section shall not be applicable to the following types of storage:

1. The storage within a dwelling of objects normally found within a home.
2. The placement upon the premises within any residential zoning district of equipment or goods normally found in a yard such as toys, play equipment, yard or lawn furniture, minor yard maintenance tools and equipment, and similar objects.
3. The inventory of any retail or wholesale business, warehouse, parts house, industrial or commercial activity when such storage is the principal activity of the use or is incidental to the use and enclosed entirely within a building.
4. The temporary placement of building materials on a site of a City-approved construction project during the time a valid building permit is in effect for construction on the premises. The Community Development Director may approve the placement of a temporary mobile office (designed solely for such use) at an approved construction site for a maximum one-year period or for the duration of the construction, whichever period is shorter.
5. The storage of vehicles as regulated by Chapter 17.26, Parking and Loading.

Chapter 17.25 Landscaping

17.25.010 Purpose

This Section establishes minimum standards for the provision, installation, and maintenance of landscape areas by the following means:

- A. Promote the conservation of potable and non-potable water by encouraging the preservation of existing plant communities, implementing xeriscape principles, encouraging the use of site-specific plant materials, and establishing techniques for the installation and maintenance of landscape materials and irrigation systems.
- B. Improve the appearance of all open areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.
- C. Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 - 1. Improving air and water quality through such natural processes as photosynthesis and mineral uptake;
 - 2. Maintaining permeable land areas essential to surface water management and aquifer recharge;
 - 3. Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capabilities of trees and other vegetation;
 - 4. Promoting energy conservation through the creation of shade;
 - 5. Reducing heat gain in or on buildings or paved areas;
 - 6. Reducing the temperature of the microclimate through the process of evapotranspiration; and
 - 7. Encouraging the conservation of limited fresh resources through the use of site-specific plants and various planting and maintenance techniques.
- D. Maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.
- E. Minimize or eliminate conflicts between potentially incompatible uses through landscaping.
- F. Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce heat and glare, and to break up the monotony and soften the harsher aspects of urban development.
- G. Preserve existing natural vegetation and promote the incorporation of native plants, plant communities, and ecosystems into landscape design, where possible.
- H. Promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping, encouraging water and energy conservation.
- I. Establish procedures and standards for the administration and enforcement of this Section.

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17.25.020 Applicability

- A. The provisions of this Chapter shall apply to the following:
1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit or Major Design Review;
 2. New construction and rehabilitated landscapes in single-family and multi-family residential projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, landscape permit, or Major Design Review; or
 - ~~2. New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, landscape permit or Major Design Review;~~
 - ~~3. New construction landscapes which are homeowner-provided or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building permit or Major Design Review; or~~
 - 4.3. Existing landscape areas over one acre in size.
- B. This Chapter does not apply to:
1. Registered local, state or federal historical sites;
 2. Ecological restoration projects that do not require a permanent irrigation system;
 3. Mined-land reclamation projects that do not require a permanent irrigation system; or
 4. Plant collections, as part of botanical gardens and arboretums open to the public.

17.25.030 Xeriscape Principles

The following xeriscape principles serve as the primary means of achieving water conservation:

- A. Design of the landscape by dividing it into high-, moderate-, and low-water use zones and by taking advantage of microclimates caused by the different conditions of sun, slope, moisture and air movement (hydrozones);
- B. Efficient irrigation systems;
- C. The use of soil amendments to improve the water-holding capacity of the soil;
- D. Limiting turf to locations where it provides functional benefits;
- E. The use of mulches, where appropriate;
- F. Selection of appropriate plants; and
- G. Maintaining the landscape appropriately (monitor the irrigation system and water according to needs).

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17.25.040 Areas to be Landscaped

The following areas shall be landscaped and may count toward the total area of the site required to be landscaped by the zoning district regulations.

- A. **Required Setbacks.** All required front and street-facing side setbacks, except for areas used for exit and entry, shall be landscaped.
- B. **Interior Property Lines Abutting Residential Districts.** Whenever a nonresidential use is located adjacent to a residential district or use, a landscape buffer planted with a mix of trees and shrubs shall be provided along interior property lines. At least one tree of at least 15-gallon size shall be planted per 20 linear feet or as appropriate to create a tree canopy over the buffer. In addition, at least three shrubs shall be planted per 20 linear feet.
 - 1. **SC, BPO, and I Districts.** Landscaped buffer six feet in width.
 - 2. **Other Non-residential Uses.** Landscaped buffer four feet in width.
- C. **Building Perimeters.** The portions of a nonresidential building that front a public street shall have one or more landscape planters installed along a minimum 20 percent of that building face. The minimum width of the planter shall be three feet. This standard does not apply to buildings facing Main Street within the Historic Overlay District and buildings located on the front or corner side property line.
- D. **Landscaping Requirements on Flag Lots.** Landscaping is required in the panhandle portion of a flag lot alongside the driveway.
- E. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or hydroseeded. The Community Development Director may waive this requirement for areas planned for future development.

17.25.050 Requirements

- A. **Model Water Efficient Landscaping Ordinance (MWELO).** Landscaping shall be consistent with the State of California's MWELO, which is found at [§§ Sections 490 to 495](#) of Chapter 2.7, Division 2, Title 23, of the California Code of Regulations.
- B. **General Requirements.** In all areas where landscaping is required in accordance with Section 17.25.040, Areas to be Landscaped, landscaping shall be permanently maintained by the property owner in accordance with the following standards:
 - 1. **Shade Tree Species.** Shade trees shall be of a variety approved by the City that will, under ordinary circumstances and growing conditions, provide shade upon reaching maturity.
 - 2. **Tree Distribution.** Distribution of trees shall generally be in a grid or similar pattern or exhibit a regular spacing within off-street parking lots, required setbacks, and other open spaces and landscaped areas.
 - 3. **Incidental features.** Landscaping may include incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscaped setting.

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4. **Gardens.** Garden areas and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.
5. **Turf.** No more than 25 percent of the landscaped area may be turf. If the turf is irrigated with reclaimed or greywater, this percentage may be exceeded, as determined by the Public Works Director.
6. **Gravel Surfaces and Pavers.** Landscaped areas may include graveled surfaces and surfaces paved with pavers, provided they do not cover more than 30 percent of the area required to be landscaped.
7. **Invasive Plants Prohibited.** Plant species that are listed by California Invasive Plant Council (Cal-IPC) as invasive are prohibited. Existing invasive plants and noxious weeds shall be removed.

C. Specific Requirements.

1. **CB and MU with Main Street frontage.** The following standards apply to all parcels with frontage on Main Street in the CB and MU districts.
 - a. ~~Landscaping not Required.~~ Dimension of Landscaped Areas. ~~Where buildings are located at the back of the sidewalk on the property line or within two feet of a property line, no landscaped areas are required. Instead the sidewalk must be extended to the front of the building and constructed with materials that match the surface of the existing sidewalk.~~ No landscaped area smaller than two feet in any horizontal dimension shall count toward required landscaping.
 - b. **Parking Areas.** Unless otherwise specified in this Chapter or under the conditions of an approved permit, planted areas shall have a width of not less than four feet and shall be protected from vehicles where necessary through the provision of barriers or tire stops.
2. **All Other Areas.** The following standards apply to all areas not described in 17.25.050.C.1.
 - a. **Dimension of Landscaped Areas.** No landscaped area smaller than three feet in any horizontal dimension shall count toward required landscaping.
 - b. **Parking Lot Trees.** All trees in parking lots shall be a minimum 15 gallon can size and shall conform to the National Association of Nurserymen's adopted standards for growth, condition and development of nursery-supplied materials. Modification of these standards for equivalent quality of tree or shade plant may be permitted depending on the species. The following minimum number of trees in Table 17.25.050.A, Parking Lot Trees Required, shall be required in any parking lot:

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Table 17.25.050 A: Parking Lot Trees Required

Parking Lot Size	Number of Trees
15 spaces or fewer	1 tree/4 spaces (minimum of 2 trees)
16 spaces or more	20 trees/acre if canopy is 40 feet or greater
	24 trees/acre if canopy is less than 40 feet

- c. *Planters.* Where a parking lot abuts a public right-of-way, there shall be provided a landscaped planter that is a minimum three feet in width and parallel to the right-of-way.
 - d. *Curbing.* In all areas where vehicular circulation is permitted, landscaping and shade trees shall be contained in planters and tree wells bordered by a six-inch-high concrete curb or equivalent barrier approved by the City.
 - e. *Width and Protection.* Unless otherwise specified in this Chapter or under the conditions of an approved permit, planters and tree wells shall have a width of not less than five feet and shall be protected from automobile overhang where necessary through the provision of barriers, tire stops, or additional width.
- D. **Maintenance.** All planting and other landscape elements shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements.
- E. **Irrigation.** Landscaped areas and planters shall be served by an irrigation system approved by the City and shall be kept in a weed-free condition.
- F. **Landscape Documentation Package.** For any project subject to this Section, a landscape documentation package shall be submitted to, reviewed by, and approved by the Community Development Director prior to the issuance of any building permit or the replacement of landscaping. The landscape documentation package shall include all required information as established in the State MWELo guidelines or successor regulations.
- G. **Amendment of Approved Plan.** Any significant change of plant material, size or design from that contained in an approved landscaping plan shall require the approval of a revised landscaping plan reviewed in the same manner as the original plan. The Community Development Director may determine on a case-by-case basis what is a significant change to an approved landscaping plan.

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Chapter 17.26 Parking and Loading

17.26.010 Purpose

The purpose of this Chapter is to:

- A. Require parking spaces and loading spaces for all land uses that are sufficient in number, size, and arrangement;
- B. Minimize the negative environmental and urban design impacts of parking lots, driveways, and drive aisles within parking lots;
- C. Ensure the provision of adequate off-street bicycle parking;
- D. Establish standards and regulations for safe and well-designed parking, loading and unloading, and vehicle circulation areas that minimize conflicts between pedestrians and vehicles, and where appropriate, create buffers from surrounding land uses;
- E. Minimize the amount of area devoted to parking by allowing reductions in the number of required spaces, shared parking facilities, and other methods to lower vehicle parking demand;
- F. Encourage modal shift; and
- G. Reduce urban run-off and heat island effect through reduced parking footprints.

17.26.020 Definitions

As used in this Chapter:

- A. **Access drive.** A paved way located outside of the public right-of-way that provides vehicular access between the public street and the required parking for more than one lot, or for one lot if necessary for emergency vehicle access. Within a parking lot, that portion providing access other than aisles.
- B. **Aisle.** The portion of a parking lot which is contiguous to a parking space and provides direct access to the parking space.
- C. **Bicycle Parking Space.** A space dedicated to the parking of bicycles that typically includes supports to which the bicycle may be attached.
- D. **Bicycle Locker.** A locker or box in which up to 2 bicycles can be placed and locked to prevent theft, shelter bicycles from the weather, and deter casual vandalism.
- E. **Driveway approach.** That portion of a residential driveway which connects a residential driveway to the street is a driveway approach, typically located in the right-of-way.
- F. **Electric Vehicle Charging Station.** An electric vehicle supply equipment station designed and built in compliance with California Electrical Code Article 625 that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- G. **Off-street loading space.** A parking space or portion of a parking lot marked and designated for temporary parking for purposes of loading and unloading.

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- H. **On-site parking.** A space designated for parking a vehicle on the same property as the use it is required to serve.
- I. **Parking lot.** A site or a portion of a site devoted to on-site parking of vehicles including parking spaces, aisles, access driveways and landscaped areas, and other areas providing ingress and egress to parking spaces.
- J. **Parking space.** A permanently surfaced area for vehicular parking connected to a public street, alley or other public way by a permanently surfaced driveway or access or access drive.
- K. **Residential driveway.** A drive which provides direct vehicular access from a public or private street to the required parking for an individual dwelling unit and accessory structures.
- L. **Secured bicycle parking.** A lockable facility such as individual lockers or enclosed, locked, limited-access areas for parking of bicycles.
- M. **Shared parking.** A parking area that provides required parking spaces for more than one use.
- N. **Tandem parking.** Tandem parking means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

17.26.030 Applicability

The requirements of this Chapter apply to all primary uses in all zoning districts at the time any building or structure is erected, enlarged, increased in capacity, or changed from a nonconforming use to a permitted use.

- A. **New Buildings and Uses.** On-site parking and loading shall be provided in accordance with this Chapter at the time any main building or structure is erected or any new land use is established.
- B. **Existing Non-Residential Buildings.**
 - 1. When a change in use, expansion of a use, or expansion of floor area creates an increase of 15 percent or more in the number of required on-site parking or loading spaces, additional on-site parking and loading shall be provided for such addition, enlargement, or change in use and not for the entire building or site.
 - 2. Existing parking and loading not in excess of the minimum requirements shall be maintained.
 - 3. Parking and loading in excess of minimum requirements may be removed.
 - 4. A change in tenancy or ownership is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
 - 5. If the number of existing parking and loading spaces is greater than the requirements for a proposed use, the number of excess parking spaces may be counted toward meeting the requirements for any change, expansion, or major alteration.
- C. **Existing Residential Buildings.** Parking in accordance with this Chapter shall be provided where additional dwelling units are created through the alteration of an existing building or construction of an additional structure or structures.

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- D. **When Constructed.** On-site parking and loading facilities required by this Chapter shall be constructed or installed prior to the issuance of a **Certificate of Occupancy** for the uses that they serve.

17.26.040 Required Parking Spaces

- A. **Required Spaces.** The total number of required parking spaces are specified in Table 17.26.040.A: Minimum Off-Street Parking Requirements by Use. Fractional spaces of one-half or more shall be rounded off to require one additional space for the fractional space.

Table 17.26.040.A: Minimum Off-Street Parking Requirements by Use	
Residential Uses	
Single-family and duplex dwellings	Min. 2 spaces per unit, may be covered or uncovered
Multi-family dwellings (3 or more units)	<i>Studio and 1-BR units:</i> Min. 1 space per unit, may be covered or uncovered. <i>2 BR or more:</i> Min. 1.5 spaces per unit., <i>Guest parking:</i> 25% of total required spaces when 15 or more units constructed.
Family day care, small	None beyond what is required for the residential use
Family day care, large	In addition to required parking for the residential use, min. 1 space for each nonresident employee plus an area for loading and unloading children
Live/work	One space per 300 sq ft of the area devoted to work space, plus one space for every four units.
Mobile homes	Min. 2 spaces per mobile home space. One must be located on the mobile home space and the other must be located within 150 feet of the mobile home space. In addition, min. 1 guest space per 4 mobile home spaces
Single-room occupancy	One uncovered parking space for every three units plus one uncovered parking space for an onsite manager unit. In addition, min. 1 lockable bicycle parking space for each efficiency unit adjacent to the unit.
Commercial, Office, Industrial, and Winery Uses	
Boarding house	Min. 2 spaces for the resident owner plus 1 space for each guest room
Commercial, retail and office uses	1 space per 300 sq ft of building floor area, in no cases less than 2 parking spaces for each building or tenant space
Eating and drinking establishments	1 space per 4 seats
Hotel	Min. 1 space per guest room, suite, sleeping or living unit plus one space for each three employees

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Table 17.26.040.A: Minimum Off-Street Parking Requirements by Use

Industrial uses, excluding wine warehousing	1 space per 300 sq ft office area; plus 1 space per 650 sq ft industrial area; plus 1 space per 1,000 sq ft warehouse area.
Mixed-use	For mixed-use development with residential uses, apply the shared parking provisions of Section 17.26.060.C.
Wineries (large and small)	1 space per 4 tasting or tour visitors plus 1 space per 1,000 sq ft of floor area
Winery tasting room	One space for each 300 sq. ft. of gross sales area. For outdoor seating, no off-street parking shall be required.
Wine warehouse	1 space per 300 sq ft of office floor area plus:
<i>Up to 25,000 sq. ft. of warehouse area</i>	1 space per 5,000 sq ft of warehouse floor area
<i>25,000 sq ft or more warehouse area</i>	5 spaces plus 1 space per 10,000 sq ft warehouse floor area.
Public and Institutional Uses	
Community assembly with fixed seating	1 space per 4 seats
Community assembly without fixed seating	1 space per 50 sq ft of floor area
Cultural institutions	1 space per 400 sq ft of floor area open to the public
Day care facility	1 per each employee plus an area for loading and unloading
Government offices	1 space per 300 sq ft of building floor area, in no cases less than 2 parking spaces for each building or tenant space.
Hospitals and clinics	1 space for every 4 beds or as required by the Planning Commission
Instructional Services	1 space per 40 sq ft of classroom space
Schools	3 spaces per classroom and other room used by students. In addition, 1 space for each 350 sq ft devoted to office or administrative uses.
Accessory Uses	
Accessory dwelling units	Parking for accessory dwelling units shall be provided in compliance with Sub Section 17.22.030.F.6

- B. **Other Uses.** For uses not specifically listed in Table 17.26.040.A, Minimum Off-Street Parking Requirements by Use, the Planning Commission shall determine the parking requirements. In determining such requirements, the Planning Commission shall use the above requirements as a rule and guide and any relevant information supplied by standard traffic engineering reference manuals on parking demand by use type.
- C. **Tenant Spaces with Multiple Functions.** A site or building with multiple tenants (i.e. two or more) or multiple uses shall provide the aggregate number of parking spaces required for

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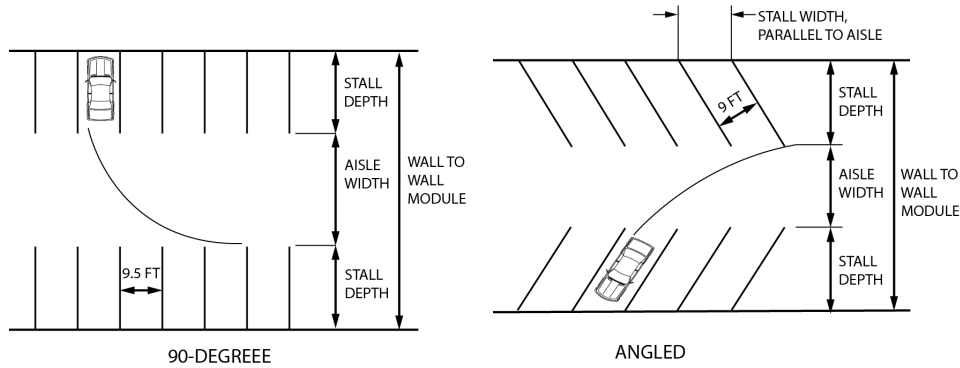
each separate use (e.g. the sum of the separate requirements for each use) unless the Community Development Director approves a parking reduction in compliance with Section 17.26.060, Parking Reductions.

17.26.050 Parking Area and Access Design Standards

- A. **Residential Garages and Carports.** Each residential garage or carport shall have the following minimum unobstructed interior dimensions:
 - 1. Single car garage/carport: nine feet by 19 feet.
 - 2. Double car garage: 19 feet by 19 feet.
- B. **Driveways to Residential Uses.** A residential driveway that provides direct vehicular access from a public or private street to required parking for an individual dwelling unit is subject to the following standards:
 - 1. **Length:** Minimum 24 feet as measured from the property line to a garage door; a minimum 20 feet if a roll-up garage door or carport is utilized.
 - 2. **Width:** Between 10 and 20 feet as shown in the City of St. Helena Street, Storm Drain and Sidewalk Standards.
 - 3. **Material:** New driveways shall use pervious materials and pavers to minimize storm water impacts.
 - 4. **Minimum Separation at Corners:** Driveways shall be placed no less than 20 feet from the intersection of the front and street side property lines.
 - 5. **Exceptions.**
 - a. Residential driveways in the Woodlands and Watershed zoning district, or elsewhere as deemed necessary by the Fire Chief.
 - b. Lots without public street frontages and lots greater than 100 feet in length shall meet the standards for an access drive as set forth in St. Helena Municipal Code Section 15.36.100, Fire Apparatus Access Roads.
- C. **Off-Street Parking Lot Design.**
 - 1. **Design Standards.** Standards for the design and layout of required off-street parking lots are provided in Table 17.26.050.B:  Angled Parking Dimensions.

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Table 17.26.050. **Angled Parking Dimensions**



Angle	90	75	60	45	30
Stall depth to wall (ft)	19	19.5	20	18.5	16
Aisle width (ft)	25	21	18	14	14
Wall to wall module (ft)	63	60	58	51	46
Stall width, parallel to aisle (ft)	9.5	9.32	10.39	12.73	18

2. **Compact Spaces.**
 - a. Up to 30 percent of the required number of off-street parking spaces may be designated for the parking of compact vehicles only.
 - b. Stall width may be reduced by a maximum of one foot.
 - c. Stall length may be reduced by a maximum of three feet.
 - d. "Compact parking only" shall be stenciled on the pavement at the entrance to each stall with 6-inch minimum height letters.
 - e. When provided, compact car space clusters shall be dispersed throughout the parking lot rather than concentrated in one area.
3. **Parallel Spaces.**
 - a. Parallel spaces along a wall, fence, or hedge shall be 10 feet in width.
 - b. Parallel spaces having no obstruction or adjacent parking space within ten feet of one end may be reduced in length to 20 feet. If both ends are similarly clear, the space may be reduced in length to 18 feet.
4. **Long Term Parking.** Parallel stalls that are designated for long-term, or low turnover use, as allowed in this Code may be reduced as follows:
 - a. Stall width may be reduced by six inches. Small car stalls may not be reduced in width.
 - b. Stall length may be reduced by one foot (including small car spaces).

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5. **Landscaped Area.** Stalls adjacent to a landscaped area shall be widened by six inches. Stall adjacent to a fence wall or hedge shall be widened by one foot.
6. **Aisles.** The minimum aisle dimension for two-way traffic shall be 24 feet and for one-way traffic 14 feet.
7. **Dimensions.** The front two feet of the required parking stall dimension may be used to enlarge an adjacent landscaped area but may not be used to meet minimum landscaping requirements. Landscaping within this overhang area shall be limited to low-lying shrubs and ground cover and must be approved by the Community Development Director.
8. **Circulation.** Parking lots shall be designed with adequate circulation and turn around so that vehicles will not have to back into the street to exit.
9. **Paving.** Parking stalls shall be paved and shall comply with the design and construction standards for access drives.
10. **Striping.** Parking stalls shall be marked using four inches wide white paint stripes. All directional arrows and legends shall be white. Double lining of parking stalls may be used with specific approval of the Public Works Director.
11. **Angled Spaces.** All angled or 90-degree parking spaces shall be provided with a concrete wheel stop to prevent parked vehicles from encroaching into areas designed for other purposes, except as allowed in subsection 17.26.0590.C.7. Continuous concrete curb is acceptable in lieu of individual wheel stops. Timber wheel stops can only be used with specific approval of the Public Works Director.
12. **Alternative Dimensions.** Where the location of existing structures or other significant features makes it impossible to obtain an acceptable parking layout using these dimensions, the Public Works Director may authorize the use of alternative dimensions.
13. **Accessible Spaces.** Handicapped parking shall be provided in accordance with the standards of the California Building Code, Part 2, Title 24.
14. **Lighting.** All lighting shall comply with the requirements of Section 17.24.-070, Lighting and Illumination.
15. **Screening.** Where abutting a residential zoning district, parking lots in the rear of a site for more than five vehicles shall be screened, except for necessary driveway openings, by a six-foot high solid board fence, masonry wall, vegetative screen, or screened chain link fence. Screening fences or walls shall be maintained in good condition.
16. **Location.** Within any zoning district, except for necessary service or single-family access driveways, no portion of a parking lot shall be located in any required front or side setback adjacent to a street. No vehicles shall back out onto a public street except in residential zoning districts.
17. **Material.** Parking lot surfaces may be concrete, asphalt, grouted continuous brick, cobblestone, turf block, or any similar, durable, and dustless material. To reduce stormwater runoff, porous pavers may be used subject to approval by the Public Works Director.

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- D. **Access Drives for Multi-Family and Non-residential Properties.** An access drive that provides vehicular access between the public street and the required parking for more than one lot, or for one lot if the length of the drive is greater than 100 feet, is subject to the following standards:

1. **Width.** The minimum dimensions provided in Table 17.26.050, **CD: Standard for Access Drives**, allow for the safe passage of emergency vehicles. Parking areas may not count toward the required access drive width.

Table 17.26.050, CD: Standards for Access Drives	
Nonresidential	Minimum Width (fully paved width)
One-way access drive	16' paved
Two-way access drive	25' paved
Residential	Minimum Width (includes two 2' shoulders)
One-way access drive:	
1 unit	16' (12' paved)
Two-way access drives:	
1 or 2 units	16' (12' paved)
3 to 10 units	20' (16' paved)
11 to 60 units	25' (21' paved)
More than 60 units	30' (26' paved)

2. **Design for Two-Way Traffic.** All access drives, except for driveways for single-family residence, shall be designed for two-way traffic unless specific approval is obtained from the Public Works Director and Fire Chief.
 3. **Setback from Front of Lot.** To avoid congestion at the entrance of a property from the street or access drive, no on-site parking space or gate shall be allowed within the initial 30 feet of the edge of pavement of the access drive, drive aisle or property line, or location as determined by the Public Works Director in conjunction with the Fire Chief.
 4. **Vertical Clearance.** The minimum vertical clearance shall be 14 feet at all points across the required width of the access drive.
 5. **Other Design Requirements.** Emergency vehicle turnouts, firefighting operations areas, and grades shall be as prescribed in St. Helena Municipal Code Chapter 15.36, California Fire Code Adopted.
 6. **Inspection.** Access drives shall be inspected annually by the Fire Chief/Fire Code Official to ensure that landscaping or other obstructions do not hinder emergency vehicle access.
- E. **Review.** The design of all features relating to access drives is subject to review and approval of the Public Works Director and Fire Chief. Where the access is determined by the Public Works Director to serve traffic loads equivalent to those typically encountered on public streets, the Public Works Director shall require the design of the access drive to meet public

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street standards. See Chapter 17.04, Common Procedures, for submittal requirements and procedures.

17.26.060 Parking Reductions

- A. **Parking Exemption Overlay District.** Projects located within this District are not subject to onsite parking requirements. Please refer to Chapter 17.21.030, Parking Exemption District.
- B. **Density Bonus.** Parking standards may vary for residential development projects receiving a density bonus pursuant to Chapter 17.29, Density Bonus, and California Government Code § 65915(p).
- C. **Reduction for Shared Parking.** Where a shared parking facility serves more than one use, the Community Development Director may reduce the total number of required parking spaces up to 40 percent upon finding that:
 - 1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 - 2. The proposed shared parking provided will be adequate to serve each use;
 - 3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and
 - 4. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Section 17.26.070.B, ~~Location of Required Parking.~~
- D. **Reduction for Transportation Demand Management.** Total required parking for commercial and office uses that incorporate one or more of the following Transportation Demand Measures may be reduced by 10 percent:
 - 1. Designated car-share, vanpool, or carpool parking.
 - 2. Showers and lockers.
 - 3. Transit subsidies or reimbursement to residents and employees.

17.26.070 General Provisions

- A. **Change of Required Parking.** When the required parking changes as a result of a change of use, expansion of use, increase in number of leaseholders or tenant spaces, or change from a nonconforming use to a permitted use, additional required parking spaces must be provided unless exempt as stipulated in Section 17.26.030, Applicability.
- B. **Location of Required Parking.**
 - 1. Required parking shall be located on the same lot with the use, building or structure for which the parking is required, or off-site not more than 300 feet away from the use, building or structure and in a zoning district which allows parking.
 - 2. When parking is located off-site, the property owners involved in the joint use of parking facilities shall record an agreement, approved by the City Attorney, and filed

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with the County Recorder. A copy of the agreement shall be filed with the Planning Department.

C. Tandem Parking.

1. ***In Residential Districts.*** Tandem parking is permitted.
2. ***In Commercial and Mixed-Use Districts.***
 - a. Up to 25 percent tandem parking is permitted and may be counted as part of the required parking as stipulated in Table 17.26.040.A: Minimum Off-Street Parking Requirements by Use.
 - b. Tandem parking that requires backing out onto a public street is prohibited.

17.26.080 Bicycle Parking

The Planning Commission may require the provision of bicycle parking facilities for any use which is required to provide 10 or more vehicular parking spaces dependent upon the use, size, and location of the property.

A. Short-Term Bicycle Parking. Short-term secure bicycle parking shall be provided to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of four hours or less.

1. ***Bicycle Parking Spaces Required.*** For the following uses, the number of short-term secure bicycle parking spaces shall be five percent of the parking spaces required in Table 17.26.040.A, Minimum Off-Street Parking Requirements by Use, with a minimum of four secure bicycle parking spaces provided per use.
 - a. Multi-Unit Residential, Boarding House, and Single Room Occupancy.
 - b. All Public/Semi-Public Uses.
 - c. All Commercial Uses, except Automobile/Vehicle Sales and Services, Short-term Rentals, and Mobile Vendors.
 - d. ***Exemptions.*** The following are exempt from the required bicycle parking spaces:
 - i. Uses located within the Parking Exemption Overlay District;
 - ii. Uses within the CB district; and
 - iii. Uses located on properties where the required front setback is less than 10 feet.
2. ***Location.***
 - a. Short-term secure bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of the main entrance to the building it serves.
 - b. Short-term secure bicycle parking shall be located outside of the public right-of-way except as allowed through an encroachment permit.

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- c. Where the secure bicycle parking area is not visible from the main entrance of the buildings, signs located at the main entrance of the building shall identify the location of bicycle parking.
- 3. **Anchoring and Security.** For each short-term bicycle parking space required, a stationary, securely-anchored bicycle rack shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such bicycle rack may serve multiple bicycle parking spaces.
- 4. **Size and Accessibility.** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.
- B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.
 - 1. **Bicycle Parking Spaces Required.**
 - a. *Multi-Unit Residential, Group Residential, and Single-Room Occupancy.* A minimum of one long-term secured bicycle parking space shall be provided for every five dwelling units.
 - b. *Parking Structures.* Long-term bicycle parking shall be provided at a minimum ratio of one bicycle parking space per 25 vehicle parking spaces.
 - c. *Other Uses.* Any establishment with 25 or more full-time equivalent employees shall provide long-term bicycle parking designated on a site plan at a minimum ratio of one bicycle parking space per 25 required vehicle parking spaces. Parking areas with fewer than 25 spaces are encouraged but not required to provide long-term bicycle parking.
 - 2. **Location.** Long-term bicycle parking must be located on the same lot as the use it serves and near a building entrance. In parking structures, long-term bicycle parking must be located near an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.
 - 3. **Anchoring and Security.** Long-term bicycle parking must be located in:
 - a. An enclosed bicycle locker; or
 - b. Other secure areas approved by the Community Development Director.
 - 4. **Size and Accessibility.** Each long-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.

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17.26.090 Electric Vehicle Charging Stations

Electric vehicle (EV) charging stations and EV-capable parking spaces shall be provided for all new buildings erected as required by this Section. All such spaces shall be included in the calculation of parking demands of Section 17.26.040, Required Parking Spaces.

- A. **Required EV Charging Stations.** The total number of required EV charging stations spaces are specified in Table 17.26.090.A: Required EV Charging Stations.

Table 17.26.090.A: Required EV Charging Spaces	
Total Number of Required Parking Spaces	Minimum EV Charging Spaces
0 – 9	0
10 – 25	1
26 -50	2 for residential uses; 2 for nonresidential uses
51+	6% of total

- B. **Exceptions.** Exceptions to Table 17.26.090.A: Required EV Charging Spaces, may be made on a case-by-case basis where the Community Development Director and the Chief Building Official determine that EV charging infrastructure is not feasible based upon one or more of the following conditions:
1. There is insufficient electrical supply;
 2. There is evidence that additional local utility infrastructure design requirements directly related to the implementation of this Section may adversely impact the construction cost of the project; or
 3. Providing the EV charging infrastructure creates an economic hardship for an affordable housing project.
- C. **Size.** The size of EV charging station parking spaces and EV-capable parking spaces shall be as specified in Section 17.26.050, Parking Area and Access Design Standards. EV supply equipment shall not reduce the size of the parking space.
- D. **Accessible EV Spaces.** Where accessible parking requirements are required, at least one EV space or EV charging station shall meet current van accessible dimensions, as defined by the California Building Code, and be connected to a barrier-free accessible route of travel to the building. No accessible markings shall be made on the EV space or EV charging station with van accessible dimensions. The EV space with van accessible dimensions shall be the first EV charging station established on the property.
- E. **EV Charging Stations.** EV charging stations shall be allowed within any zoning district subject to all applicable requirements of the Municipal Code in addition to the following:
1. EV parking spaces shall be equipped with electric vehicle supply equipment (EVSE), which shall be Level 2 or higher. All EVSE shall be installed in accordance with the requirements of the California Green Building Standards Code.
 2. The EV charging station shall be protected as necessary to prevent damage by automobiles.

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3. Any EV charger shall be listed and labeled by an approved testing agency.
4. The EV charging station shall have complete instructions and appropriate warnings posted in an unobstructed location next to each EV charging station.
5. **EV Stations for Public Use.** EV charging stations for public use must be visible from the right-of-way and illuminated during nighttime business hours.
 - a. One standard non-illuminated sign, not to exceed four square feet in area and eight feet in height, may be posted for the purpose of identifying the location of each cluster of EV charging stations.
 - b. The EV charging station may be on a timer that limits the use of the station to the normal business hours of the use(s) that it serves to preclude unauthorized use after business hours.
 - c. The following information shall be posted at a public EV charging station:
 - i. Voltage and amperage levels;
 - ii. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;
 - iii. Usage fee;
 - iv. Safety information; and
 - v. Contact information for reporting when the equipment is not operating or other problems.
- F. **Construction and Installation.** Construction shall comply with § 5.106.5.3.1 or § 5.106.5.3.2 of the California Green Building Standards Code to facilitate future installation of EVSE.

17.26.100 On-Site Loading and Unloading

- A. **Required On-Site Loading.** The ~~following~~ on-site loading standards [in Table 17.26.100.A: Gross Floor Area Required for Loading Spaces](#), apply to all nonresidential buildings with floor area of 10,000 square feet or greater that include manufacturing, storage, warehouse, retail, wholesale or other similar use which requires the receipt or distribution by vehicles of material and merchandise.

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Table 17.26.100.A: Gross Floor Area Required for Loading Spaces

Gross Floor Area	Required Off-Street Loading Spaces ¹
Up to 10,000 sq ft	1 for industrial uses; 0 for all other use
10,000 to 24,999 sq ft	1
25,000 to 49,000 sq ft	2
Each additional 50,000 sq ft	1

Notes:

1. Additional loading dock and truck standing areas may be required as specific in a CUP.

- B. **Size of Loading Spaces.** Each loading space shall be not less than 12 feet in width and 40 feet in length with a minimum overhead clearance of 14 feet.
- C. **Standards for Loading Areas:**
 - 1. **Lighting.** Refer to Section 17.24.070, Lighting and Illumination, for lighting requirements;
 - 2. **Loading Ramps.** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions and overhead clearances;
 - 3. **Location.** Loading spaces shall be located and designed as follows:
 - a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;
 - b. Situated to ensure that the loading facility is screened from adjacent streets to the greatest degree possible;
 - c. Situated to ensure that loading and unloading takes place on-site and in no case within adjacent public rights-of-way or other on-site traffic circulation areas;
 - d. Situated to ensure that vehicular maneuvers occur on-site; and
 - e. Situated to avoid adverse impacts upon neighboring residential properties;
 - 4. **Screening.** Loading areas shall be screened from abutting parcels and streets with dense landscaping or solid walls or fences with a minimum height of six feet; and
 - 5. **Striping.** Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.
- D. Upon adoption of a finding by the Planning Commission that a business is unreasonably blocking traffic or obstructing on-street parking spaces, the Planning Commission may review and amend that business's Conditional Use Permit as needed to permit the street to function as it should.
- E. **Waivers and Modifications.** The Planning Commission may waive the loading requirements or modify the standards if it can be demonstrated that the proposed use does not require loading facilities or that an alternative arrangement satisfies the need for loading facilities.

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Chapter 17.27 Signs

17.27.010 Purpose

This Chapter has been adopted to ensure that all signs installed in the City are compatible with the unique character and environment of the community, and in compliance with the General Plan. This Chapter promotes the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content neutral, and nondiscriminatory sign standards and requirements. More specifically, this Chapter is intended to:

- A. Ensure that all signs are compatible with the unique character and environment of the City, and that they support the desired ambience and development patterns of the various districts and historic areas within the City;
- B. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
- C. Ensure pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
- D. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or maintained;
- E. Protect and improve property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape; and
- F. Provide clear and unambiguous sign design standards that enable the fair and consistent enforcement of these sign regulations; and
- G. Ensure that the constitutionally guaranteed right of free speech is protected.

17.27.020 Sign Definitions

A-Frame sign. A portable pedestrian-oriented sign that is not permanently affixed to a structure or the ground. May be known as an Upright Sign or Sandwich Board Sign.

Balloon. A brightly colored bag made of flexible material, inflated with air or other gas, and sealed, often to make it rise in the air.

Balloon Bobber. A reusable pre-formed balloon with regular air made of a durable PVC vinyl that does not need to be inflated, and typically attached to a short pole.

Building Element. The maximum lineal dimension of an exterior wall, excluding canopies and projections, measured on a straight line parallel to the site's street frontage.

Building Frontage. A building frontage is the building façade that directly abuts a public street, private street, parking lot driveway, parking spaces, pedestrian mall, arcade, or walkway. The primary business frontage is one which contains a customer entrance or which includes a glass-enclosed showroom facing the street. If a building has more than one business, frontage is that portion of a building, which faces a street, parking lot, pedestrian mall, arcade or walkway. The primary business

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frontage is one which contains a customer entrance or which includes a glass-enclosed showroom facing the street.

Channel Letters. Three dimensional, individually manufactured letters or figures with an open back which may contain a light source to provide light onto the sign background against which the channel letters are silhouetted. See also reverse pan channel letters.

Commercial Message. A message conveyed by any sign that is solely intended to interest, entice, or solicit any person to participate in commercial transactions with a business, including offers of goods, cash, discounts on products or services, or other items, including the offering of free goods or services made in exchange for or with the intent to induce the recipient's willingness to receive information relating to a possible commercial transaction.

Encroachment. The extension of any sign over a public right-of-way or private access way.

Flag. A fabric sheet of square, rectangular, or triangular shape that is typically mounted on a pole.

Fluorescent Colors. The range of colors created through a synthetic pigmentation process in which ultraviolet light is absorbed and emitted at a different range within the color spectrum of the individual colors.

Fully Shielded. Light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Historical Plaque. A sign that memorializes a person, event, building, former use of a place, or something else of historical significance.

Illumination, External. Illumination resulting from the face of the sign reflecting light from an external light source intentionally directed upon it.

Illumination, Halo. A form of sign illumination in which neon tubing, LED, or similar lights are mounted within the letter to illuminate the mounting surface causing a halo of light around the letter

Illumination, Internal. A form of sign illumination that includes single-color LED signs, signs constructed with pan channel letters (but not reverse pan channel letters), or indirect illuminated pan channel letters on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.

Landscape Area. For purposes of sign regulation, an area surrounding the base of a freestanding sign, and containing living plant materials with or without a fixed border.

Laser Light Display. A display that emits light through the use of a laser beam(s).

LED (Light Emitting Diode). A semiconductor diode that emits light when a voltage is applied to it.

Maintenance. The upkeep of signs, and their support structures, in a condition of good repair. This includes the replacement or repainting of sign faces which have been damaged or have otherwise lost their ability to convey the message intended. Maintenance does not include the changing of location, orientation, size, or height of a sign.

Multi-tenant Building. A building in which two or more separate and independently owned, rented, leased, or operated occupancies are contained.

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Neon. An illumination source created when a glass tube filled with neon or other similar gas emits light when energized. The tube can be bent to form letters, symbols, or other shapes.

Nonprofit. Any person(s), partnership, association, corporation or other group whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group and may include, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

Noncommercial Message. Any copy that communicates a message that is not a commercial message. A noncommercial message does not directly or indirectly name, draw attention to, or advertise a business, product, good, service, or other commercial activity, or propose a commercial transaction.

Pan Channel Letters. A specific type of sign letter consisting of a metal pan enclosure fabricated in the shape of a letter, numeral, or other shape in which the metal pan enclosure is used to house the lighting and electrical components of the letter and can be mounted directly to a wall. The sign face is usually made of colored plastic attached to the metal pan so that the letters are illuminated and to seal it off from pests and harsh weather.

Primary Frontage. The side of a building facing a street or, in the case of a building having more than one side facing a street, the side so designated by planning department staff.

Professionally Crafted or Painted Sign. A temporary or permanent sign that is made to a high standard by a competent individual(s) skilled in sign design, fabrication, and installation.

Raceway. An enclosed conduit for electrical wiring.

Reverse Pan Channel Letter. A specific type of sign letter consisting of a metal pan enclosure fabricated in the shape of a letter, numeral, or other shape in which the metal pan enclosure is used to house the lighting and electrical components of the letter and can be mounted directly to a wall. The sign face is made of the same solid opaque materials as the sides of the letters so that the front and sides of the sign letters do not emit light.

Roof line. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Search Lights. Lights which disappear and reappear at periodic intervals, or are intermittently on and off, and which are placed so as to attract vehicular traffic with emphasis on the recurrence of lights.

Secondary Frontage. The sides of a building other than the primary frontage, which are visible from a public right-of-way or from adjacent private property or which provide secondary access to the use or activity.

Sign. A permanent or temporary structure, device, figure, display, message, placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Sign Area. Area enclosed in the frame of the sign as measured from the outside of the frame and following the contour of the frame. In those instances where a sign is painted or otherwise affixed or attached to a wall or similar structure or portion thereof, the area of a sign shall be computed by

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measuring the overall length and width of the message. This computation shall also be utilized when raised or freestanding letters are affixed or attached to a structural surface.

Sign Face. The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

Sign, Abandoned. Sign that identifies a business, lessor, owner, product, service, or activity that is no longer on the premises where the sign is displayed.

Sign, A-Frame. A temporary pedestrian-oriented sign constructed with two sides attached at the top allowing the sign to stand in an upright position and with the sign display areas attached to the side supports (also known as a Sandwich Board Sign or an Upright Sign).

Sign, Awning. Any permanent sign that is part of or attached to an awning, or other fabric, plastic or structural protective cover located over a door, entrance, window, storefront, or outdoor service area.

Sign, Bandit. Any sign that is placed on public or private property without the consent of the property owner or as authorized in Chapter 17.27, Signs.

Sign, Billboard. A permanent structure for the display of a commercial or non-commercial message.

Sign, Blade. A permanent sign mounted to the wall of building by means of a bracket and which is typically hung perpendicular to the wall of the building.

Sign, Building Identification. A sign consisting of letters or numbers applied to a building wall, engraved into the building material or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

Sign, Building Mounted. A permanent sign attached, connected, painted, or erected on the wall, parapet, or fascia of a building or structure.

Sign Cabinet. A permanent building-mounted or freestanding sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet either that contains the lighting fixtures which illuminate the sign face from behind.

Sign, Canopy. A permanent sign that is painted, or mounted to a canopy, typically used to accent building entries.

Sign, Commemorative. Any sign containing words or figures commemorating a historical, cultural, or artistic event or location.

Sign, Copy. Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

Sign, Directional. A permanent sign erected to inform the viewer of the approximate route, direction, or location of a facility or tenant.

Sign, Directory. A permanent sign on a multi-tenant site or building providing information including a list of tenants and occupants, addresses, and suite numbers or a map of the building or complex. These signs are typically internal to a center, oriented to pedestrians, or motorists circulating in a parking lot rather than vehicles travelling on an arterial public street.

Sign, Electronic Message. A permanent sign or portion of a sign that utilizes computer-generated messages or some other electronic means of changing its characters, letters, numbers, illustrations,

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display, color, and/or light intensity, including animated graphics and video, by electronic or automatic means. An Electronic Message Sign is not a Single- or Two-Color LED Sign.

Sign, Feather Banner. A [temporary](#) sign that is taller than it is wide and made of a flexible material (typically cloth, nylon, or vinyl) and mounted to a pole.

Sign, Freestanding. A permanent sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

Sign, Fuel Pump Topper. A temporary sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

Sign, Government. Any sign, posting, notice or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare.

Sign, Incidental. A sign which provides incidental information, including security, credit card acceptance, business hours, directions to services and facilities, or menus.

Sign, Individual Letter. A cut-out or etched letter or logo which is individually mounted on a building wall, or freestanding permanent sign.

Sign LED. A permanent or temporary sign consisting of light emitting diodes (electronic components that let electricity pass in only one direction) that emit visible light when electricity is applied.

Sign, Monument. A [permanent](#) freestanding sign, with a solid base that is equal to or larger than the width of the sign face.

Sign, Non-Conforming. Any sign legally established prior to the Effective Date ~~that~~^{which} does not fully comply with the standards imposed by the individual Sections of this Code.

Sign, Off-Premise. Any sign for a business, commodity, service, entertainment, product, structure, use or property that is different from a structure or use existing on the property where the sign is located. Includes any sign on which space is rented, donated, or sold by the owner of said sign or property for the purpose of conveying a message.

Sign, On-Premise. Any sign directing attention to a business, commodity, service, or offered upon the same premises as those upon which the sign is maintained.

Sign, Painted Wall. A [permanent or temporary](#) sign painted directly onto the exterior wall of a building and having no sign structure.

Sign, Pennant. A temporary sign made of flexible materials [and](#) usually longer than it is wide, often triangular in shape, and frequently displayed with other pennants on a string.

Sign, Permanent. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Sign, Post. A permanent sign mounted on either a single post or two or more posts.

Sign, Prohibited. Any sign not in accordance with or authorized in Chapter 17.27, Signs.

Sign, Projecting. A permanent sign that is perpendicular to the face of a building and projects outward from the building face.

Sign, Raised Letter. A sign containing copy, logo, and/or decorative embellishments in relief on the face.

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Sign, Roof. Any permanent sign erected, painted, or attached to the sloped surface of a mansard or hip roof of a building. Excludes signs mounted on the top of a building's roof.

Sign, Service Island Canopy. A sign mounted on the fascia of a service island canopy.

Sign, Single-Color or Two-Color LED. A permanent or temporary sign or portion of a sign composed of single-color or two-color LEDs that displays static or changeable sign messages using characters, letters, and numbers only. Examples of these signs include, "open" or "closed" signs", "time and temperature " signs, "[gas station price signs](#)", or signs indicating the number of available spaces in a parking facility.

Sign, Spinner. A lightweight, durable, and colorful device designed to be affected by the movement of air so that it spins or rotates in a manner to capture attention.

Sign Structure. The supports, uprights, bracing, and/or framework of a sign.

Sign, Temporary. A sign constructed of paper, cloth, vinyl, fabric, or similar material, which is intended for a definite and limited period of display and which is not permanently affixed to a structure, sign area, or window.

Sign, Upright. A pedestrian oriented sign that is not permanently affixed to a structure or the ground to advertise special goods, services, or products offered on the site.

Sign, Vehicle. Any ~~temporary~~ sign on or affixed to a truck, van, automobile, trailer, or other vehicle.

Sign, Wall. A permanent sign affixed to or erected against the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of [the](#) wall or [the](#) fascia to which it is affixed or erected.

Sign, Wall Banner. A temporary sign and constructed of cloth, bunting, plastic, paper, or similar nonrigid material, and securely attached to the wall or support structure for which it is advertising. Flags are not considered temporary wall banners.

Sign, Walker. A person who wears, holds, or balances a sign.

Sign, Window. A permanent or temporary sign posted, painted, placed, or affixed in, on, or within a window, or otherwise exposed to public view through a window.

Sign, Yard, Type I. A small temporary sign typically constructed of corrugated plastic and supported on either an H-shaped wire frame or mounted so as to swing between two pairs of support legs, used for example, for advertising by local businesses or by election campaigns (Synonym: Lawn Sign). A type I yard sign is not an A-frame sign.

Sign, Yard, Type II. A temporary sign mounted on a single post installed securely in the ground with a small sign hanging from a cross bar mounted parallel to the ground.

Sign, Yard, Type III. A large temporary typically wooden sign mounted on two posts installed securely in the ground.

Static Display. A sign face that does not change within a 24 hour period.

Valance. The vertical front face of an awning [that is](#) parallel to the face of the building to which it is mounted.

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17.27.030 Applicability

- A. This Chapter applies to all signs within the City regardless of their nature or location, unless otherwise specifically exempted in Section 17.27.030.F. ~~Exempt Signs.~~
 - 1. Standards for permanent signs are found in Section 17.27.0970, Standards for Permanent Signs.
 - 2. Standards for temporary signs are found in Section 17.27.100980, Standards for Temporary Signs.
- B. The provisions of this Chapter shall be applied in a content-neutral manner. Noncommunicative aspects of all signs, not related to the content of the sign, shall comply with the provisions of this Chapter. "Non-communicative aspects" include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.
- C. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the City.
- D. **Substitutions and Interpretations.**
 - 1. This Chapter is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different noncommercial message, without the need for any approval or permit, provided that the size of the sign is not altered and the sign otherwise complies with the provisions of this Chapter. To the extent any provision of this Chapter is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.
 - 2. This Chapter applies to all signs within the City.
 - 3. When there is any question regarding the interpretation of a provision of this Chapter, or its application to any specific case or situation, the [Community Development Director](#) shall interpret the intent of this Chapter.
 - 4. All regulations included in this Chapter shall apply unless a master sign program is approved by the Community Development Director; see Section 17.27.0650-G, Sign Program. Entry into agreement between the City and a developer for a master sign program may supersede this Chapter except for matters of public safety.
- E. **Conflicting Regulations.** Exceptions to this Chapter may be made for signs subject to federal or state government regulations that may be in conflict with this Chapter.
- F. **Exempt Signs.** The following are not regulated under this Chapter, do not count toward the maximum total sign area for all permanent signs, and do not require a Sign Permit:

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1. **Government Signs.** Any sign, posting, notice or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:
 - a. Numerals and letters identifying an address from the street to facilitate emergency response and compliant with City requirements;
 - b. Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense;
 - c. Traffic signs erected and maintained by an authorized public agency;
 - d. Signs required to be displayed by any applicable federal, state, or local law, regulation, or ordinance;
 - e. Signs directing the public to points of interest; ~~and~~
 - f. Signs showing the location of public facilities; ~~and~~
 - g. Signs identifying the department service or location of City facilities and operations subject to the location and size limitations in this Chapter.
2. **Incidental signs.** Incidental signs not to exceed a total of three-square feet in sign area for all permanent signs in all single-family residential zoning districts and six square feet in all other zoning districts;
3. **Signs not readable from the public right-of-way.** Signs not readable from the public right-of-way, including:
 - a. Signs or displays located entirely inside of a building, within a courtyard, open-air pedestrian space or similar open area and not visible from the building's exterior;
 - b. Signs intended to be readable from within a parking area or City park but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way; and
4. **Historic Plaques and Commemorative Signs.** Historic plaques, memorial signs or tablets either attached to or cut into the surface of buildings, provided that no such sign exceeds two square feet in area.

17.27.040 Minor Sign Permit

- A. **Purpose.** The purpose of the Minor Sign Permit is to allow for ministerial review and approval of certain signs to ensure compliance with the applicable provisions of this Zoning Code.
- B. **Applicability.**
 1. The Minor Sign Permit applies to all new signs, additions to signs, alterations of a sign, or replacement of a sign allowed by Chapter 17.27, Signs, excluding illuminated signs.
 2. It shall be unlawful for any person to erect, place, display, alter, repair, or relocate a permanent sign without first obtaining approval for a Minor Sign Permit from the Community Development Director.

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3. A Minor Sign Permit is not required for the following:
 - a. Changes to the face or copy of an existing single-tenant or multi-tenant freestanding or building mounted sign from one business to another with no structural or lighting modifications to the sign; and
 - b. The normal repair and maintenance of conforming or legal nonconforming signs.
- C. **Application.** An application for a Minor Sign Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
- D. **Notice of Action, Appeals, Expiration, Extensions, and Modifications**
 1. **Planning Commission Review.** The [Community Development](#) Director may require Planning Commission approval of a Minor Sign Permit if it is determined there are special or unusual circumstances associated with the sign application.
 2. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 3. **Appeals.** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.
 4. **Expiration, Extensions and Modifications.** Minor Sign Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals, and Section 17.04.150, Modifications to an Approval.
- E. **Inspections.** All signs for which a Minor Sign Permit is required are subject to inspection to establish compliance with the provisions of this Chapter as well as the following additional inspections, unless waived in writing by the Chief Building Official:
 1. Footing inspections on all freestanding signs, including the addition of additional sign area to existing signs;
 2. Electrical inspections for all sign structure(s) prior to placement; and,
 3. Final inspection to establish compliance with provisions of this Code and other applicable City [Codes](#).

17.27.050 Major Sign Permit

- A. **Purpose.** This Section establishes the permitting process for signs that require review and approval by the Planning Commission.
- B. **Applicability.** The Major Sign Permit applies to:
 1. Internally illuminated signs and permanent signs incorporating neon;
 2. Neon signs or single- or two-color LED signs placed in a window (see Table 17.27.0970.K: Standards for Window Signs);
 3. Monument signs in the A-20 zoning district (see Table 17.27.0970.B: Standards for All Permanent Signs);

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4. Signs, alterations of a sign, or replacement of a sign not in compliance with the standards of this Chapter, i.e., signs that are larger, signs of a unique design or location, or signs proposed in addition to those otherwise allowed; and
 5. A Sign Program that addresses the needs for all businesses within a building with multiple tenants or a planned commercial development (see Section 17.27.0650-G, Sign Programs).
- C. **Application Requirements.**
1. **Pre-Application Review.** An optional Pre-Application Review with the Community Development Director is recommended for all applications in compliance with the procedures established in Section 17.04.040, Review of Planning Applications.
 2. **Application.** An application for a Major Sign Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 3. **Responsibility.** It is the responsibility of the applicant to provide information on the proposed sign which support the findings described in subsection E.
- D. **Public Hearing and Procedures.**
1. Public hearings shall be noticed in compliance with Section 17.04.080, Public Hearing Notice.
 2. The Planning Commission shall hold a public hearing on a Major Sign Permit application and shall, at the conclusion of the public hearing, approve (with or without conditions) or deny the application in compliance with the provisions of Chapter 17.04, Common Procedures.
- E. **Findings.** In approving a Major Sign Permit, the Planning Commission shall make the following findings:
1. The sign is compatible with the site;
 2. The sign materials are consistent with or complement those of the project;
 3. The sign reflects the small-town character of St. Helena;
 4. The sign will not negatively impact surrounding properties;
 5. The sign does not obscure or detract from the architecture of a historic building or structure; and
 6. The sign contributes to the historical or architectural character of the community.
- F. **Notice of Action, Appeals, Expiration, Extensions, and Modifications.**
1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.
 3. **Expiration, Extensions and Modifications.** Sign Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

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~~G.~~ 17.27.060 Sign Program.

- ~~1.A.~~ A Sign Program is required for all businesses within a multi-tenant building, or other types of planned commercial developments prior to the approval of any signs for an individual business within any of these developments.
- ~~2.B.~~ The Planning Commission shall consider the cumulative visual effect of all signs and may reduce the overall number and/or area of signs allowed for each business or may require that directory signs be used instead of individual signs.

~~H.~~ 17.27.070 Sign Permits – Temporary Wall Banner Signs.

- ~~1.A.~~ **Temporary Wall Banner Sign Permit Requirement.** It is unlawful for any person to erect, place, display, or relocate a temporary wall banner sign without first obtaining approval for a Temporary Wall Banner Sign Permit from the Community Development Director.
- ~~2.B.~~ **Duration of Temporary Wall Banner Sign Permits.** The Temporary Wall Banner Sign Permit will be valid for 60 days beginning with the date of issuance, provided the sign is not displayed for more than two weeks at any one time and for not more than four times per year (maximum of eight weeks of temporary signs being displayed per year).
- ~~3.C.~~ **Review and Approval.**
 - ~~a.1.~~ **Review.** The Community Development Director shall review the Temporary Wall Banner Sign Permit application and supporting documentation for compliance with the standards of Section 17.27.~~100080~~, Standards for Temporary Signs.
 - ~~b.2.~~ **Determination.** The Community Development Director shall determine whether the Temporary Wall Banner Sign Permit may be issued or if additional information is required from the applicant to complete the permit application. If the Temporary Wall Banner Sign Permit application is denied, the reason shall be stated in writing.
 - ~~c.3.~~ **Authorization and Substitution.** Issuance of a Temporary Wall Banner Sign Permit authorizes the holder to install a temporary wall banner sign(s) in compliance with the terms of the permit.
 - ~~i.a.~~ At any time after a Temporary Wall Banner Sign Permit is issued, a new owner, tenant, or lessee of record may be substituted for the original applicant if a record of the new interest is made with the City and the new interest assumes all obligations to be in compliance with the original permit.
 - ~~ii.b.~~ The change of interest shall not imply that any fees paid for the permit will be returned to either the interest which has been replaced or the substitute.
 - ~~d.4.~~ **Inspections.** All signs for which a Temporary Wall Banner Sign Permit is required are subject to inspection to establish compliance with the provisions of Section 17.27.~~100080~~, Standards for Temporary Signs.
 - ~~e.5.~~ **Violations.** Any Temporary Wall Banner signs installed or displayed without a Temporary Wall Banner Sign Permit are in violation of this Chapter and is grounds for the Community Development Director to issue a correction notice and/or to cause

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removal of the Temporary Wall Banner sign until appropriate permits are obtained (See Section 17.27.1290, Enforcement).

~~17.27.060~~ 17.27.080 General Standards for All Signs

- A. **Sign Message.** Any permitted sign may contain, in lieu of any other message or copy, any lawful non-commercial message, so long as the sign complies with the size, height, area, location, and other requirements of this Chapter.
- B. **Prohibited Location Standards.** All signs may not be placed in the following locations or manner, except where specifically authorized in this Chapter:
 - 1. **Architectural Features.** Areas where a sign would cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or another architectural feature;
 - 2. **Accessory Structures.** Tacked, painted, pasted or otherwise affixed, to the walls of any building, barn or shed, accessory structure, or on trees, poles, posts, fences, ladders or other structures that are visible from a public way. Permanent signs may be attached to a fence or freestanding wall only when a monument or post sign is not present in the development and must be maximum three square feet in sign area;
 - 3. **Clearance Standards.** Within the horizontal or vertical clearance standards from communications lines and energized electrical power lines prescribed by the laws of the State of California;
 - 4. **Conflict with Traffic Signs.** Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device;
 - 5. **Exits and Entrances.** Any sign which is placed in a manner that would prevent or inhibit free ingress to or egress from any door, window, vent, or any exit way required by the Building Code, or by Fire Department regulations (currently in effect);
 - 6. **Fuel Tanks, Storage Containers, and Solid Waste Receptacles.** Painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;
 - 7. **Intersections and Site Visibility Triangle.** Any sign erected or maintained at or near any street intersection or within the site visibility triangle as defined in Section 17.24.050, [Fences, Walls, and Hedges](#) that will obstruct the free and clear vision of drivers and pedestrians;
 - 8. **Obstruction of Pedestrian Ways.** Any sign mounted or displayed in such a manner that impede, obstruct or create hazards with respect to pedestrian traffic. A minimum width of four feet must be maintained on sidewalks at all times;
 - 9. **Off-premises.** Off-premises signs, except those signs approved by a Major Sign Permit to be located on a legal easement for an access way through another property when such access is required for public use;

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10. **Public Utilities and Infrastructure.** Any sign attached to any public utility pole, structure or streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved as part of a special event permit on City property or banner signs permitted by the City on light poles within the City;
11. **Right-of-Way.** Signs located within the public right-of-way including any sign or handbill attached to a utility pole or street sign pole except those required or permitted by federal, State or local law;
12. **Vehicles.** Mounted, attached, or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on private premises in a manner intended to attract attention of the public for the purpose of advertising or identifying the business premises. This provision excludes signs indicating the name of the owner or business that are permanently painted or wrapped on the surface of the vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of the business. Vehicles must be operable and parked in a lawful or authorized manner.

C. **Prohibited Display Standards.** This subsection regulates the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the City. Signs with the following display features are prohibited:

1. **Devices Affected by Movement.** Any sign animated by any means, including fixed aerial displays, airborne balloons, balloon bobbers, feather banners, pennants, propellers, spinners, streamers, lights, string of flags, tubes or other devices affected by movement of the air or other atmospheric or mechanical means;
2. **Exposed Light Source.** Any sign with an exposed light source, except for neon LED strip lights incorporated into the design of the sign;
3. **Flashing Lights.** Any sign or lighting device, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, blinking, or strobe light illumination, including search lights;
4. **Fluorescent Colors.** Any sign which uses florescent colors;
5. **Rotating Signs and Barber Poles.** Any sign in which the sign body or any portion of the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means. Barber poles no larger than three feet high and 10 inches in diameter, and clocks, are excepted from this restriction;
6. **Visible Matter and Motion Picture Projection.** Any sign which emits sound, odor, smoke, laser light display, hologram lights, or other visible matter, including any sign that uses motion picture projection.

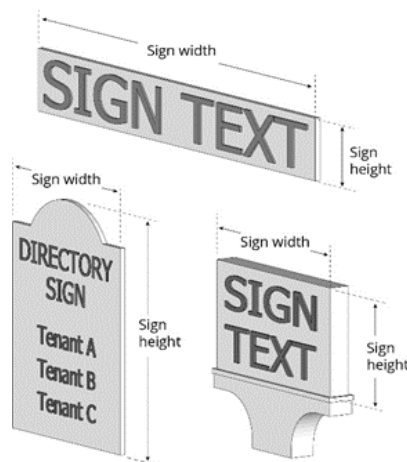
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- D. **Prohibited Sign Types.** The following signs are prohibited within the City:
1. Any sign which advertises a business that is a prohibited use or no longer in existence or a product or service no longer being sold, except landmark signs;
 2. Bandit signs;
 3. Billboards;
 4. Cabinet signs;
 5. Electronic message signs;
 6. Pan channel letter signs;
 7. Roof signs;
 8. Sign walkers;
 9. Signs which bear or contain statements, words, or pictures of an obscene nature;
 10. Stuffed or inflated animals or characters used as signs; and
 11. Any signs not specifically allowed in this Chapter.

E. **Rules of Measurement.**

1. **Sign Area Measurement.** Sign area is measured as follows:
 - a. *Signs on Background Panel.* Where the sign copy is mounted, affixed, or painted on a background panel or distinctively painted, textured, or constructed surface, the sign area is measured as the sum of the smallest rectangle(s) that will enclose both the sign copy and the background, as shown in Figure 17.27.0860.A.

Figure 17.27.0860.A: Signs on Background Panel



- b. *Signs with Individual Letters.* Where the sign has individual letters or graphics mounted against a wall, fascia, mansard, parapet, or other building surface that has not been distinctively painted, textured or constructed as a

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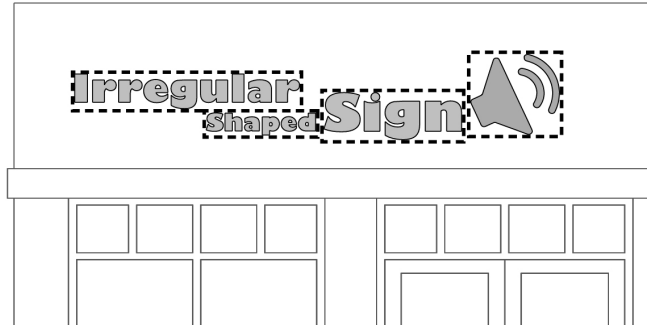
background panel, the sign area is measured as the smallest rectangle(s) that will enclose each word and each graphic in the sign as shown in Figure 17.27.0860.B.

Figure 17.27.0860.B: Signs with Individual Letters



- c. *Irregular Shaped Signs.* Sign area for irregular shaped signs is determined by dividing the sign into the smallest squares or rectangles that will enclose each word or graphic in the sign as shown in Figure 17.27.0860.C. If the square or rectangles overlap, the area of overlap is subtracted from the total sign area.

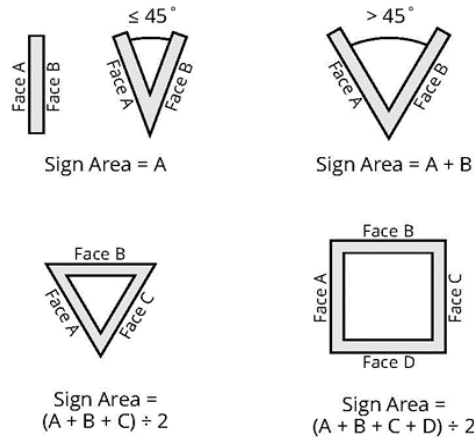
Figure 17.27.0860.C: Irregular Shaped Signs



- d. *Multi-Face Signs.* The sign area for multi-face signs, as shown in Figure 17.27.0860.D, are measured as follows:
- i. Two-Face Signs. Where the interior angle between the two sign faces is 45 degrees or less and the sign faces are less than 42 inches apart, the sign area is measured as the area of one sign face only. Where the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.
 - ii. Three- or Four-Face Signs. The allowable sign area is measured as 50 percent of the sum of the areas of all sign faces.

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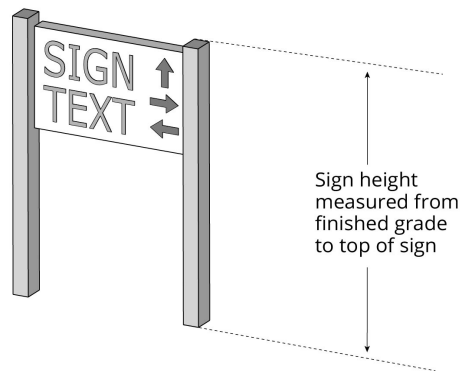
Figure 17.27.0860.D: Multi-Face Signs



2. **Sign Height Measurement.**

- a. *Freestanding Signs.* Sign height for freestanding signs is measured as the vertical distance from the finished grade to the top of the sign.

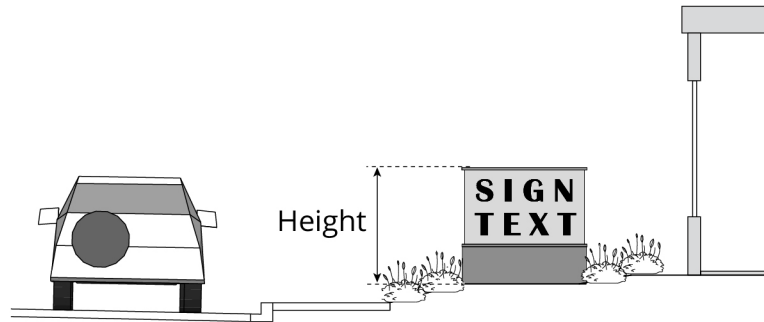
Figure 17.27.0860.E: Freestanding Sign Height



- i. Higher Than Adjacent Grade. Where the grade at the base of a sign is higher than the grade of the adjacent road right-of-way, sign height is measured from the base of the sign, as shown in Figure 17.27.0860.F.

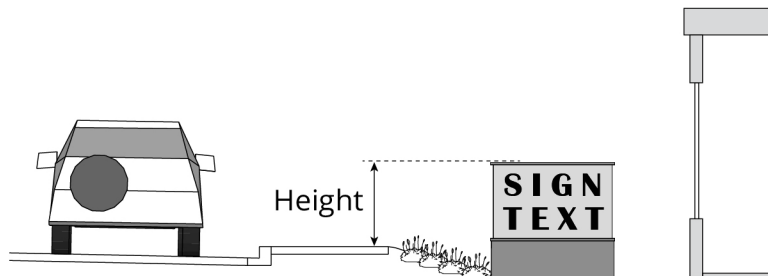
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Figure 17.27.0860.F: Freestanding Sign Height, Higher Than Adjacent Grade



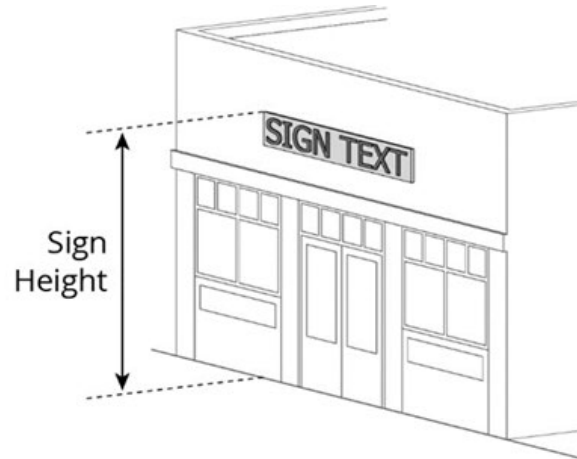
- ii. Lower Than Adjacent Grade. Where the grade at the base of a sign is lower than the grade of an adjacent road right-of-way, the height of the sign is measured from the top of curb elevation, as shown in Figure 17.27.0860.G (the portion of the sign below the grade at the edge of the right of way shall not be included in determining the sign's overall height).

Figure 17.27.0860.G: Freestanding Sign Height, Lower Than Adjacent Grade



- b. Wall Signs. The height of building-mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign structure, as shown in Figure 17.27.0860.H.

Figure 17.27.0860.H: Wall Sign Height



3. **Building Frontage.**

- a. The wall length and sign area shall be calculated separately for buildings with two or more frontages.
- b. Projections and recesses on a building wall may not exceed 10 feet for a continuous building frontage.

F. **Sign Illumination.**

1. **Internal Illumination.**

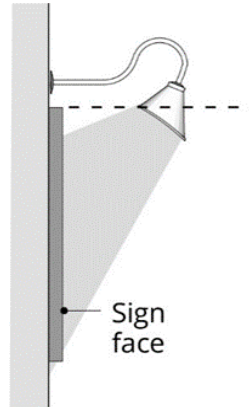
- a. Internally illuminated signs include single- or two-color LED signs, signs constructed with reverse pan channel letters (i.e. indirect halo illuminated channel letters) on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.
- b. Internally illuminated signs shall be illuminated only with steady, stationary, light sources.

2. **External Illumination.**

- a. Externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
- b. The light source for externally illuminated signs shall be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties as illustrated in Figure 17.27.0860.J.

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Figure 17.27.0960.J: External Illumination



3. **Neon.**
 - a. Exposed neon sign lighting on permanent signs is only allowed in the CB, MU and I zoning districts subject to review and approval by the Planning Commission.
 - b. Each business is only allowed one neon sign and it must be placed on the primary frontage of the building.
 - c. Neon is allowed on no more than 25 percent of the total sign area of a permanent building mounted sign.
 - d. Neon signs placed in a window are included in the total sign area limitations for all window signs (Refer to Table 17.27.0970.K: Standards for Window Signs).
 - e. Neon signs must be turned off daily at the close of business or 10:00 pm, whichever occurs last.
4. **Single-Color or Two-Color LED Signs.**
 - a. Single color or two-color LED signs are only allowed in commercial and industrial zoning districts subject to review and approval by the Planning Commission.
 - b. Single-color or two-color LED signs are exempt from the sign area limitations for wall signs and window signs established in Table 17.27.0970.J: Standards for Wall Signs, and Table 17.27.0970.K: Standards for Window Signs.
 - c. Any individual single-color or two-color LED sign must not exceed two square feet in area and must be max. four square feet in total.
 - d. Single-color or two-color LED signs must be turned off daily at the close of business or 10:00 pm, whichever occurs last.

G. **Sign Structure and Installation.**

1. The installation of signs shall be enforced and administered by the Chief Building Official. All signs and sign structures must be designed to comply with the provisions

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of this Chapter, the applicable provisions of Title 15. ~~Building and Construction~~, and constructed to withstand wind loads, dead loads, and lateral forces.

- a. Any angle iron, bracing, guy wires, or similar features used to support a sign shall not be visible to the extent technically feasible.
 - b. Where electrical service is provided to freestanding signs or landscape wall signs, the electrical service shall be placed underground and concealed. Electrical service to building mounted signs, including conduit, housings, and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A ~~b~~Building ~~p~~Permit shall be issued prior to installation of any new signs requiring electrical service.
 - c. All permanent signs allowed by this Chapter shall be constructed of durable materials capable of withstanding continuous exposure to the elements and the conditions of a built-up environment, and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.
2. Raceway, as illustrated in Figure 17.27.08~~60~~.K, shall only be used in building mounted signs when access to the wall behind the sign is not feasible, or when the Community Development Director determines that a benefit exists to preserve a historic or architectural feature of a building. In such cases, the raceway shall not extend in width and height beyond the area of the sign and shall match the color of the building to which it is attached.

Figure 17.27.08~~60~~.K: Raceway



3. Signs shall be designed so that the support frameworks for the sign are an integral part of the design of the sign or within the structure of the building to which it is attached in such a manner as to not be visible.

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H. Sign Maintenance.

1. All signs must be maintained by the property owner, tenant, or permittee. In the event a sign becomes derelict for reasons of lack of maintenance the approval may be revoked and the sign subject to abatement.
2. All signs together with their supports and appurtenances shall be maintained in good structural condition, in compliance with applicable Building and Electrical Codes, and in conformance with this Chapter. Maintenance of a sign includes periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this Chapter.
3. All signs and supporting structures shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted and clean. The immediate surrounding premises shall be maintained free of weeds and rubbish. The Community Development Director is authorized to order the painting, cleaning or repair of signs which become dilapidated and the cleaning of the immediate premises. Such maintenance shall be completed within 30 days of receiving written notice.
4. Required landscaped areas contained by a fixed border, curbed area, wall, or other perimeter structure shall receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within three months.
5. The Chief Building Official has the authority to order the repair, maintenance, or removal of any sign or sign structure that has not been maintained and is dangerous or in disrepair, or which is erected or maintained contrary to the requirements of this Section.
6. Failure to maintain a sign constitutes a violation of this Chapter and will be subject to enforcement action, in which case the Chief Building Official may order the removal of any sign that is determined to be in disrepair or dangerous.
7. Any owner of a sign victimized by graffiti shall remove, repair, or repaint sign(s) within 10 days of the graffiti being applied or within 10 days of notification by the Planning Building Director, whichever event comes first, or the sign shall be subject to removal by the City at the owner's expense.

~~17.27.070~~ **17.27.090 Standards for Permanent Signs**

A. Applicability.

1. This Section establishes the standards for permanent building-mounted and freestanding signs that are applicable in all zoning districts as provided in— Table 17.27.090.A: Allowed Sign Types by Zoning Districts. Standards for each allowed sign type are provided in Table 17.27.090.C to Table 17.27.090.O. All permanent signs must comply with the standards for sign area, height, number, type, and the other requirements provided in these tables.

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2. A sign type not specifically included in this Section may be allowed by the Community Development Director provided the sign meets the intent of the zone in which it is proposed.

Table 17.27.030.A: Allowed Sign Types by Zoning Districts

Sign Type	LR/ LR- 1A	MR	HR	MU	CB	SC	BPO	I	A-20	W	WW 31	PQP	PR	OS
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“•” = Permitted; “—” = Not Permitted

Building-Mounted Signs														
Awning Sign	—	—	—	•	•	•	•	—	—	•	—	•	—	—
Blade Sign	—	—	—	•	•	•	•	—	—	•	—	•	—	—
Canopy Sign	—	—	—	•	•	•	•	—	—	—	—	•	—	—
Directional Sign	—	•	•	•	•	•	•	•	•	•	•	•	•	•
Directory Sign	—	•	•	•	•	•	•	•	•	•	•	•	•	—
Projecting Sign	—	—	—	•	•	•	—	•	—	—	—	—	—	—
Service Island Canopy Sign	—	—	—	—	•	•	•	•	—	—	—	—	—	—
Wall Sign ⁴²	•	•	•	•	•	•	•	•	•	•	•	•	•	—
Window Sign ⁴²	—	—	—	•	•	•	•	•	—	•	—	•	—	—
Freestanding Signs														
Directional Sign	—	—	•	•	•	•	•	•	•	•	•	•	•	—
Directory Sign	—	•	•	•	•	•	•	•	•	•	•	•	•	•
Monument Sign	—	•	•	•	•	•	•	•	• ²³	•	•	•	—	—
Post Sign	•	•	•	•	•	•	•	•	•	•	•	•	—	—

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Table 17.27.0970.A: Allowed Sign Types by Zoning Districts

Sign Type	LR/ LR- 1A	MR	HR	MU	CB	SC	BPO	I	A-20	W	WW 31	PQP	PR	OS
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End Notes:

¹ All signs in the WW zoning district shall be non-illuminated.

²¹ Neon is only allowed on wall mounted signs and window signs in the CB, MU, and I zoning districts. Refer to Subsection 17.27.0860.F.3.

³² Monument signs in A-20 require a Major Sign Permit as established in Section 17.27.050, Major Sign Permit.

B. Standards for Permanent Building-Mounted and Freestanding Signs.

1. The maximum total area for all building-mounted and freestanding signs is established in Table 17.27.0970.B: Standards for All Permanent Signs.
2. The area of all signs mounted on a building-mounted signs is included in the maximum total sign area per business or development, except when specifically exempted.
3. All permanent building-mounted and freestanding signs must comply with the corresponding sign type standards provided in Tables 17.27.0970.C to Table 17.27.0970.O.

Table 17.27.0970.B: Standards for All Permanent Signs

Zoning Districts	Max. Sign Height, Building-Mounted	Max. Sign Height, Freestanding	Total Sign Area per Business or Development
<i>"sf" = square feet; "lf" = linear feet</i>			
LR, A-20 ¹	8 ft	5 ft	LR: Max. 4 sf A-20: Max. 6 sf
MR	8 ft	5 ft	Max. 16 sf
HR	8 ft	5 ft	Max. 20 sf
MU, CB	20 ft	8 ft	Max. 1.0 sf per linear foot of business frontage; not to exceed 40 sf for the primary frontage and 20 sf for secondary frontage
SC, I ²	20 ft	10 ft	Primary frontage: Max. 60 sf Secondary frontage Max. 20 sf
BPO	20 ft	10 ft	Primary frontage: Max. 40 sf Secondary frontage: Max. 20 sf
W, WW ³	8 ft	5 ft	Primary frontage: Max. 20 sf Secondary frontage: Max. 20 sf
PQP, PR, OS ¹	12 ft	6 ft	Primary frontage: Max. 20 sf Secondary frontage: Max. 20 sf

Notes:

Part IV: Citywide Standards

Table 17.27.0 70.B : Standards for All Permanent Signs			
Zoning Districts	Max. Sign Height, Building-Mounted	Max. Sign Height, Freestanding	Total Sign Area per Business or Development
¹ The Community Development Director may grant by Minor Use Permit an increase in the maximum total sign area for all permanent signs in these zoning districts for public parks and recreation facilities, public schools, governmental facilities, public cultural facilities, and nonprofit hospitals.			
² The Planning Commission may approve signs that exceed the height, size, and number of signs specified in the SC and I zoning districts for properties located along Main Street where the visibility of the sign is impaired due to any one of the following:			
A) The building is set back from the street for a distance of 50 feet or more;			
B) The visibility of the building is obscured;			
C) The speed limit on Main Street is greater than 35 miles per hour; or			
D) A sign meeting the standards of this Chapter would create a safety hazard by obscuring the vision of vehicles exiting the property.			
³ All signs in the WW zoning district shall be non-illuminated.			

C. Standards for Permanent Building-Mounted Signs

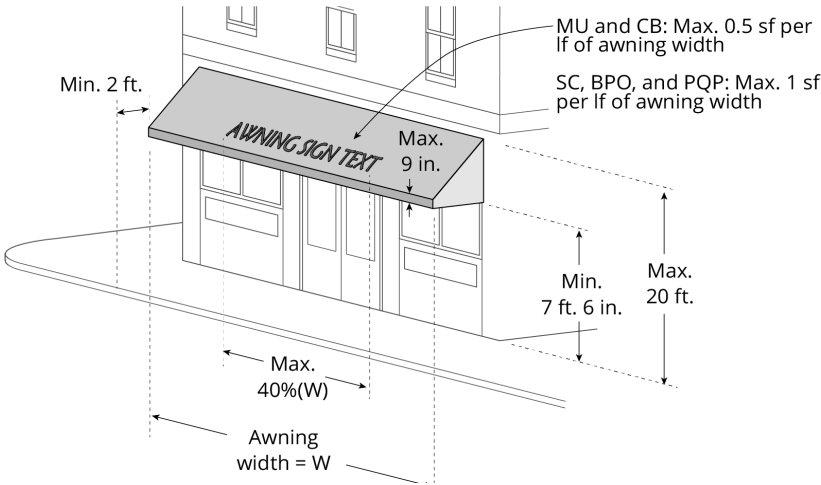
1. **Awning Sign.** Awning signs must comply with the standards provided in the table below.

Table 17.27.0 70.C : Standards for Awning Signs		
Standards	MU and CB	SC, BPO, W, and PQP
"sf" = square feet; "lf" = linear feet		
Sign Area	Max. 0.5 sf per lf of awning width	Max. 1 sf per lf of awning width
	Included in the total allowable sign area for all building-mounted signs (see Table 17.27.0 70.B).	
Mounting Height	Min. 7 ft 6 inches from the bottom of the awning to the nearest grade or sidewalk. Max. 20 ft.	
Sign Placement	Must only be placed above the doors and windows of the ground floor. Sign width must not be greater than 40% of the width of the awning face or valance on which it is displayed. May project into public right-of-way with approval of an Encroachment Permit.	
Valance Height	Max. 9 in.	
Horizontal Distance from Back of Curb	Min. 2 ft.	
Illumination	<u>Non-illuminated.</u>	

Part IV: Citywide Standards

Table 17.27.0 70.C: Standards for Awning Signs

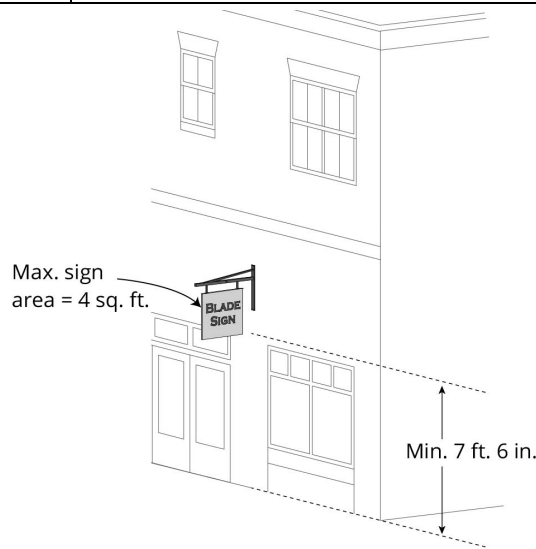
Standards	MU and CB	SC, BPO, W, and PQP
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Part IV: Citywide Standards

2. **Blade Sign.** Blade signs must comply with the standards provided in the table below.

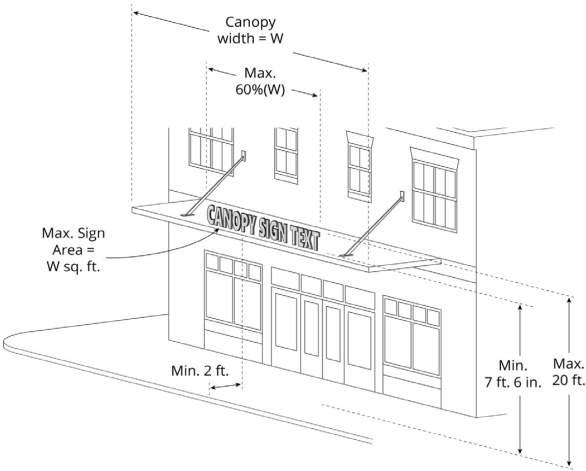
Table 17.27.0 70.D: Standards for Blade Signs	
Standards	MU, CB, SC, BPO, W, and PQP
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 4 sf per side. Included in the total allowable sign area for all building-mounted signs (see Table 17.27.0 70.B).
Mounting Height	Min. 7 ft 6 inches from the bottom of the sign to the nearest grade or sidewalk. Must be mounted perpendicular to the building face or at the corner of the building.
Number of Signs	Max. 2 signs; 1 sign per frontage.
Sign Placement	Sign must not extend beyond the edge of the structure on which it is located if mounted below the walkway or overhead structure. May project into public right-of-way with approval of an Encroachment Permit.
Horizontal Distance from Back of Curb	Min. 2 ft.
Illumination	Non-illuminated, internal illumination, or external illumination.



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3. **Canopy Sign.** Canopy signs must comply with the standards provided in the table below.

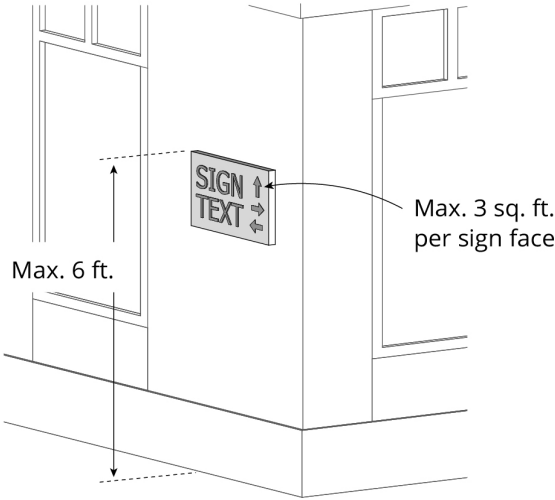
Table 17.27.0 70.E: Standards for Canopy Signs	
Standards	MU, CB, SC, BPO, and PQP
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 1 sf per linear foot of canopy width.
Sign Height	Min. 7 ft 6 inches from the bottom of the canopy to the nearest grade or sidewalk; Max. 20 ft.
Number of Signs	1 per business frontage.
Sign Placement	Must be placed above the doors and windows of the ground floor of a building. Sign width must not be greater than 60% of the width of the canopy on which it is displayed. If a canopy is placed on multiple store fronts, each business is permitted signage no greater than 60% of the store width or tenant space. May project into public right-of-way with approval of an Encroachment Permit.
Horizontal Distance from the Edge of the Canopy to Back-of-Curb	Min. 2 ft.
Illumination	Non-illuminated or internal illumination.



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4. **Directional Signs (Building-Mounted).** Directional signs must comply with the standards provided in the table below.

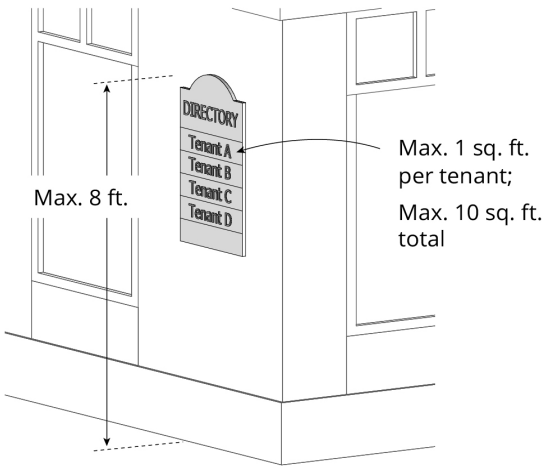
Table 17.27.0 70.F: Standards for Directional Signs (Building-Mounted)	
Standards	MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, PR, and OS
"sf" = square feet; "lf" = linear feet	
Sign Area	Max. 3 sf. Excluded from the total number of allowed signs for all building-mounted signs.
Mounting Height	Max. 6 ft.
Sign Placement	Max. 1 per pedestrian walkway.
Illumination	Non-illuminated or external illumination.



Part IV: Citywide Standards

5. **Directory Signs (Building-Mounted).** Directory signs must comply with the standards provided in the table below.

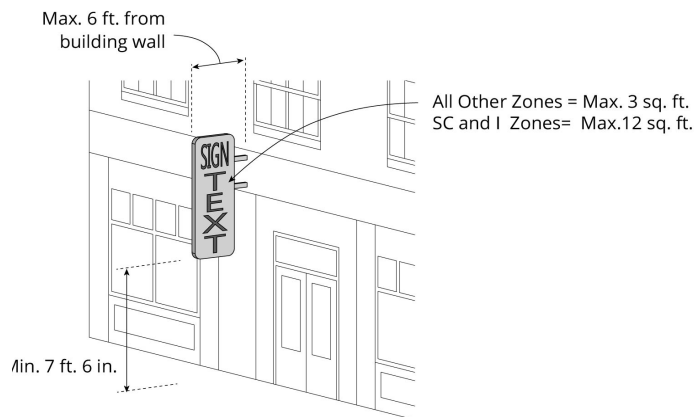
Table 17.27.0 70.G: Standards for Directory Signs (Building-Mounted)	
Standards	MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, and PR
"sf" = square feet; "lf" = linear feet	
Sign Area	Max. 1 sf per tenant space; Max. 10 sf total sign area. Excluded from the total number of allowed signs for all building-mounted signs.
Mounting Height	Max. 6 ft from nearest grade.
Number of Signs	Max. 1 per primary building entrance.
Illumination	Non-illuminated, internal illumination, or external illumination.



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6. **Projecting Signs.** Projecting signs must comply with the standards provided in the table below.

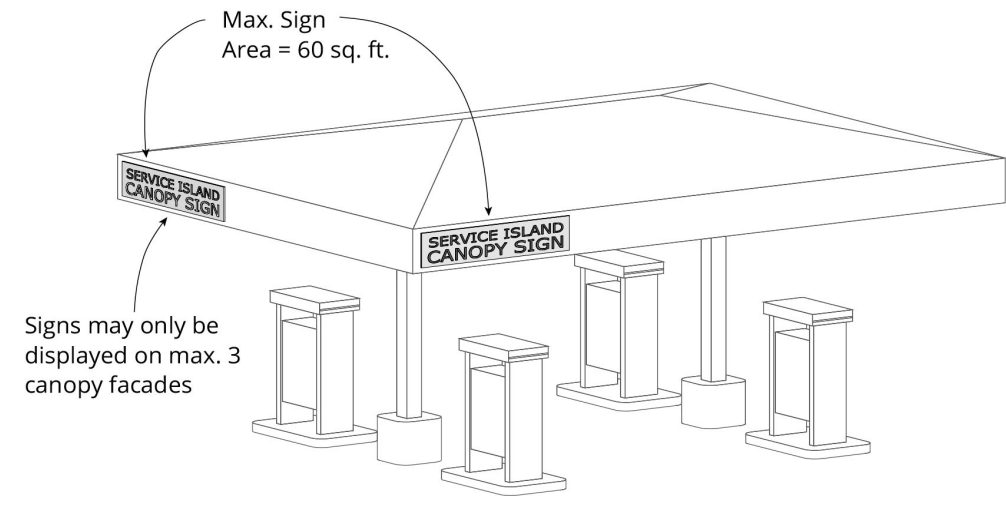
Table 17.27.0 70.H: Standards for Projecting Signs		
Standards	MU and CB	SC and I
<i>"sf" = square feet; "lf" = linear feet</i>		
Sign Area	Max. 12 sf per side	Max. 24 sf per side
	Included in the total allowable sign area for all building-mounted signs (see Table 17.27.0 70.B).	
Mounting Height	Min. 7 ft 6 inches from the bottom of the sign to the nearest grade or sidewalk.	
Sign Placement	Projecting signs shall not be permitted closer than 20 feet from each other. May project into public right-of-way (but not public alleys) with approval of an Encroachment Permit. May not extend vertically above the second floor window sill or when there is no second floor, may not extend above the parapet, eave, or roof line. Max. 6 ft from the building wall to the outer edge of the sign.	
Horizontal Distance from Back of the Curb	Signs may not project within two feet of the curb line.	
Number of Signs	Max. 1 per business when neither a monument sign nor a roof sign is present in the development. Not allowed if a monument sign or post sign is present.	
Illumination	Non-illuminated, internal illumination, or external illumination.	



Part IV: Citywide Standards

7. **Service Island Canopy Signs.** Service Island Canopy signs must comply with the standards provided in the table below.

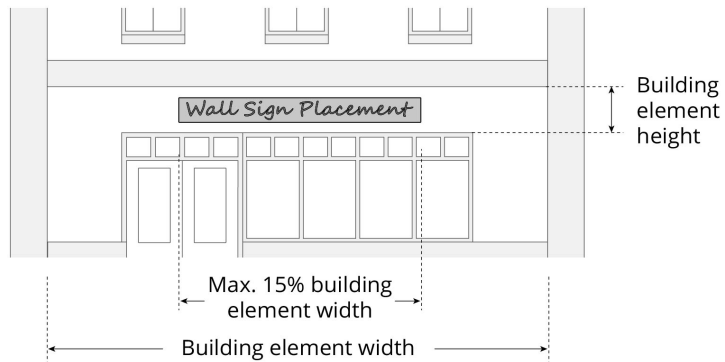
Table 17.27.0 70.I: Standards for Service Island Canopy Signs	
Standards	CB, SC, BPO, and I
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 60 sf for the total area of all signs on the canopy. Included in the total allowable sign area for all building-mounted signs (see Table 17.27.0970.B).
Number of Signs	Signs may only be displayed on max. 3 canopy facades.
Illumination	Internal illumination.



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8. **Wall Signs.** Wall signs must comply with the standards provided in the table below.

Table 17.27.070.J: Standards for Wall Signs	
Standards	LR-1A, LR, MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, and PR
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	As provided in Table 17.27.0970.B. Included in the total allowable sign area for all building-mounted signs (see Table 17.27.0970.B).
Number of Signs	Unlimited, provided the maximum area allowed for wall signs is not exceeded.
Sign Placement	Refer to the illustration below for applicable standards. Wall signs shall be placed to establish a facade rhythm, scale, and proportion between buildings. The sign's length shall not exceed the width of the framed portion of the storefront and shall not exceed 15 percent of the building facade.
Special Provisions	Requirements
Painted Wall Signs	Painted wall signs are allowed on any exterior building wall of an individual tenant space or building. Painted wall signs must be professionally painted. The allowable area for painted wall signs will be increased by 10% over the normal allowable sign dimensions for the zone. Painted wall signs are prohibited on historically designated buildings.
Illumination	Non-illuminated, internal illumination, or external illumination.



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9. **Window Signs.** Window signs must comply with the standards provided in the table below.

Table 17.27.0 70.K: Standards for Window Signs	
Standards	MU, CB, SC, BPO, I, W, and PQP
"sf" = square feet; "lf" = linear feet	
Sign Area	The combined area of temporary and permanent window signs must not exceed 40% of the area of the window on which they are displayed. Max. 25% of sign area may be neon or single-color or two-color LED signs. Neon or single-color or two-color LED signs greater than 2 sf each or a total of 4 sf require Planning Commission approval. Refer to Subsection 17.27.0860.F.3, Neon and Subsection 17.27.0860.F.4, Single-color or two-color LED signs. Adhesive vinyl, gild-leaf, or screen printing is preferred over hand-painted window signs.
Sign Placement	Must be mounted or displayed on the interior of the window. Window signs shall only be mounted on the first or second floor windows of a building.

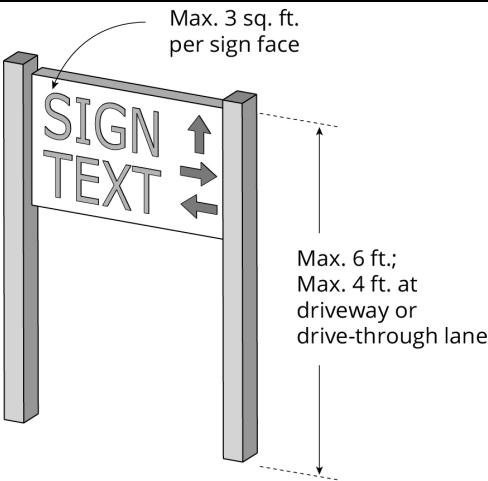


Part IV: Citywide Standards

D. Standards for Permanent Freestanding Signs.

- 1. Standards for each allowed permanent freestanding sign type are provided in tables with a supporting illustration of each sign type. All permanent signs must comply with the standards for sign area, height, number, type, and other requirements provided in these tables.
- 2. **Directional Signs (Freestanding).** Directional signs must comply with the standards provided in table below.

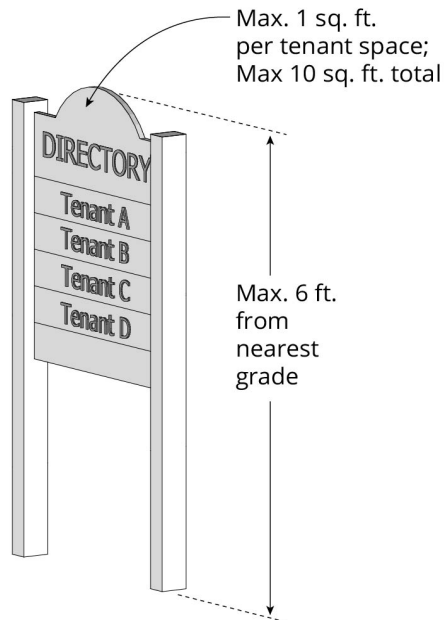
Table 17.27.0 20.L: Standards for Directional Signs (Freestanding)	
Standards	HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, and PR
"sf" = square feet; "lf" = linear feet	
Sign Area	2 sided allowed; Max. 3 sf per sign face. Excluded from the total number of allowed signs for all freestanding signs.
Sign Height	Max. 6 ft; Max. 4 ft at driveway or drive-through lanes.
Number of Signs	Max. 1 per driveway entrance or pedestrian walkway.
Illumination	Non-illuminated, internal illumination, or external illumination.
Special Provisions	May be mounted on either 1 or 2 posts.



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3. **Directory Signs (Freestanding).** Directory signs must comply with the standards provided in the table below.

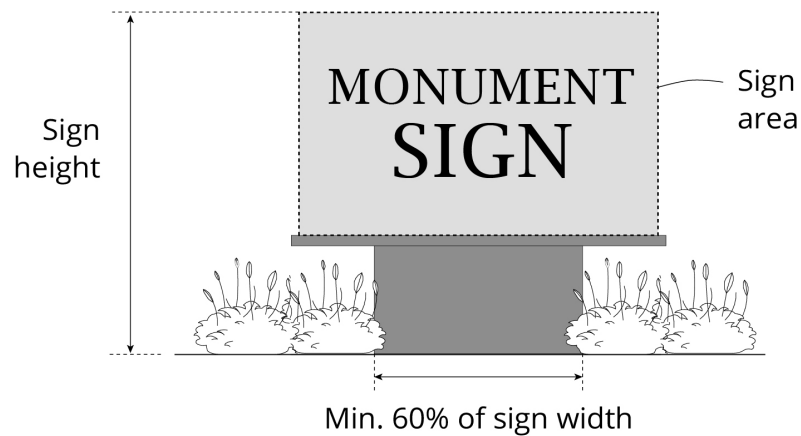
Table 17.27.0 70.M: Standards for Directory Signs (Freestanding)	
Standards	MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, PR, and OS
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 10 sf; Max. 1 sf per tenant space. Excluded from the total number of allowed signs for all freestanding signs.
Sign Height	Max. 6 ft from nearest grade.
Number of Signs	Max. 1 per building.
Illumination	Non-illuminated, internal illumination, or external illumination.
Special Provisions	May be mounted on either 1 or 2 posts.



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4. **Monument Signs.** Monument signs must comply with the standards provided in the table below.

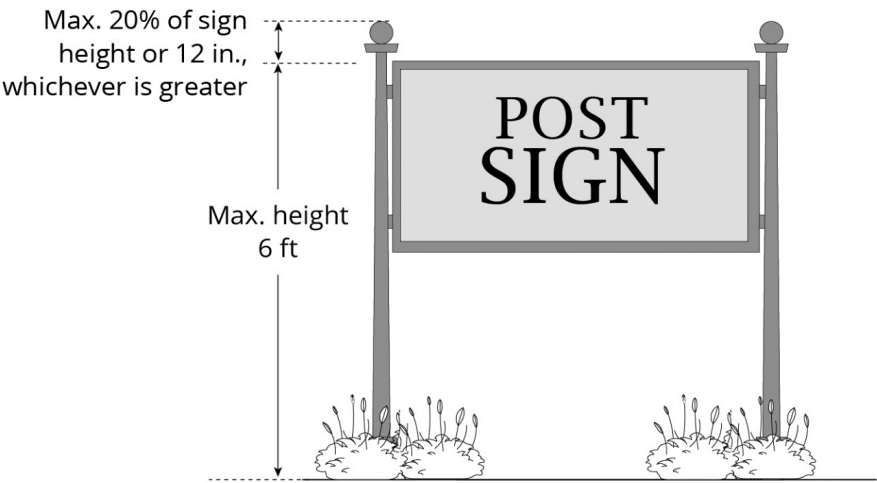
Table 17.27.0 70.N: Standards for Monument Signs	
Standards	MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, and PQP
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	As provided in Table 17.27.0970.B.
Sign Height	As provided in Table 17.27.0970.B. Elements to enhance the design of a sign structure may extend above the sign to a max of 20% of the sign's allowed height, or 12 inches, whichever is greater.
Total Sign Width	Elements to enhance the design of a monument sign structure may extend no more than 2 feet on either side of the sign.
Base Width	The sign base must be at least 60% of the width of the sign.
Number of Signs	Only one monument sign is allowed per building per frontage. Not allowed if a post sign is present in the development.
Sign Placement	Only located on private property along a site frontage facing a public street. Min. 5 ft setback from the front property line.
Illumination	Non-illuminated, internal illumination, or external illumination.



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5. **Post Signs.** Post signs must comply with the standards provided in the table below.

Table 17.27.0 70.O: Standards for Post Signs	
Standards	LR-1A, LR, MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, and PQP
"sf" = square feet; "lf" = linear feet	
Sign Area	As provided in Table 17.27.0970.B
Sign Height	Max. 6 ft. Elements to enhance the design of a sign structure may extend above the sign to a max of 20% of the sign's allowed height, or 12 inches, whichever is greater.
Sign Placement	Minax. 5 ft setback from the front property line.
Number of Signs	Max. 1 per property frontage. Not allowed if a monument sign is present in the development.
Illumination	Non-illuminated, internal illumination, or external illumination.
Special Provisions	Post signs shall be located in a landscaping area defined by a vertical curb to protect the sign.



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~~17.27.080~~17.27.100 Standards for Temporary Signs

- A. **Purpose.**— The [City](#) Council finds that the proliferation of temporary signs is a distraction to the traveling public and creates aesthetic blight and litter that threatens the public's health, safety, and welfare. In addition to the purpose provisions of Section 17.27.010, Purpose, these regulations ensure that temporary signs do not create a distraction to the traveling public by eliminating the aesthetic blight and litter caused by temporary signs and that certain types of temporary signs are allowed to ensure that residences are not left vacant for extended periods of time.
- B. **General to All Temporary Signs.** Temporary signs are allowed only in compliance with the provisions of this Section.
 1. **Permits.** A Temporary Wall Banner Sign Permit is required to display a temporary wall banner sign with a maximum area of 32 square feet. Wall Banners larger than 32 square feet in area requires Minor Sign Permit approval (see Section 17.27.040, Minor Sign Permit). All other temporary sign types do not require a Sign Permit. Each tenant in a multi-tenant building is entitled to a temporary wall banner sign in accordance with this Section.
 2. **Not Included in Permanent Sign Allowances.** Temporary signs are not counted toward the maximum total sign area established in Section 17.27.070, Standards for Permanent Signs.
 3. **General Time, Place, and Manner Restrictions.**
 - a. **Prohibited Location Standards.** Temporary signs must be placed in compliance with subsection 17.27.060.B, ~~Prohibited Location Standards~~, unless specifically exempted by this Section.
 - b. **Period of Use.** There is no limit on the length of time that a temporary sign may be displayed, except for temporary wall banner signs (see [Section Table 17.27.070.B, Duration of Temporary Wall Banner Sign Permits: Standards for Specific Temporary Signs](#)).
 - c. **Prohibited Display Standards.** Temporary signs must comply with ~~sub~~Section 17.27.060.C, ~~Prohibited Display Standards~~.
 - d. **Design and Construction.** Temporary signs must be of sufficient weight and durability to withstand wind gusts, storms, etc. and must be professionally crafted.

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C. Additional Standards for Temporary Signs.

1. Temporary signs are allowed in compliance with provisions in Table 17.27.100089.A: Standards for Temporary Signs.

Table 17.27.100089.A: Standards for Temporary Signs	
Standard	Requirement
<i>"sf" = square feet; "lf" = linear feet</i>	
LR-1A, LR, A-20, MR, HR, W, WW, PQP, PR, and OS Zoning Districts	
Total Area of all Temporary Signs at Any One Time	Max. 16 sf ^{1,2}
Number of Signs	Unlimited except that the total sign area of all temporary signs must not exceed 16 sf.
MU and CB Zoning Districts	
Total Area of All Temporary Signs at Any One Time	Max. 32 sf per business, with a total of max. 72 sf per lot. Excludes the area of temporary wall banner signs.
Number of Signs	Unlimited except that the total sign area of all temporary signs (excludes area of temporary wall banner signs) must not exceed 32 sf per business. Exception: Multi-tenant shopping centers or offices – Max. 2 temporary wall banner signs per 150 lf of property frontage not to exceed 64 sf combined.
SC, BPO, and I Zoning Districts	
Total Area of All Temporary Signs at Any One Time	Max. 40 sf per business, with a total of max. 90 sf per lot. Excludes the area of temporary wall banner signs.
Number of Signs	Unlimited except that the total sign area of all temporary signs (excludes the area of wall banner signs) must not exceed 40 sf per business. Exception: Multi-tenant shopping centers or offices – Max. 2 temporary wall banner signs per 150 linear feet of property frontage not to exceed 64 sf combined.

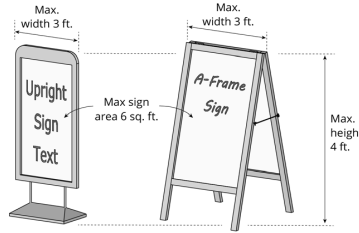
Notes:

¹ The Community Development Director may grant with a Minor Use Permit an increase in the maximum total sign area for all temporary signs in these zoning districts for public parks and recreation facilities, public schools, governmental facilities, public cultural facilities, and nonprofit hospitals.

² All temporary signs with commercial messages are prohibited in all residential zones, except that temporary signs with commercial messages advertising the sale or lease of real property are allowed in residential zones.

Part IV: Citywide Standards

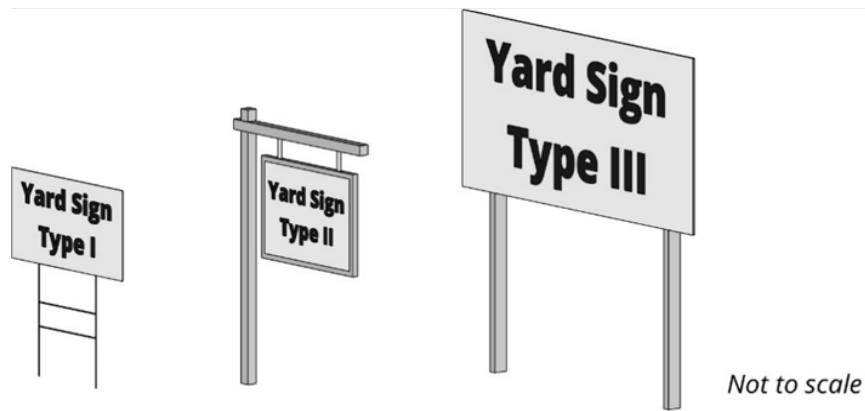
2. **Standards for Specific Temporary Signs.** Temporary signs must comply with the standards provided in Table 17.27. ~~100089~~.B: Standards for Specific Temporary Sign Types.

Table 17.27. 100089 .B: Standards for Specific Temporary Signs				
Temporary Sign Type ¹	Standards			Other Requirements
	Height (Max.)	Width (Max.)	Area (Max.)	
"sf" = square feet; "lf" = linear feet				
Allowed in all Zones Unless Noted in "Other Requirements" <u>Non-Residential Zones</u>				
A-Frame or Upright Sign	4 ft	3 ft	6 sf	Must be located within 15 feet of the building in which the business is located. May be located on a sidewalk provided a minimum width of at least four feet in compliance with applicable ADA standards allows for unimpeded pedestrian movement. Only permitted during regular business hours in non-residential zoning districts.
				
Wall Banner	25 ft to top of banner	—	32 sf	Prohibited in residential zoning districts.² Must be mounted on a building wall or on T-posts or stakes installed ≤ 6" from a wall on which the wall banner would be hung.
Window Sign	—	—	See End Note 3	Must be placed no higher than first story windows. Inside mounting required. Not included in the total sign area for all temporary signs.

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Table 17.27. ~~100088~~.B: Standards for Specific Temporary Signs

Temporary Sign Type ¹	Standards			Other Requirements
	Height (Max.)	Width (Max.)	Area (Max.)	
"sf" = square feet; "lf" = linear feet				
Allowed in all Zones				
Yard Sign Type 1	4 ft	2 ft	6 sf	All yard signs must be installed securely in the ground.
Yard Sign Type 2	6 ft	2 ft	5 sf	
Yard Sign Type 3	6	8 ft	32 sf	

**End Notes:**

¹ Other temporary sign types may be allowed (e.g., fuel pump topper signs or wraps around waste receptacles) provided the max. area limitation for all temporary signs is not exceeded.

² Except, banners greater than 32 sf in area installed in residential zoning districts for new subdivisions require Major Sign Permit approval.

³ The area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) must not exceed 40% of the area of the window on or within which they are displayed.

3. **Temporary Signs Associated with Model Sales Office.** All temporary signs associated with model sales office for new subdivisions require a Conditional Use Permit approval (see Section 17.05.020, [Conditional Use Permit \(CUP\)](#)).

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~~17.27.090~~17.27.110 **Nonconforming Signs**

Section 17.09.070, Nonconforming Signs, provides the standards and regulations for nonconforming signs.

~~17.27.100~~17.27.120 **Enforcement**

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, display, maintain or use a sign within the City contrary to, or in violation of, any provision of this Chapter. The requirements of this Chapter shall be enforced in compliance with the enforcement provisions of Chapter 17.13, Enforcement.

~~17.27.110~~17.27.130 **Severability**

If any Section, sentence, clause, phrase, word, portion or provision of a Chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other Section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid provision. The invalidation of the application of any Section, sentence, clause, phrase, word, portion, or provision of this Chapter to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such Section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

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Chapter 17.28 Performance Standards**17.28.010 Purpose**

This Chapter has been adopted to:

- A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
- B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and
- C. Protect industry from arbitrary exclusion from the City.

17.28.020 Applicability

- A. The standards of this Chapter shall apply to all uses and properties existing in the City at the time of adoption of this Title.
- B. Activities that generate odor, fumes, vibration, glare, dust, water or air pollution, fire or explosive hazard, and visual impact shall be subject to Conditional Use Permit conditions (see Section 17.05.020, Conditional Use Permit), ~~to~~^{that} ensure that ~~the~~ public health, safety, and welfare is not compromised.

17.28.030 Prohibited Uses

Uses constituting or resulting in public or private nuisance because of the emission of any smoke, dust, gas, odor, fumes, noise, vibration, radioactive or fissionable material, or refuse material are specifically prohibited in the City:

17.28.040 Measurement of Impacts

Measurements necessary for determining compliance with the standards of this Chapter shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

17.28.050 Dust and Fumes

Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, smoke, or particulate matter, unless authorized under federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resource Board, and the Bay Area Air Quality Management District.

17.28.060 Electromagnetic Interference

No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which

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it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

17.28.070 Fire and Explosive Hazards

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Chief. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning and deemed a practical necessity by the Fire Chief.

17.28.080 Hazardous and Extremely Hazardous Materials

- A. The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency.
- B. **Industrial (I) District.**
 - 1. No hazardous or flammable materials shall be stored outside of the building without a proper storage container.
 - 2. A business plan shall be filed annually with the County of Napa Hazardous Material Section of the Department of Environmental Management. ~~A and a~~ copy of the approval by the County shall be submitted to the Community Development Director.

17.28.090 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities.

17.28.100 Waste Disposal

- A. **Discharges to Surface Water, Sewers or Ground.** Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water (surface waters), storm drain or sanitary sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board.
- B. **Containment.** Wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. Closed containers shall be provided and used for the storage of any materials which by their nature are combustible, volatile, dust, or odor producing or edible or attractive to rodents, vermin, or insects.
- C. **Incineration.** There shall be no rubbish or refuse incineration on the premises with the exception of those materials and disposal processes covered in Section 17.28.070, Fire and Explosive Hazards.

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- D. **Winery (W) District.** Winery operations shall generate no discernible odors of sewerage or putrefying organic material origin, other than normal fermentation odors, at the property lines. For additional waste disposal standards specific to the W district, see Section 17.19.040, Supplemental Standards.

17.28.110 Vibration

- A. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
- B. An acoustic study shall be required for any proposed development within 200 feet of railroad track. Measures may be required to ensure that vibration impacts remain below acceptable levels.

Chapter 17.29 Density Bonus

17.29.010 Purpose

This Chapter has been adopted to encourage the development of housing affordable to all segments of the community and to provide for incentives to defray the costs of providing affordable housing for very low, low, and moderate income households in the City. In enacting these provisions, the City expressly intends this Chapter to satisfy the requirements of:

- A. [California](#) Government Code § 65915 and the City's ~~housing element~~[Housing Element](#) by specifying how the City shall provide density bonuses and/or incentives or concessions for the construction of certain housing projects affordable to lower income, very low income, senior households, transitional foster youth, disabled veterans or homeless, lower income students, and for condominium and planned development projects affordable to moderate income households; and
- B. [California](#) Government Code § 65589.7 and the City's ~~housing element~~[Housing Element](#) by specifying how the City will grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households.

17.29.020 Applicability

An applicant may request a density bonus and concessions or incentives for a residential or residential mixed-use project of five or more units that satisfy one or more of the following criteria:

- A. At least 10 percent of total units are designated for lower income households;
- B. At least five percent of the total units are designated for very low income households;
- C. A senior citizen housing development as defined in §§ 51.3 and 51.12 of the Civil Code;
- D. At least 10 percent of the total units are designated for transitional foster youth, disabled veterans or homeless as defined by federal McKinney-Vento Homeless Assistance Act (42 U.S.C. §11301 et seq.) with affordability at the same level as very low income units.
- E. A student housing development with at least 20 percent of the units for lower income students that meets the requirements set forth in § 65915(b)(1)(F)(i).
- F. For a condominium project or planned development project only, at least 10 percent of total units are designated for moderate income households.

17.29.030 Project Requirements

In addition to satisfying one or more of the criteria in Section 17.29.020, Applicability, the applicant requesting a density bonus and/or incentive or concession shall satisfy the following requirements:

- A. The designated units shall be comparable to the non-designated units within the project.
- B. The applicant and/or owner shall enter into an agreement with the City to ensure the continuing affordability of units designated for low and very low income households. Where the City grants a density bonus or concessions or incentives, such agreement shall be for a

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term of not less than 55 years for rental units and not less than 45 years for ownership units, or longer should the project financing so require.

- C. The applicant and/or owner shall enter into an agreement with the City to ensure that the initial occupant of units in for sale projects directly related to the receipt of the density bonus shall be a person or family of moderate income. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City Council shall adopt a resolution establishing the method for determining how the City will recapture its proportionate share of appreciation which shall then be used within three years for any of the purposes described in subdivision (e) of § 33334.2 of the Health and Safety Code that promote home ownership.
- D. Except as otherwise provided in [California](#) Government Code § 65915, units designated for rent by lower income households shall be affordable at rents, including a utility allowance, that do not exceed 30 percent of 60 percent of area median income for Napa County. Units designated for rent by very low income households shall be affordable at rents, including a utility allowance, that do not exceed 30 percent of 50 percent of the area median income.
- E. Units designated for purchase by low income or moderate income households shall be sold at an affordable housing cost according to limits established by the State Department of Housing and Community Development in accordance with Health and Safety Code § 50052.5.
- F. The developer and/or property owner shall provide the City a yearly accounting of the total project units occupied and vacant, the total occupied and vacant units designated for low or very low income households, and rents charged.

17.29.040 Application

- A. To apply for a density bonus consistent with the requirements in [California](#) Government Code § 65915 (f) (1-4) and/or incentives or concessions, the applicant may submit a proposal for specific incentives or concessions and may request a meeting with the City. The preliminary written proposal shall provide the following information:
 - 1. Preliminary sketch plan showing at a minimum the context, location of buildings, and parking;
 - 2. A narrative describing the proposed development including the number, type, and size of the housing units;
 - 3. Any request for waiver of development standards;
 - 4. Information satisfactory to the Community Development Director, such as capital costs, equity investment, debt service, projected revenues, operating expenses, and any other information deemed appropriate to enable the City to determine the project cost per unit and whether the waiver or modification of otherwise applicable standards that will result in identifiable and actual cost reductions to:
 - a. Provide for affordable housing costs, as defined in § 50052.5 of the Health and Safety Code;
 - b. Provide for rents for the targeted units to be set as specified in subdivision (c) of [California](#) Government Code § 65589.7; or

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- c. Otherwise make the housing units economically feasible.
- B. The City shall, within 120 days of receipt of an application deemed to be complete and consistent with Section 17.04.040, Review of Planning Applications, notify the developer in writing whether and in what manner the City shall grant a density bonus and incentives or concessions as stipulated in Table 17.29.040.A: Required Concessions and Incentives.

Table 17.29.040.A: Required Concessions and Incentives			
Number of Concessions/ Incentives ¹	Percentage of Very Low Income Units	Percentage Low Income Units	Percentage of Moderate Income Units in a Condominium or Planned Development
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	100% Low/Very Low/Mod (up to 20% Moderate Allowed)	100% Low/Very Low/Mod (up to 20% Moderate Allowed)	100% Low/Very Low/Mod (up to 20% Moderate Allowed)

End Notes:

¹ A concession or incentive only applies if an application is submitted for a density bonus.

In addition to the requirements of this Section, any applicant who proposes to construct a housing development that conforms to the requirements of this Chapter and includes a child care facility that will be located on the premises of, as part of, or adjacent to the project shall also be entitled to either an additional density bonus or an additional concession or incentive in accordance with the provisions of California Government Code § 65915(h).

- C. Alternatively, in a City Council meeting scheduled separately from the approval process and timeline for the housing development and within 120 days of receipt of an application deemed to be complete consistent with Section 17.04.040, Review of Planning Applications, the City Council shall preliminarily find that:
1. The concession or incentive would not result in actual and identifiable cost reductions in order to provide for affordable housing costs, as defined in § 50025.2 of the Health and Safety Code or for rents for the proposed density bonus units as required pursuant to this Chapter; or
 2. The concession or incentive would have a specific, adverse impact upon public health and safety, or upon the physical environment, or upon real property listed in the California Register of Historical Resources and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. For purposes of this subsection, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Such notification shall represent the joint recommendation of the Community Development Director charged with implementing this Section; provided,

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however, that the City Council, in acting on the project, may modify such recommendation.

- D. In accordance with the provisions of California Government Code § 65915(f), an applicant may elect to accept a lesser percentage of density bonus than the maximum specified in this Chapter, including but not limited to no increase in density.
- E. In accordance with the provisions of California Government Code § 65915, the granting of a density bonus pursuant to this Chapter shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.
- F. If the applicant does not submit a written preliminary proposal, the applicant shall submit a request in writing for specific incentives along with information described in subsection A.4 (along with other materials required for application submittal) at the time a formal application is submitted. The Approval Authority shall either grant the density bonus and concessions/incentives requested by the applicant or make one of the findings, based on substantial evidence, described in subsection C.1 or C.2.
- G. The applicant shall pay any fee(s) which shall be paid at the time directed by the Community Development Director but not later than prior to issuance of a building permit(s) unless otherwise established by resolution of the City Council to implement this Section, including, but not limited to:
 - 1. Fees to process the request for a density bonus and/or other concessions or incentives;
 - 2. Preparation of contracts and other documents; and
 - 3. Monitoring contracts and documents for compliance.
- H. Affordable units under this Section shall be constructed at the same time as the market-rate units. The right to a density bonus or concession under this Chapter shall not be transferred to another development. Where an applicant proposes to simultaneously develop two or more parcels in the City, nothing in this Section shall prohibit the City Council in its discretion from using a density bonus and/or concession/incentive granted for one of the parcels on another parcel proposed for development.

17.29.050 Waiver or Reduction of Development Standards

In addition to any density bonus and/or concessions or incentives granted pursuant to this Chapter, an applicant may also request that the City waive or reduce any development standard that has the effect of physically precluding the construction of a development meeting the criteria of this Chapter at the densities or with the concessions or incentives permitted pursuant to this Chapter in accordance with the provisions of California Government Code § 65915(e).

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17.29.060 Affordable Housing Concessions or Incentives

- A. For residential development projects which meet the requirements specified in Section 17.30.030, Inclusionary Housing Requirements, through the actual construction of affordable units, the City shall follow the procedures and provide the described concessions and/or those incentives identified in California Government Code §§ 65915 through 65918.
- B. The City Council may consider, on a case-by-case basis, at its sole discretion, providing the following additional concessions or incentives in addition to those granted pursuant to [California](#) Government Code § 65915 which are consistent with [State](#) law and the ~~housing element~~[Housing Element](#) of the General Plan for projects which meet or exceed the requirements of [this](#) Chapter 17.29, Density Bonus.
 - 1. An additional density bonus or other incentives of equal financial value subject to the City Council's review and approval.
 - 2. Direct financial assistance in the form of a loan or grant using trust fund or other appropriate available funds subject to the recommendation of the Community Development Director.
 - 3. Payment deferral of applicable City fees on low-income units until the issuance of the certificate of occupancy for the unit.

17.29.070 Land Donation

- A. When an applicant voluntarily offers to donate land to the City which is of sufficient developable acreage and with appropriate zoning classification to permit construction of units affordable to very low-income households in accordance with this Section, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density. For each one percent increase above the minimum land donation described in subsection B, the density bonus shall be increased by one percent, up to a maximum of 35 percent.
- B. The voluntary donation of land shall comply with the following criteria:
 - 1. The land is transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - 2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development. Housing units designated for very low-income households pursuant to this Chapter shall not be included when determining compliance with this Section.
 - 3. The transferred land is at least one acre or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.
 - 4. The transferred land is within the boundary of the proposed development or, as approved by the City Council, within one-quarter mile of the boundary of the proposed development and located within the City limits.

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- C. An applicant for a tentative subdivision map, parcel map, or other residential development approval wishing to donate land pursuant to [California](#) Government Code § 65915(h) shall include in the application for development the following information:
 - 1. The size of the parcel;
 - 2. The amount of developable acreage;
 - 3. A preliminary plan for the development of at least 40 units affordable to very low-income households on the developable acreage;
 - 4. A description of the public facilities and infrastructure that would serve the units; and
 - 5. The name of the public or private entity to which the land will be donated.
- D. The City Council shall approve, modify, or disapprove the application to donate land in accordance with the requirements of this Section and [California](#) Government Code § 65915(h).
- E. Unless the construction of at least 40 units affordable to very low-income households on the donated land is the subject of a separate development application, the units shall be considered a part of the application for a tentative subdivision map, parcel map, or other residential development for purposes of review under the California Environmental Quality Act (CEQA) and other state and local laws and regulations.

17.29.080 Parking

- A. This Section implements the provisions of [California](#) Government Code § 65915(p).
- B. If a development is constructed consistent with the vehicular parking ratios described in [California](#) Government Code § 65915(p)(1), and the parking ratios are less than otherwise required by the City in Chapter 17.26, Parking and Loading, the applicant shall record a covenant against the property disclosing the difference between the parking ratios that have been used for the development and the City's requirements.

17.29.090 Priority for Water and Sewer Services

In accordance with the provisions of California Government Code § 65589.7, the City shall grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households in accordance with a written policy adopted by resolution of the City Council.

Chapter 17.30 Affordable Housing Program

17.30.010 Purpose

This Chapter establishes an affordable housing program, housing impact fees on developers of nonresidential development projects in the City, inclusionary housing requirements and alternative means of compliance, requirements for inclusionary units, and administration and enforcement measured for the program. The requirements of this Chapter do not replace other regulatory, development and processing fees or exactions; funding required pursuant to a development agreement or reimbursement agreement; or assessments charged pursuant to special assessments or benefit assessment district proceedings, unless so specified.

17.30.020 Housing Impact Fees

- A. **Applicability.** A housing impact fee is imposed on all developers of nonresidential development projects and conversions, except for nonresidential projects that fall within one or more of the following categories:
1. Projects that are the subject of previously approved development agreements currently in effect with the City;
 2. The nonresidential uses are described either in a building permit application accepted as complete by the City prior to the adoption of Resolution 2003-65 on May 27, 2003, or in a Minor or Conditional Use Permit or similar discretionary approval approved prior to the adoption of Resolution 2003-65 on May 27, 2003. However, any extension or modification of such approval or permit after such date shall not be exempt;
 3. The portion of a project located on property owned by the State of California, the United States of America or any of its agencies used exclusively for governmental or educational purposes;
 4. A project to the extent it has received a vested right to proceed without payment of housing impact fees pursuant to State law;
 5. Projects operated by nonprofit organizations which provide food storage, meal service and/or temporary shelter to the homeless;
 6. Projects for which no nexus can be established;
 7. Any building which is damaged or destroyed by fire or natural catastrophes so long as the gross floor area of the building remains the same.
 8. The following specific uses are exempt from the housing impact fee requirement;
 - a. Child day care facilities serving six or fewer children;
 - b. Non-profit organizations and schools;
 - c. Public elementary or secondary schools, colleges, or universities;
 - d. Public library, art galleries, museums, or other nonrecreational public facilities;
 - e. Public parking lot;

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- f. Public works, major
 - g. Public works, minor;
 - h. Community assembly uses; and
 - i. Wineries, large and small.
- B. **Fee Payment.** Unless otherwise preempted by law, the housing impact fee shall be paid according to the master fee schedule prior to the issuance of a building permit. For good cause shown, the City Council may allow for the fee to be paid at the time of a final inspection or prior to issuance of a certificate of occupancy.
- C. **Alternative to Payment of Housing Impact Fee.** As an alternative to payment of the housing impact fee, a developer of a nonresidential development project may submit a request to mitigate the impacts of such development through the construction of residential units, the dedication of land, or mixed use or other resources. Such requests may be approved by the City Council, if the City Council determines that such alternative will further affordable housing opportunities in the City to an equal or greater extent than payment of the housing impact fee.
- D. **Processing Requirements.**
 - 1. Each discretionary permit for a project subject to this Section shall contain an express condition requiring compliance with this Section. Notwithstanding this subsection, failure to include the condition does not excuse compliance with this Chapter.
 - 2. No application for building permits or discretionary permits for any project subject to this Section shall be deemed complete unless the application contains:
 - a. A statement of the number of gross square feet in a nonresidential development project to be constructed, added, or placed that are subject to the requirements of this Section, together with documentation sufficient to support the application;
 - b. The intended use or uses for the nonresidential development project by gross square feet; and
 - c. A statement of any exemptions applicable to the project.
 - 3. The Community Development Director may require similar information for completeness of other City permits or licenses as necessary or convenient to implement this Section.

17.30.030 Inclusionary Housing Requirements

- A. **Inclusionary Requirement.** At least 20 percent of all new dwelling units in a residential development project shall be affordable units, which shall be constructed and completed concurrently with the related market rate units. The affordable units developed pursuant to this Chapter shall be of the same tenure as the market rate units, meaning that affordable rental units shall be developed to satisfy the requirement for rental developments, and affordable owner-occupied units shall be developed to satisfy the requirement for owner occupied developments. In the event that a development is comprised of both rental and

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owner-occupied units, the requirement to develop 20 percent the new dwelling units as affordable units shall be applied to the rental and owner-occupied components of the development project separately. The requirement to construct and complete affordable units pursuant to this Chapter shall not be satisfied by designating accessory dwelling units as affordable units, and accessory dwelling units constructed as part of the development project shall not be counted as dwelling units for purposes of calculating the required number of affordable units. The affordable units may be constructed in phases if the market rate units are constructed in phases, provided that the percentage of inclusionary units to be developed in each phase shall be equivalent to or greater than the total percentage of inclusionary units to be developed as part of the residential development until such time that all the inclusionary units have been built. For fractions of affordable units, including fractions resulting from construction of less than five dwelling units, the developer may elect, at his or her option, to construct the next higher whole number of affordable units, perform an alternative equivalent action which has received the approval of the City Council pursuant to subsection B, or pay the housing in-lieu fee specified in subsection E for such fraction. Notwithstanding the above, this Section shall not apply to projects which fall into one or more of the following categories:

1. A residential development project to the extent it has received a vested right to proceed without payment of housing impact fees pursuant to [State law](#);
2. Building permits for residential development projects if compliance with this Section for such project has already been satisfied including, but not limited to, building permits on newly created lots where the subdivider has built affordable units or otherwise satisfied this Section;
3. Replacement or rehabilitation of any dwelling unit which is damaged or destroyed so long as the square footage and use of the building remains the same. Upon the remodeling or rebuilding of a residential dwelling to add additional square footage, the housing impact fee shall be paid on the additional square footage (except for a one-time exclusion of 850 square feet per residence);
4. The one-time remodeling of any dwelling unit for which the gross square floor area of the structure is increased by 850 square feet or less;
5. New dwelling units less than 850 square feet.

B. Alternative Equivalent Action Proposal.

1. A developer of any residential project may propose to meet the requirements of subsection A with an alternative equivalent action, subject to the review and approval of the City Council. Proposals for alternative equivalent actions may include, but are not limited to, dedication of vacant land, the construction of affordable units on another site, or acquisition and enforcement of required rental/sales price restrictions on existing standard dwelling units consistent with this Section. Any proposal shall show how the alternative equivalent action will further affordable housing opportunities in the City to an equal or greater extent than compliance with the express requirements of subsection A or payment of the appropriate housing in-lieu fee.
2. Alternative equivalent action proposals for single-family and multi-family residential developments shall be considered on a case-by-case basis by the City Council, and

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may be approved at the City Council's sole discretion, if the City Council determines that such alternative will further affordable housing opportunities in the City to an equal or greater extent than compliance with the express requirements of subsection A.

- C. **In-Lieu Housing Fee.** A developer of four or fewer residential dwelling units which are the whole of a residential development project may meet the requirements of subsection A through payment of a housing in-lieu fee.

A developer of any other residential project may propose to meet the requirements of subsection A through payment of a housing in-lieu fee by showing good cause that it is not feasible to construct the required units. A written request shall be submitted with the developer's application for a discretionary approval or building permit, whichever comes first. The request shall include: a statement identifying all overriding conditions that prevent the developer from meeting the requirement to construct the affordable units; sufficient independent data, including appropriate financial information, to support the developer's claim that it is not feasible to construct the required affordable units; and a detailed analysis of why any concessions and incentives available to the developer pursuant to Chapter 17.29, Density Bonus, and [California](#) Government Code § 65915 cannot mitigate the conditions that are preventing the developer from constructing the affordable units. The Community Development Director shall review all such requests and prepare a recommendation for the City Council. Such requests shall be considered on a case-by-case basis by the City Council, and may be approved if the council determines that there are overriding conditions which prevent the developer of a multi-family residential project from meeting the requirement to construct affordable units, and that payment of the housing in-lieu fee will further affordable housing opportunities to an equal or greater extent.

- D. **Time of Payment of Housing In-Lieu Fee.** Unless otherwise preempted by law, the housing in-lieu fee shall be paid prior to the issuance of a building permit. For good cause shown, the City Council may allow for the fee to be paid at the time of final inspection/certificate of occupancy.
- E. **Calculation of Housing In-Lieu Fee.** The housing in-lieu fee shall be charged on a percentage basis of the projected construction costs of market rate dwelling units. The amount and calculation of the housing in-lieu fee shall be established by resolution of the City Council. Construction costs of market rate dwelling units is determined in accordance with the definition in Section 17.32, Definitions of Terms. Construction costs shall be separately calculated for each dwelling unit in attached single-family residential and rental residential development projects, and the appropriate fee paid for each unit within the residential project. The housing in-lieu fee required by this Section may be satisfied either by cash payment or, upon the recommendation of the Community Development Director and approval of the City Council, by an alternative which will provide the City with a value equal to or greater than the amount of the required in-lieu fee.
- F. **Requirements for Rental Affordable Units.**
 - 1. If under subsection A, the developer is required to build three or fewer units of affordable rental housing, the following requirements apply:
 - a. If the developer is required to build only one affordable unit, that unit shall be affordable for a very low-income household.

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- b. If the developer is required to build two affordable units, one unit shall be affordable for a very low-income household and one unit shall be affordable for a low-income household.
 - c. If the developer is required to build three affordable units, one unit shall be affordable for a very low-income household, one unit shall be affordable for a low-income household, and one unit shall be affordable for a moderate-income household.
 - d. Notwithstanding the foregoing, if the City's goals for providing its fair share of affordable housing as determined through the Regional Housing Needs Assessment and set forth in the ~~housing element~~[Housing Element](#) of the ~~G~~general ~~P~~plan, have been met for the lowest income category, any required units shall be affordable in the next higher income category in which there is an unmet fair share requirement.
 - 2. If under subsection A, the developer is required to build four or more units of affordable housing, the number of affordable units which are required to be constructed in very low, low or moderate units shall be determined by the ratio of units needed in each of those categories in order to satisfy the City's fair share housing goals. Where the number of required affordable units in each category is a fractional number, the fractional units shall be carried to the category in which there is the greatest number of units needed. For instance, [as of March 17, 2022], the City's fair share housing goals require the City to provide for 104 very low (55 percent), 59 low (31 percent), and 26 moderate (14 percent) units to satisfy its fair share requirements. Therefore, a project that requires nine affordable units would be required to build five very low units, three low units and one moderate unit.
 - 3. With respect to any particular rental residential project, the City Council may, upon the recommendation of the Community Development Director, forgive all or a portion of the affordability requirement set forth in subsection A upon a showing by the applicant that imposition of such requirement on the residential project will cause undue hardship and that such residential project will contribute significantly to affordable housing opportunities in the City.
- G. Requirements for Owner-Occupied Affordable Units.**
- 1. One-half of the affordable units that are required to be constructed in connection with the construction of market rate units, intended for owner-occupancy shall be available at affordable sales prices to households whose annual household income does not exceed 100 percent of median income. If one-half of the affordable units required are made available by the developer at affordable sales prices to households whose annual household income does not exceed 80 percent of median income, the developer shall be entitled to an additional density bonus of five percent for the proposed development, beyond any density bonus to which the developer would be entitled pursuant to Chapter 17.29, Density Bonus, and [California](#) Government Code Section 65915 et seq.
 - 2. As an alternative to receiving an additional density bonus of five percent, a developer may submit a request for another incentive in lieu of the density bonus. Such requests shall be considered on a case-by-case basis by the City Council and shall be approved,

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at the City Council's sole discretion, if the City Council determines that such alternative incentive will further affordable housing opportunities.

3. The remaining one-half of the required affordable units shall be available at affordable sales prices to moderate-income households. Where the number of required affordable units is an odd number, the number of units affordable to moderate-income households may be one greater than the number affordable at or below 100 percent of median income.

H. **Basic Requirements for Owner-Occupied and Rental Affordable Units.**

1. Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project.
2. The gross floor area of affordable units and interior features in affordable units need not be the same as or equivalent to those in market rate units in the same residential project, so long as they are of comparable quality and comply with applicable base and overlay zone objective standards.
3. Affordable units shall receive a certificate of occupancy at the same time as market rate units.

I. **Continued Affordability.**

1. If the affordable units are owner-occupied, prior to the issuance of certificates of occupancy or approval of the final inspection for affordable units, regulatory agreements or resale restrictions, deeds of trust and/or other documents, all of which must be in a form prepared and approved by the Community Development Director and City Attorney and consistent with the requirements of this Chapter, shall be recorded against parcels having such affordable units for the benefit of the City and shall be effective for a minimum of 45 years.
2. Resale restrictions shall be recorded upon each resale of an affordable unit, and the effective period shall be an additional 45 years from the date of resale.
3. Income eligibility of the owners and title in the affordable unit may change over time due to circumstances including death. Upon the death of one of the owners, title in the property may transfer to the surviving joint tenant without respect to the income-eligibility of the household. Upon the death of a sole owner or all owners and inheritance of the affordable unit by a non-income-eligible child or stepchild of one or more owners, there will be a one-year compassion period between the time when the estate is settled and the time when the property must be sold to an income-eligible household. Inheritance of an affordable unit by any other person whose household is not income-eligible shall require resale of the unit to an income-eligible household as soon as is feasible, but not more than 180 days.
4. If the affordable units are rental units, prior to the issuance of certificates of occupancy or approval of the final inspection for affordable units, regulatory agreements, deeds of trust and/or other documents, all of which must be in a form prepared and approved by the Community Development Director and City attorney and consistent with the requirements of this Chapter, shall be recorded against parcels having such affordable units for the benefit of the City and shall be effective in perpetuity.

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5. Notwithstanding any other provision in this Section:
 - a. The maximum sales price permitted on resale of an affordable unit intended for owner-occupancy shall not exceed the seller's purchase price, adjusted for the percentage increase in median income since the seller's purchase, plus the market value of substantial structural or permanent fixed improvements to the property as determined by an independent appraisal, plus the cost of reasonable seller's broker fee as determined by the [Housing Director](#). For purposes of this subsection, median income shall be calculated based upon the presumed occupancy levels used to determine affordable sales price.
 - b. The resale restrictions shall provide that in the event of the sale of an affordable unit intended for owner-occupancy, the City shall have the right to purchase or assign its right to purchase such affordable unit at the maximum price which could be charged to an eligible household. In its sole discretion, the City shall also have the right to postpone its right to purchase without waiving that right.
 6. No household shall be permitted to occupy an affordable unit, or purchase an affordable unit for owner-occupancy, unless the Housing Authority has approved the household's eligibility or has failed to make a determination of eligibility within the time or other limits provided by a regulatory agreement or resale restrictions. If the Housing Authority maintains a list of eligible households, households selected to occupy affordable units shall be selected first from that list to the extent provided in the regulatory agreement or resale restrictions.
- J. **Annual Monitoring and Transfer Fees.**
1. For each rental affordable unit provided hereunder, the current owner may be required to pay an annual monitoring fee for the term of required affordability. Such fee shall be specified in the regulatory agreement(s) required hereunder.
 2. For each owner-occupied affordable unit provided under this Section, the current owner may be required to pay a transfer fee for any change of ownership during the term of required affordability. Such fee shall be specified in the resale restrictions required by subsection I.
- K. **Discretionary Permit Requirements.** Every discretionary permit for a residential development project approved after the effective date of the ordinance codified in this Chapter shall contain a condition detailing the method of compliance with this Chapter. Every final and parcel map shall bear a note indicating whether compliance with the requirements of this Section must be met prior to issuance of a building permit for each lot created by such map. Notwithstanding this subsection, failure to include such condition or note does not excuse compliance with this Chapter.
- L. **Requirements for Certificate of Occupancy/Final Inspection.**
1. No temporary or permanent certificate of occupancy shall be issued, final inspection approved or release of utilities authorized for any new market rate dwelling unit in a residential development project until the developer has satisfactorily completed the requirements hereunder, i.e., on-site construction of affordable units, alternative equivalent action(s) or payment of the housing in-lieu fee.

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2. No temporary or permanent certificate of occupancy shall be issued, final inspection approved or release of utilities authorized for a dwelling unit described in subsection ~~(A.)(1)~~ until the builder or owner has made a showing acceptable to the ~~Housing~~ ~~D~~irector that such an exemption is appropriate. The ~~H~~ousing ~~D~~irector shall develop and implement regulations designed to ensure that such initially exempt dwelling units remain in compliance with the terms of the exemption throughout the first two years of occupancy. A builder or owner of a dwelling unit found to be out of compliance at any time during such two-year period shall be required to pay 125 percent of the then current in-lieu fee for that dwelling unit, as specified by resolution of the City Council. Such payment, however, shall not limit the City's ability to proceed against any party pursuant to Section 17.30.050.C, ~~Enforcement~~, or other applicable law.

17.30.040 Inclusionary Housing Compliance Procedures

- A. **Submittal of Inclusionary Housing Plan.** The applicant for a residential project subject to this Chapter shall submit an Inclusionary Housing Plan in conjunction with its application for discretionary approvals required of the City for the residential development, or if no discretionary approvals are required, in conjunction with the application for the first administrative or ministerial permit or approval required for the residential development. The Inclusionary Housing Plan shall be in a form as required by the City, must include an Affordable Housing Agreement to implement the Inclusionary Housing Plan, and must include the following information as applicable based on the applicant's method of compliance with this Chapter:
 1. How the inclusionary housing requirement will be satisfied pursuant to this Chapter;
 2. The number, unit type, tenure, number of bedrooms, approximate location, size and design, construction, and completion schedule of all inclusionary units;
 3. Phasing of inclusionary units in relation to market rate units;
 4. The amount of in-lieu fees to be paid by the applicant, if applicable;
 5. Any other information reasonably requested by the Community Development Director to assist with evaluation of the plan under the requirements of this ordinance; and
 6. Acknowledgement that an instrument as specified by the City restricting the inclusionary unit(s) as affordable shall be recorded against every inclusionary unit and that a recordable affordable housing agreement shall be entered into by the applicant and any other necessary party, and/or that all required in-lieu fees shall be paid at the time set forth in Section 17.30.030, Inclusionary Housing Requirements.
- B. **Approval of Inclusionary Housing Plan.**
 1. In the event that the residential development requires discretionary approvals in order to be developed, the Inclusionary Housing Plan shall be considered with the application for such inclusionary approvals by the Approval Authority and may be appealed in accordance with the appeals procedures established for such approvals except as provided in subsection B.3.

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2. In the event that the residential development does not require discretionary approvals in order to be developed, the Inclusionary Housing Plan shall be considered by the Community Development Director and must be approved prior to the issuance of any administrative or ministerial permits required for the residential development. The Community Development Director's decision is final unless a written appeal is filed with the Community Development Department within 10 days from the date of issuance of the Community Development Director's decision. The City Council's decision on appeal shall be final.
 3. In the event the applicant desires to comply with this Chapter by means of a method that specifically requires City Council approval pursuant to this Chapter, the Inclusionary Housing Plan shall be considered by the City Council either prior to or concurrently with consideration by the required Approval Authority for the approvals required for the residential development.
- C. **Form of Restrictions.** The forms of the affordable housing agreement and any related declarations, resale restrictions, deeds of trust, and other documents authorized by this Section shall be in a general form as prescribed by the City, and shall be approved by the Community Development Director and approved as to form by the City Attorney prior to being executed for any residential development subject to this program.
- D. **Recording of Affordable Housing Agreements.**
1. An affordable housing agreement in a form approved by the City Attorney must be recorded against inclusionary units or the residential development in its entirety, as deemed appropriate by the Community Development Director in consultation with the City Attorney, prior to the issuance of any building permit for the residential development. The affordable housing agreement shall ensure that the applicant develops the required inclusionary housing units and complies with all other terms of the approved Inclusionary Housing Plan and this Chapter.
 2. Resale restrictions, deeds of trust, and/or other documents as deemed necessary or appropriate by the Community Development Director shall be recorded against for-sale inclusionary units to ensure the continued affordability of the for-sale inclusionary units in compliance with this Chapter.
- E. **Building Permits.** The City shall not issue a building permit for a residential development subject to the requirements of this Chapter without an affordable housing agreement executed by the owner, the applicant (if not the owner), and the Community Development Director, and approved as to form by the City Attorney, and recorded against the property, or payment of in-lieu fees in accordance with this Chapter.

17.30.050 Administration and Enforcement of Affordable Housing Program

- A. **Affordable Housing Trust Fund Established.** The City affordable housing trust fund (the "housing fund") is established to increase and improve the supply of housing affordable to households of moderate, low and very low income households in the City. Separate accounts within the housing fund may be created from time to time to avoid commingling as required by law or as deemed appropriate to further the purposes of the housing fund.

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1. **Administration of Fund.** The housing fund shall be administered by the Administrative Services Director who shall have the authority to govern the housing fund consistent with this Chapter, and to prescribe procedures for such purpose, subject to approval by the City Council.
2. **Purposes and Use of Funds.**
 - a. Monies deposited in the housing fund along with any interest earnings on such monies shall be used solely to increase and improve the supply of housing affordable to households of moderate, low and very low income households, including, but not limited to:
 - i. Acquisition of property and property rights;
 - ii. Cost of construction including costs associated with planning, administration, and design, as well as actual building or installation, as well as any other costs associated with the construction or financing of affordable housing;
 - iii. Reimbursement to the City for such costs if funds were advanced by the City from other sources; and
 - iv. Reimbursement of developers or property owners who have been required or permitted to install facilities which are beyond that which can be attributed to a specific development. To the maximum extent possible, all monies should be used to provide for additional affordable housing and services.
 - b. Monies may also be used to cover reasonable administrative expenses not reimbursed through processing fees, including reasonable consultant and legal expenses related to the establishment and/or administration of the housing fund and reasonable expenses for administering the process of calculating, collecting, and accounting for inclusionary fees and any deferred City fees authorized by this Section. No portion of the housing fund may be diverted to other purposes by way of a loan or otherwise.
 - c. Monies in the housing fund shall be used to construct, acquire, rehabilitate or subsidize very low, low and moderate income housing and/or to assist other governmental entities, private organizations or individuals in the construction, rehabilitation, reimbursement of City advanced funds, reimbursement of developer supplied infrastructure capacity, location or subsidy of very low, low and moderate income housing. To the extent possible, as determined by the council, monies shall be targeted to benefit households identified as a need in the ~~housing element~~Housing Element of the General Plan. Monies in the housing fund may be disbursed, hypothecated, collateralized or otherwise employed for these purposes from time to time as the Community Development Director and City Attorney and City Council determine is appropriate to accomplish the purposes of the housing fund. These uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases, or other

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public/private partnership arrangements. The housing fund monies may be extended for the benefit of rental or owner-occupied housing or housing services.

- d. Expenditures by the Finance Department from the housing fund shall be controlled, authorized, and paid in accordance with general City budgetary policies. Execution of contracts related to the use or administration of housing fund monies shall be in accordance with standard City Council policy.
3. ***Location of Housing Units and Housing Services to be Assisted with Housing Fund Monies.*** With respect to monies generated by the housing impact fee established by Section 17.30.020, Housing Impact Fees, these criteria shall also consider a reasonable geographical linkage between the nonresidential development projects subject to such fee and the housing assistance provided with the housing fund monies collected in connection with the projects, such that those receiving the housing assistance could reasonably commute to the commercial locations.
- B. **Bi-annual Review.** The housing impact fee, housing in-lieu fee, and inclusionary requirements authorized by this Chapter and implementing resolution(s) shall be reviewed every two years by the City Council. Failure to perform the review does not excuse compliance with this Chapter.
 - C. **Enforcement.**
 1. It is unlawful, a public nuisance, and a misdemeanor for any person to sell or rent an affordable unit at a price or rent exceeding the maximum allowed under this Chapter or to a household not qualified under this Chapter, and such person shall be subject to a fine for the first offense of \$100.00 per day per unit from the date of original noncompliance until the affordable unit is in compliance with this Section. A second offense by the same owner for the same unit shall be subject to a fine of \$1,000.00 per day per unit.
 2. The City Attorney's office or the Napa County district attorney, as appropriate, shall be authorized to abate violations of this Chapter and to enforce the provisions of this Chapter and all implementing regulatory agreements and resale controls placed on affordable units by civil action, injunctive relief, and any other proceeding or method permitted by law.
 3. The remedies provided for in this Chapter shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.
 - D. **Adjustment and Appeal.**
 1. A developer of any project subject to the requirements in this Chapter may appeal to the City Council for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of the development and either the amount of the fee charged or the inclusionary requirement.
 2. A developer subject to the requirements of this Chapter who has received an approved tentative subdivision or parcel map, Minor or Conditional Use Permit or

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similar discretionary approval and who submits a new or revised tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary approval for the same property may appeal for a reduction, adjustment or waiver of the requirements with respect to the number of lots or gross floor area of construction previously approved. No reduction, adjustment, or waiver shall be approved by the City Council for a new tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary approval on property with an approved tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary permit unless the City Council finds that the new tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary approval is consistent with the approved project both in its design and its mitigation of environmental impacts. The decision of the City Council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee or inclusionary requirement.

3. Any appeal under this Section shall be made in writing and filed with the City Clerk not later than 10 days before the first public hearing on any discretionary approval or permit for the development, or if no such discretionary approval or permit is required, or if the action complained of occurs after the first public hearing on such permit or approval, then the appeal shall be filed within 10 days after payment of the fees objected to. The appeal shall set forth in detail the factual and legal basis for the appeal. The City Council shall consider the appeal at the public hearing on the permit application or at a separate hearing within 60 days after the filing of the appeal, whichever is later. The appellant shall bear the burden of presenting substantial evidence to support the appeal including comparable technical information to support appellant's position.

Chapter 17.31 Two-Unit Projects

17.31.010 Purpose

The purpose of this Chapter is to allow and appropriately regulate two-unit projects in accordance with California Government Code Section 65852.21. (Ord. 21-7 § 4 (Exh. B))

17.31.020 Definition

“Two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this Chapter. (Ord. 21-7 § 4 (Exh. B))

17.31.030 Application

- A. An application for a two-unit project must be submitted on the City's approved form.
- B. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
- C. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Chapter of the Code, in accordance with applicable law. The City Council may establish and change the fee by resolution. The fee must be paid with the application. (Ord. 21-7 § 4 (Exh. B))

17.31.040 Approval

- A. An application for a two-unit project is approved or denied ministerially, by the Community Development Director, without discretionary review.
- B. The ministerial approval of a two-unit project does not take effect until the City has confirmed that the required documents have been recorded, such as the deed restriction and easements.
- C. The approval must require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.
- D. The approval must require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this Code. (Ord. 21-7 § 4 (Exh. B))

17.31.050 Requirements

A two-unit project must satisfy each of the following requirements:

- A. **Map Act Compliance.** The lot upon which the two-unit project will be located must have been legally subdivided.

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- B. **Zone.** The two-unit project must be located in a single-family residential zone. For purposes of this Section, single-family residential zones include the following zoning districts in the City: MR, LR, [LR-1A](#), and WW.
- C. **Lot Location.** The two-unit project may not be located on a site that is any of the following:
 - 1. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - 2. A wetland.
 - 3. Within a very high fire hazard severity zone, unless the site complies with all fire hazard mitigation measures required by existing building standards.
 - 4. A hazardous waste site that has not been cleared for residential use.
 - 5. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection ~~B~~building ~~C~~code standards.
 - 6. Within a 100-year flood hazard area, unless the site has either:
 - a. Been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
 - b. Meets Federal Emergency Management Agency requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program.
 - 7. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - 8. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - 9. Habitat for protected species.
 - 10. Land under conservation easement.
- D. **Not Historic.** The two-unit project must not be located on a historic property or within a historic district that is included on the California Historical Resources Inventory. Further, the property upon which the two-unit project will be located also may not be or be within a site that is designated by ordinance to be within a historic preservation district, as a ~~C~~city or county landmark or as a historic property or district.
- E. **No Impact on Protected Housing.** The two-unit project must not require or include the demolition or alteration of any of the following types of housing:
 - 1. Housing that is income-restricted for households of moderate, low, or very low income.
 - 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - 3. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act ([California](#) Government Code ~~§§~~~~Sections~~ 7060 through 7060.7) at any time in the 15 years prior to submission of the urban lot split application.

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4. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a sworn statement as to this fact with the application for the parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including, but not limited to, surveying owners of nearby properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

F. Unit Standards.

1. **Floor Area Ratio, Height Limitations, Lot Coverage and Open Space Requirements.** All existing standards in this ~~T~~itle related to floor area ratio, height limitations, lot coverage and open space requirements shall apply to units constructed pursuant to this Chapter, except to the extent that such standards would prevent two units of at least 800 square feet each to be constructed on the lot upon which the units will be located.
2. **Demolition Cap.** The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.
3. **Setbacks.**
 - a. Generally. All setbacks must conform to those objective setbacks that are imposed in the underlying zone.
 - b. *Exceptions.* Notwithstanding subsection ~~(F)(3)(a)~~E.3.a of this ~~S~~ection:
 - i. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - ii. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.
 - iii. Front Setback Area. Notwithstanding any other part of this ~~C~~ode, dwellings that are constructed pursuant to this Chapter must be consistent with the front setback requirements of the underlying zoning district.
4. **Parking.** Required parking as set forth below must be on the same lot as the residential unit served. Each new dwelling unit constructed pursuant to this Chapter must have at least one off-street parking space per unit unless one of the following applies:
 - a. The parcel is located within one-half mile walking distance of either:
 - i. A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours; or

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- ii. A site that otherwise qualifies as a high-quality transit corridor as defined in ~~§Section~~ 21155(b) of the Public Resources Code, or a major transit stop as defined in ~~§Section~~ 21064.3 of the Public Resources Code.
 - b. The parcel is located within one block of a permanent, marked location for car-share vehicle pick-up and drop-off.
- 5. **Replacement Parking Required.** When an existing garage, carport, or other covered parking structure is converted or demolished in order to construct a new unit, the required parking spaces that are displaced by the conversion or demolition shall be replaced on the same lot, and may be either covered or uncovered, in order to satisfy the automobile parking requirement of the existing residential unit.
- 6. **Design Standards.** Each new dwelling unit constructed pursuant to this Chapter shall comply with all objective standards as set forth in this ~~title~~ Title as applicable in the underlying zoning district. Additionally, all units constructed pursuant to this Chapter shall comply with all of the following:
 - a. All exterior lighting must be limited to ~~down-lights~~ fully-shielded light fixtures.
 - b. If a new dwelling is constructed pursuant to this Chapter and any portion of the dwelling is less than 30 feet from a property line that is not a public right-of-way line, then all windows and doors in that portion 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 ~~opaque~~bscure glass.
 - c. No rooftop decks shall be allowed on new dwelling units constructed pursuant to this Chapter.
 - d. Upper story unenclosed landings, decks and balconies greater than 20 square feet that face or overlook an adjoining property shall be located a minimum of 15 feet from the interior lot lines.
 - e. A two-unit residential project constructed pursuant to this Chapter may not include a request for an exception to any objective standards by applying for a variance, modification, exception, waiver or other discretionary approval for height, density, setbacks, open yard, land use, or similar development standard.
 - f. On a site already developed with an existing residential unit, the new unit shall be designed and constructed to match the existing paint color and exterior building materials, including but not limited to siding, windows, doors, roofing, and exterior light fixtures.
 - g. If a two-unit residential project is proposed on a lot where no residential units currently exist, the units shall be constructed using the same architectural style, exterior building materials, colors and finishes.
- 7. **Landscaping.** Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots along interior lot lines (but not rights-of-way) as follows:

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- a. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every ten linear feet of exterior wall.
 - b. Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least six feet in height may be installed. All landscaping must be drought tolerant.
 - c. A complete landscaping and irrigation plan shall be submitted and approved by the Community Development Department prior to the issuance of building permits for a two-unit residential development.
- 8. **Building Separation.** Unless attached to and made part of another main building pursuant to the definition of accessory building in Chapter 17.32, Definition of Terms, no detached main building shall be closer than ten feet to any other main building on the same lot; and no detached accessory building shall be closer than five feet to any other main or accessory building on the same lot; provided, that the requirements of this subsection shall not apply if doing so would preclude the construction of two units of at least 800 square feet each on the lot upon which the units will be located.
- 9. **Building and Safety.** All two-unit residential projects must comply with all current local building standards.
- 10. **Stormwater and Runoff Pollution Control.** All construction activity or development that occurs in furtherance of a two-unit project shall comply with all requirements of St. Helena Municipal Code Chapter 13.32, Stormwater and Runoff Pollution Control.
- G. **Separate Conveyance.**
 - 1. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
 - 2. Condominium airspace divisions and common interest developments are not permitted within the lot.
 - 3. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.
- H. **Notice of Construction.**
 - 1. At least ~~thirty (30)~~ business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
 - a. Notice that construction has been authorized;
 - b. The anticipated start and end dates for construction;
 - c. The hours of construction;
 - d. Contact information for the project manager (for construction-related complaints); and
 - e. Contact information for the ~~B~~uilding ~~and safety department~~Division.

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2. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under [State](#) law, the City has no discretion in approving or denying a particular project under this Section. This notice requirement is purely to promote neighborhood awareness and expectation.
- I. **Deed Restriction.** Prior to obtaining a building permit for a two-unit project pursuant to this Chapter, the owner must record a deed restriction, acceptable to the City, that does each of the following:
1. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
 2. Expressly prohibits any nonresidential use of the lot.
 3. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
 4. If the lot is not created by an urban lot split, expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
 5. States that the property is formed by an urban lot split and is therefore subject to the City's urban lot split regulations, including all applicable limits on dwelling size and development.
- J. **Basis for Denial—Specific, Adverse Impacts.**
1. Notwithstanding anything else in this Section, the City may deny an application for a two-unit project if the [Chief Building Official](#) makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
 2. "Specific, adverse impact" has the same meaning as in [California](#) Government Code [Section](#) 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
 3. The [Chief Building Official](#) may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.
- K. **Remedies.** If a two-unit project violates any part of this [Code](#) or any other legal requirement:
1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
 2. The City may:
 - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.

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- b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
- c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to ~~ten thousand dollars~~ (\$10,000.00), or both; or a misdemeanor.
- d. Record a notice of violation.
- e. Withhold any or all future permits and approvals.
- f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the City's ~~C~~ode. (Ord. 21-7 § 4 (Exh. B))

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PART V: DEFINITIONS AND RULES OF MEASUREMENT

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Chapter 17.32 Definitions of Terms

[This chapter provides definitions for terms that are commonly used throughout this Title. Refer to Chapter 17.33, Definitions of Uses, for definitions of all uses established in the use tables in Part III, District Regulations.](#)

Abutting. See “Adjacent.”

Access drive. See Section 17.26.020, Definitions.

Accessory dwelling unit (ADU). See Section 17.22.030, Accessory Dwelling Units.

Accessory structure. ~~See Section 17.22.030, Accessory Dwelling Units~~[A structure that is accessory and incidental to a dwelling located on the same lot.](#)

Accessory use. A use that is customarily associated with, and is incidental and subordinate to, a primary use and located on the same lot as a primary use.

Accessory use, commercial. Any customarily incidental and clearly subordinate element of a commercial business operation that: (a) is compatible with the purpose(s) for which the zoning district was established; and (b) is not listed as a prohibited use in that district. Customarily incidental uses are those commonly found with other, similar primary uses; for example: greeting cards are commonly found in pharmacies. Clearly subordinate uses shall encompass no more than 15 percent of the business floor area and shall generate no more than 15 percent of the gross revenue receipts. A business may have more than one accessory use, but each accessory use must comply with the limitations on floor area space and gross receipts, and the total combined area of shall not exceed 30 percent of the business floor area and the total combined revenue from the accessory uses shall not exceed 30 percent of the gross receipts.

ADA. The Americans with Disabilities Act, as amended.

Addition. A building, structure, or floor area added to the original structure at some time after the completion of the original structure.

Adjacent. Directly adjoining, having a common boundary or property line, or contiguous to.

Affordable housing. Housing for which “affordable rent” or an “affordable sales price” is required to be charged.

Affordable housing agreement. A legally binding agreement between an applicant and the City, in a form and substance satisfactory to the City Manager and City Attorney and suitable for recording, setting forth those provisions necessary to ensure that the requirements of this ~~Article~~[Title](#) are, and will continue to be, satisfied.

Affordable housing cost. The housing cost for for-sale inclusionary units as defined by California Health & Safety Code § 50052.5 for owner occupied housing, as applicable to the moderate-income households.

Part V: Definitions and Rules of Measurement

Affordable rent. The affordable rent for rental dwelling units as defined in California Health and Safety Code § 50053.

Affordable sales price. The maximum sales price for which a for sale inclusionary unit may be sold, that will result in the purchaser paying an affordable housing cost for the for sale inclusionary unit, assuming a benchmark mortgage interest rate and minimum down payment as may be established by the City from time to time.

Affordable unit. Dwelling units which are required to be rented at affordable rents or purchased at an affordable sales price to specified households.

Agency. An office or commercial establishment in which goods, materials or equipment is received for servicing, treatment or processing elsewhere.

Agent. Any authorized person acting for the property owner or applicant.

Agricultural employee. As defined in California Labor Code § 1140.4, an agricultural employee is one engaged in agriculture, as such term is defined in subdivision (a). However, nothing in this subdivision shall be construed to include any person other than those employees excluded from the coverage of the National Labor Relations Act, as amended, as agricultural employees, pursuant to § 2(3) of the Labor Management Relations Act (§ 152(3), Title 29, United States Code), and § 3(f) of the Fair Labor Standards Act (§ 203(f), Title 29, United States Code).

~~**Agriculture.** The use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture (including Christmas trees), floriculture, viticulture, apiaries and animal husbandry; but not including stockyards or the commercial feeding of garbage or offal to swine or other animals.~~

Alteration. Any change, addition or modification in construction.

Amendment. A revision, addition, or deletion in the wording of this Title, or the General Plan; or a change in the zone classification or zoning district boundary upon the Zoning Map, or a change in the land use designation upon the General Plan map.

Annexation. The addition of parcels into the City with a resulting change in the boundaries of the City.

Annual household income. The combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

Apartment. See ["Multi-family dwelling, multiple-family" in this Section in Chapter 17.33, Definitions of Uses.](#)

Apiary. A place where one or more honeybee colonies are kept.

Applicant. Any person, firm, partnership, association, joint venture, corporation or any entity, combination of entities or consortium who seek approval of a City permit, license or other entitlement for use of property. Also includes an authorized agent of any of the above.

Application, complete. An application shall be deemed complete when it contains all maps, drawings and other information requested by the Community Development Department and, where necessary, an environmental assessment.

Part V: Definitions and Rules of Measurement

Arbor. A shade-providing structure with a roof and perhaps sides formed by trees or climbing plants trained over a framework.

Area Median Income. The annual median household for Napa County, adjusted for household size, as published periodically in the California Code of Regulations, Title 25, § 6932, or its successor provision.

Attic. A room or space immediately below the roof of a building that is not habitable and is utilized only for storage.

Awning. A roof-like cover that projects from the wall of a building, shielding a doorway or window from the elements.

Balcony. An open platform, enclosed by a parapet or railing and projecting from an exterior wall of a building.

Basement. Any floor level below the first story in a building in which the finished floor level directly above is less than four feet above finished grade on all sides. See Section 17.34.030, Measuring Height.

Bedroom. Any habitable room with no less than 70 square feet of floor area and no dimension less than seven feet in a dwelling other than bathroom(s), kitchen, living and dining room. Unless specifically designed to exclude its use as a bedroom (e.g., no closet, enlarged entryway without doors, no windows open to the exterior, etc.), any den, study or other room meeting the above definition of a bedroom shall be considered a bedroom for the purpose of meeting the regulations and standards of the code.

Beehive. A series of rectangular boxes stacked one on top of the other, which house a colony. Standard dimensions of these boxes are 20 by 16.5 by nine and one-half inches.

Block. The collection of assessor's parcels that share the same block number on the Napa County Assessor's map.

Building. A structure intended for any use or occupancy with substantial walls and roof.

Building area or **Building site.** The portion of a lot where the principal building can be located. Excludes the setbacks required by the zoning district.

Building face or **Building façade.** The outer surface of ~~at~~^{the} main exterior wall of a building. For example, a building with a rectangular plan has four exterior walls and four building faces or façades.

Building permit. A permit issued pursuant to Title 15, Chapter 15.04 of the St. Helena Municipal Code.

Building, principal or **Building, primary.** A building in which the principal use of the lot is conducted.

Bulk storage. The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.

CalGreen. California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations.

Canopy. A structural, ornamental roof-like appendage, ~~freestanding or~~ attached to a building or that may be freestanding, including roof overhangs, but excluding awnings or metallic hoods.

Carport. A roofed structure providing space for the parking or storage of motor vehicles and open on one or more sides.

Center line. See "Street, center line of."

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Certificate of Occupancy. The permit issued by the ~~City of St. Helena~~ Community Development Department authorizing the initial occupancy of a residential unit or a nonresidential use, including a temporary certificate of occupancy.

Chief Building Official. The Chief Building Official of the City of St. Helena, ~~or the~~ designee, charged with the administration and enforcement of the building, housing, plumbing, electrical and related codes, as provided by the St. Helena Municipal Code.

~~City.~~ The City of St. Helena.

~~Council, City~~ City Council. ~~The Council of the City of St. Helena.~~

City Engineer. The Director of the City Engineering Department of the City of St. Helena, or designee ~~or designee.~~

Common usable open space. Land within or related to a development, not individually owned or dedicated for public use, which is designated and intended for the common use or enjoyment of the residents of the development. May be located on the ground, roof, deck or porch which is designed and used for outdoor living or recreation and may include such complimentary structures and improvements as are necessary.

Community Development ~~Department~~ Director. The Director of the Community Development Department of the City of St. Helena, or designee.

Concession or incentive. As defined in California Government Code § 65915, a concession or incentive means any of the following:

1. ~~(1)~~ A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with § 18901) of Division 13 of the California Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in § 50052.5 of the California Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
2. ~~(2)~~ Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. ~~(3)~~ Other regulatory incentives or concessions proposed by the developer or the City, county, or City and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in § 50052.5 of the California Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

Conditional use. A use, structure or other development for which a Conditional Use Permit is required.

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Conditional Use Permit. A discretionary permit which may be granted by the appropriate City authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of a discretionary review process and, where necessary, the imposition of special conditions of approval. See Section 17.05.020, Conditional Use Permit.

Condominium project. As defined in subdivision (f) of § 1351 of the [California](#) Civil Code, a condominium project means a development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to (1) boundaries described in the recorded final map, parcel map, or condominium plan, (2) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof, (3) an entire structure containing one or more units, or (4) any combination thereof. The portion or portions of the real property held in undivided interest may be all of the real property, except for the separate interests, or may include a particular three-dimensional portion thereof, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property.

Construction costs. The estimated cost per square foot of construction, as established by the ~~City~~ Building Department for use in the setting of regulatory fees and building permits, multiplied by the total square footage, minus the garage floor area, to be constructed.

Construction work. Any work for which a ~~b~~Building ~~p~~Permit is required, and also includes grading, landscaping and the erection, installation, or painting of signs or public art.

Conversion. Conversion of an existing residential building to a nonresidential use, excluding home occupations as defined in Chapter 17.33, Definitions of Uses, or 3,000 square feet of floor area or more of a nonresidential building from one use category to another.

Cooperative. A form of multiple ownership of real estate in which a corporation or business trust entity holds title to a property and grants occupancy rights to particular units to shareholders by means of proprietary leases or similar arrangements.

Cottage food products. Non-potentially hazardous foods, including foods that are limited to and described in State of California Health and Safety Code § 114365.5 and that are prepared for sale in the kitchen of a cottage food operation.

~~**Council, City.** The Council of the City of St. Helena.~~

Cupola. A small, usually domed structure surmounting a roof for decorative purposes only. It does not contain flooring nor does it serve as a story.

Decibel (dB). A unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base of 10 of the ratios of the pressure of the sound measured to the reference pressure, which is 20 micro pascals.

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Deck. A platform requiring ground supports usually extending from the main wall of the structure and used as exterior floor space.

Deed restriction. A restriction on the use of land set forth in the deed.

Demolition. The intentional removal of all or part of a building or structure when a building or structure is a designated historic landmark or located in a designated historic district. In all other areas of the City “demolition” means the intentional destruction and removal of 50 percent or more of the enclosing finished floor exterior walls and 50 percent of the roof structure of any building or structure. The percentage of this definition is determined using linear feet of finished floor.

Density. See “Residential density.”

Density bonus. Except as applied to a condominium project or a senior housing development, means a density increase of at least 20 percent unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density for the site under the applicable zoning district and land use element of the General Plan. The amount of the density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 17.29.040, Application. For each one percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half percent up to a maximum of 35 percent. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half percent up to a maximum of 36 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number.

Density bonus, Condominium project. For a condominium project in which at least 10 percent of total units are reserved for moderate income households, is a density increase of at least five percent, unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density for the site under the applicable zoning district and land use element of the General Plan.

Density bonus, Senior housing development. For a senior housing development, as defined in §§ 51.3 and 51.12 of the California Civil Code or any successor statutes, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code § 798.76 or § 799.5 or any successor statutes, shall be twenty percent of the number of senior housing units, unless a lesser percentage is elected by the developer.

Density bonus units. Dwelling units approved in a residential development pursuant to California Government Code § 65915 et seq. and Chapter 17.29, Density Bonus, that are in excess of the maximum residential density otherwise permitted by the City’s General Plan or [this Title Zoning Code](#), and any applicable Specific Plan.

Development. Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

Development project. Any project undertaken for the purpose of development, including the issuance of a permit or approval for construction, reconstruction, use or operation whether or not the permit or approval is ministerial or discretionary in nature.

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Discretionary permit. Any permit or license issued by the City for a project which requires the exercise of judgment or deliberation wherein the City decides to either approve or disapprove a particular activity in accordance with applicable laws, including but not limited to use permits, and the approval or modification of tentative, or tentative parcel maps pursuant to [St. Helena Municipal Code](#) Title 15, Buildings and Construction.

District, Zoning District, or Zone. A portion of the territory of the City within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Title.

Drive-through use. An establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods including food, or be entertained while remaining in their motor vehicles is a drive-in use.

Driveway, residential. See Section 17.26.020, Definitions.

Duplex. A two-family dwelling designed or used exclusively as a residence. Includes two separate but attached dwelling units. [Also known as a two-unit project.](#)

Dwelling, attached. A single-family dwelling attached to one or more single-family dwellings by a common vertical wall.

Dwelling, detached. A single-family dwelling which is not attached to any other dwelling by any means.

Dwelling unit. A building or portion of a building including one or more rooms which is designed or used as a residence for one family or housekeeping unit with facilities for living, sleeping, cooking and dining.

Easement. A limited right of one person or class of persons to use real property owned or occupied by another, which right is described specifically as to location and entitlement to use.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Effective date. The date upon which this Zoning Code is in full force and effect from and after its adoption by the City Council.

Eligible household. Any household or applicant which the Community Development Department has determined meets the eligibility standards for affordable housing pursuant to the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

~~**Emergency shelter.** As defined in California Health and Safety Code § 50801(e), emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.~~

Employee. Each person engaged in the operation or conduct of any business, whether as owner, any member of the owner's family, partner, agent, manager, solicitor and any and all other persons employed or working in such business.

Enlargement. An increase in the size of an existing building or structure or an increase in the physical area occupied by ~~the~~ use of land.

Erect. To construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance, including refinishing, is not included in this definition.

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Erosion, soil. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, and gravity.

Family. One or more persons living together as a single housekeeping unit in a dwelling unit.

Farmworker. See “Agricultural Employee”.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technical factors.

Fence. A barrier enclosing or defining an area, as separating or screening areas, usually made of posts and wires or wood and including walls or like structures.

Finance Director. The Director of the Finance Department of the City of St. Helena, or designee.

Fire Chief or Official. The Chief of the St. Helena Fire Department, or designee.

Final inspection. An inspection performed by the Building Division of the Community Development Department to verify completion of the project per approved plans; a precondition to occupancy.

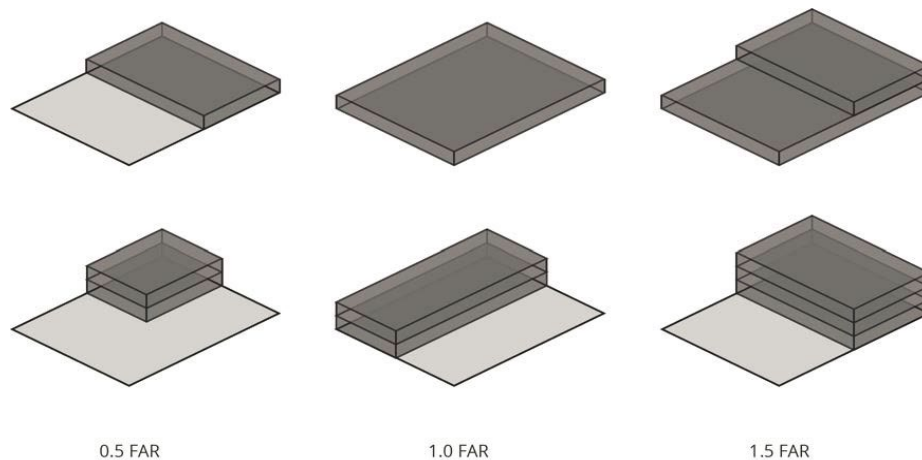
Flag lot. A lot in which the buildable portion of the lot is connected to and accessible from a public or private right-of-way by a narrow strip of land. The wider, buildable portion of the lot is situated behind adjoining lots which front on the same public or private street. Also known as a “panhandle lot.”

Flea market. An occasional or periodic selling of goods held in an open area or structure where groups of individual sellers offer new and used goods for sale to the public.

Floor area. The sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings. See also Section 17.34.050, Measuring Floor Area and Floor Area Ratio.

Floor area ratio (FAR). The ratio of building gross floor area divided by net parcel area. For example, one building or a group of buildings with a total of 20,000 square feet of floor area on a 40,000 square foot lot would translate to a 0.50 FAR.

Figure 17.32.A: Floor Area Ratio (FAR)



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For-sale. Any dwelling unit, including but not limited to a condominium, townhome, other attached or detached single family dwelling unit, for which a parcel or tentative and final map is required for the lawful subdivision of the parcel upon which the dwelling unit is located for the creation of the unit in accordance with the Subdivision Map Act (California Government Code §§ 66410 et seq.).

~~**Formula business.** A business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs, trademark, name or other similar standardized features which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations. Does not include formula restaurants, which are prohibited.~~

Frontage, building. The lineal dimension, parallel to the ground, of a building directly facing a right-of-way.

~~**Fully shielded light fixture.** Light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal plane. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.~~

Garage. An accessory structure or portion of a main structure, enclosed on three or more sides and containing accessible and usable enclosed space designed, constructed, and maintained for the parking and storage of one or more motor vehicles.

General Plan. The General Plan of the City of St. Helena. This is a comprehensive, long-term plan for the orderly physical development of the land and the preservation of open space in the City according to California Government Code § 653009 et seq. The plan is an integrated, internally consistent and compatible statement of land use policies, consisting of maps and texts stating principles, standards, proposals, and objectives contained in the area plans, required elements, or other permitted elements.

Glare. The effect produced by brightness sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

Grade. See "Slope."

Grade, average. The average of the finished ground level (i.e. finished grade) at the outermost corners of a building or building segments of stepped or terraced buildings.

Grade, finished. The elevation of the ground surface in its final state, after manmade alterations.

Grade, natural. The elevation of the undisturbed natural surface of the ground adjoining a building or structure as determined by the site grading plan.

Gross floor area. The total horizontal area in square feet of each floor within the exterior walls of all buildings on a parcel, as measured at the exterior face of the enclosing walls.

Guest house. An accessory building or portion of an accessory building, used for living quarters, which is clearly subordinate and incidental to the principal building(s) on the same lot, without facilities for cooking, and which is not separately rented, let or leased for direct or indirect compensation.

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Guest room. Any room or rooms used or intended to be used by a guest for sleeping purposes in a principal or detached accessory building, but without kitchen or cooking facilities.

Habitable. Meeting the requirements of the California Administrative Code, Title 24, including, but not limited to, insulation, heating, ventilation, and lighting (in relation to building construction).

Hardscape area. All exterior surfaces such as walkways, pools and pool decks, driveways, at-grade patios, or tennis courts that are constructed with non-porous materials such as asphalt or concrete.

Height. The vertical distance from a point on the ground below a structure to a point directly above. See Section 17.34.030, Measuring Height.

Helipad. A landing area for helicopters on public or private lands or buildings, for the picking up and discharging of passengers or freight.

Honeybee colony. A cluster of worker-bees with a queen and drones.

Household pets. Small animals of the type generally accepted as pets, including dogs, cats, rabbits, domesticated pigs, pigeons, hens, and the like; but not including roosters, quacking ducks, geese, pea fowl, goats, hogs, apiaries, or the presence of animals for commercial purposes.

Household. One person living alone or two or more persons sharing residency.

Housing Authority. The Napa Valley Housing Authority.

Housing costs. The monthly mortgage principal and interest, property taxes, association fees, and required homeowner's insurance, for ownership units and the monthly rent for rental units.

Housing impact fee. The fee established pursuant to Section 17.30.020, Housing Impact Fees, for nonresidential development projects.

Housing in-lieu fee. The fee established pursuant to Section 17.30.030, Inclusionary Housing Requirements, for residential development projects.

Housing unit. See "Dwelling unit."

Hydrozone. A portion of the landscaped area having plants with similar water needs.

Inclusionary Housing Fund. The City of St. Helena Affordable Housing Trust Fund established pursuant to Section 17.30.050, Administration and Enforcement of Affordable Housing Program, and designated by the City to maintain and account for all funds received pursuant to this Title, including but not limited to all in-lieu fees.

Inclusionary Housing Plan. A plan containing all the information specified in and submitted in conformance with Section 17.30.040, Inclusionary Housing Compliance Procedures, specifying the manner in which inclusionary units will be provided in conformance with this Title.

Inclusionary unit. A dwelling unit that is designated to meet the requirements set forth in this Code, and that must be made available at an affordable housing cost or an affordable rent to eligible moderate-, low- or very low-income households, as applicable to the unit.

Junior accessory dwelling unit (JADU). See Section 17.22.030.C, ~~Definitions~~.

Kitchen. An area within any structure, including, but not limited to, dwelling units, equipped to allow the storage, cooking, refrigeration of food and/or intended for the preparation of food.

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Land disturbance. Any activity involving the clearing, cutting, excavating, filling or grading of land or any other activity which alters land topography or vegetative cover.

Landscaping. The use of land for permanent, planned planting with, for example, shrubs, trees, or ground cover plants.

Light fixture, fFully-shielded-light fixture. Light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal plane. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Light fixture, pPartially-shielded-light fixture. A light fixture constructed and mounted such that most light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane. Light emitted at or above the horizontal direction (sideways or upwards) arises only from incidental decorative elements or strongly colored or diffusing materials such as "honey" or colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded.

Livestock. All domesticated horses, mules, donkeys, cows, pigs, sheep, goats and similar species.

Living quarters. An accessory structure without kitchen facilities designed and used exclusively by persons and families employed on the premises.

Loft. A floor space directly beneath the roof of a structure raised above the main floor. See Section, 17.34.030, Measuring Height.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the Napa County, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

Abutting Lot. A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

Corner Lot. A lot or parcel bounded by two or more adjacent street lines, or two parts of the same street, that have an angle of intersection of not more than 135 degrees.

Flag Lot. A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

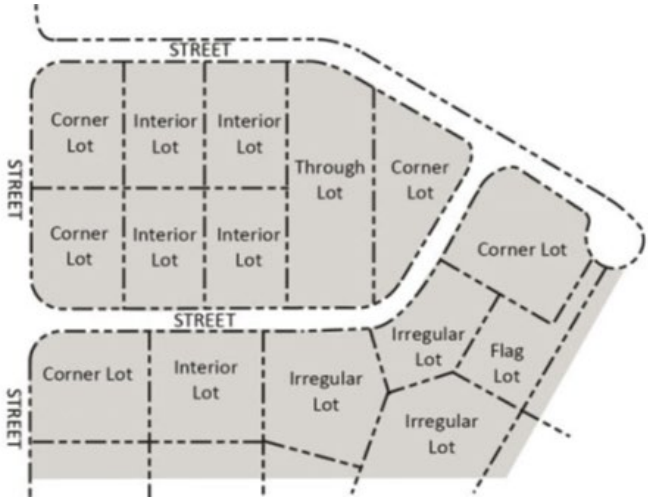
Interior Lot. A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than a corner lot.

Irregular Lot. A lot which is shaped in manner that it does not match the regular pattern of lots on a block, such as a lot with a shape that is not square or rectangular.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

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Figure 17.32.B: Lot Types



Lot area. The gross area of the lot, measured horizontally between lot lines and including any public or private easements contained within the lot lines. See Section 17.34.040, Measuring Lots.

Lot coverage. The land area covered by all buildings or structures on a lot, including all projections excluding eaves, and except as provided in. See Section 17.34.060, Measuring Lot Coverage.

Lot depth. The horizontal distance between the front and rear property lines of a site measured midway between the side property lines. See also Section 17.34.040, Measuring Lots.

Lot line. The property line bounding the lot.

Front Lot Line, or Lot frontage. On an interior lot, the line separating the lot from the right-of-way, public plaza, or parking lot. On a corner lot, the shorter lot line abutting a right-of-way. On a through lot, the lot line abutting the right-of-way providing the primary access to the lot. On a flag lot, an interior lot line most parallel to and nearest the right-of-way from which access is obtained. In unusual cases, however, where the location and relationship of the lot to abutting public or private right-of-way (e.g., double frontage or narrow dimension located on local street while wide dimension located on arterial or collector) make it difficult to establish the front of the lot, the Community Development Department shall make a determination, subject to appeal and review by the Planning Commission.

Interior Lot Line. Any lot line that is not adjacent to a right-of-way.

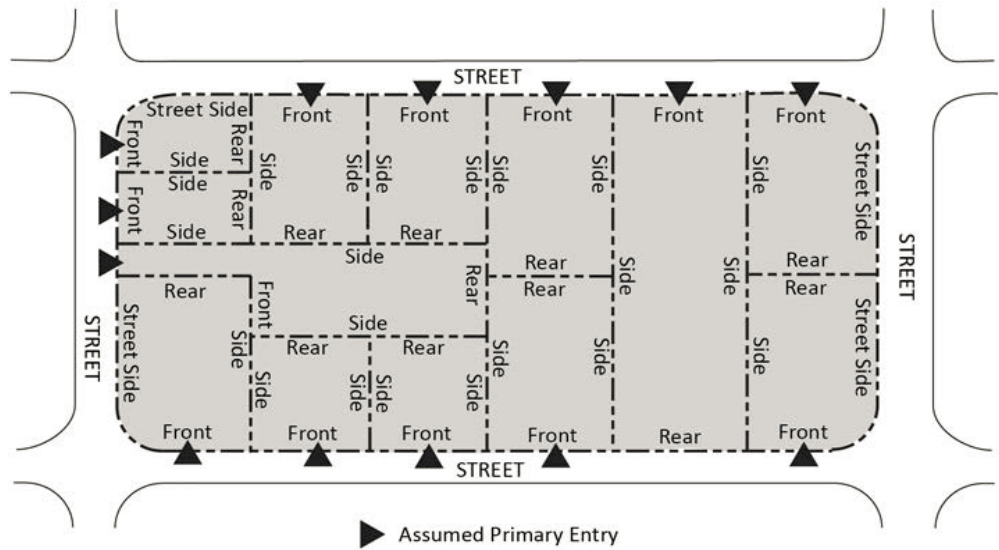
Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed a rear lot line for establishing a minimum rear yard.

Side Lot Line. Any lot line that is not a front or rear lot line.

Street Side Lot Line. A side lot line of a corner lot that is adjacent to a right-of-way.

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Figure 17.32.C: Lot Lines



Lot, substandard. Any lot in any district with less than the minimum dimensions or area for the district in which it is located, unless the reduction is specifically authorized under the provisions of this Title.

Lot width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line. See also Section 17.34.040, Measuring Lots. When not applicable due to irregularity of lot shape, lot width shall be determined by the Community Development Director, subject to appeal and review by the Planning Commission.

Low-income household. A household whose income does not exceed the qualifying limits for lower income families as established and amended from time to time for Napa County pursuant to Section 8 of the United States Housing Act of 1937. The income limit for low-income households, adjusted for family size, is published periodically in the California Code of Regulations, Title 25, § 6932.

Low-income unit. A dwelling unit that is required to be sold or rented to a low-income household at an affordable sales price or an affordable rent, as applicable.

Lower income households. Defined by § 50079.5 of the [California](#) Health and Safety Code.

Lumen. The unit used to measure the actual amount of light which is produced by a lamp.

Manufacturing. The establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling or component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

Manufactured housing. A residential building, dwelling unit or habitable room thereof which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on site, in accordance with regulations adopted by the Commission of Housing

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and Community Development of the state of California pursuant to California Health and Safety Code § 19990 et. seq.

Market-rate unit. A dwelling unit in a residential development that is not an inclusionary unit.

Marquee. A structural flat roof structure attached to and supported by a building and projecting over public property.

Median income. The median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, § 6932 (or its successor provision) by the United States Department of Housing and Urban Development.

Minor Use Permit. An administrative permit which may be granted by the appropriate City authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of an administrative review process and, where necessary, the imposition of special conditions of approval. See Section 17.05.090, Minor Use Permit.

Mixed-use development. The development of a tract of land or building or structure with two or more different uses with a residential use such as, but not limited to office, manufacturing, retail, public or entertainment, in a compact, integrated urban form. Uses can be arranged vertically in one building, or horizontally in one building or separate buildings.

Mobile home. See Chapter 17.33, Definitions of Uses.

Mobile home lot. As defined by § 18210 of the [California](#) Health and Safety Code, means any area or tract of land or portion of a mobile_home park designated or used for the occupancy of one manufactured home, mobile_home, or recreational vehicle.

Mobile home park. As defined in § 18214 of the [California](#) Health and Safety Code, means an area of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobile_homes.

Mobile home space. A plot of ground within a mobile_home park abutting one or more access drives, designed for the accommodation of one mobile_home.

Mobile recycling unit. An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also shall mean the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

Mobile Vending Unit. A readily movable food service establishment such as a push cart, van, trailer, or a temporary/movable structure approved for mobile food vending by Napa County. It provides space for limited storage, handling, and/or dispensing of foods or other goods.

Modal shift. A change from one mode of transport to another mode of transport.

Moderate-income household. See definition for "persons and families of low or moderate-income" as set forth in California Health & Safety Code § 50093. The income limit for moderate-income households, adjusted for family size, is published periodically in the California Code of Regulations, Title 25, § 6932.

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Moderate-income unit. A dwelling unit that is required to be sold or rented to a moderate income household, or a low-income unit that is able to qualify to rent or purchase the moderate income unit.

Monthly owner-occupied housing payment. The sum equal to the principal, interest, property taxes, homeowner's insurance and homeowner's association dues paid on an annual basis divided by 12.

Motor vehicle. Any automobile, truck, or motorcycle.

Multi-Family Dwelling. See Chapter 17.33, Definitions of Uses.

Muntin. A strip of wood or metal used to separate panes of glass within a window.

Neighborhood. An area of a community with characteristics that distinguish it from other community areas and which may include distinct ethnic or economic characteristics, schools or social clubs, or boundaries defined by physical barriers such as major highways and railroads or natural features such as rivers. Where none of the conditions or characteristics described above apply a neighborhood is assumed to be the area within a radius of approximately one-half mile of a specified site.

Net parcel area. The total horizontal area included within the property lines of a parcel, excluding area within vehicular rights-of-way and vehicular easements.

Nightclub. A commercial establishment which serves alcoholic beverages for on-site consumption and which provides entertainment, whether live or mechanical as its principal use or as an adjunct use to another use; provided, however, that no such commercial establishment shall be considered a nightclub unless dancing by patrons occurs.

Nonconforming lot. A legal parcel of land having less area, frontage, or dimensions than required in the zone in which it is located.

Nonconforming structure. A building or structure which was lawfully erected prior to the adoption of this Title, but which, under this Title, does not conform to the standards of coverage, yards, setbacks, height of buildings or structures, or distances between buildings or structures prescribed in the regulations for the district in which the building or structure is located.

Nonconforming use. A use of a structure or land, which was lawfully established and maintained prior to the adoption of this Title, but which, under this Title, does not conform with the use regulations for the district in which it is located.

Occupancy. The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. A change of occupancy is not intended to include change of tenants or proprietors without an accompanying change of use.

Office. A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

Open storage. The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for an extended period of time.

Overhang. The part of a roof (see "Eave") or wall which extends beyond the facade of a lower wall. It can also mean that portion of a vehicle extending beyond the wheel stops or curb.

Owner. A person, persons or corporation holding fee title to property within the City as shown on the most recent Assessor's role in the County of Napa.

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Parcel. A lot or tract of land. "Parcel" or "assessor's parcel" is also a term for a unit of land created and assigned a number by the Napa County Assessor. Since ~~A~~ssessor's parcels are established for assessment purposes only, they are not necessarily lots of record.

Parking definitions. See Section 17.26.020, Definitions.

Parking area. An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the storage of operable motor vehicles for a period of 72 hours or less.

~~**Partially-shielded light fixture.** A light fixture constructed and mounted such that most light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal. Light emitted at or above the horizontal direction (sideways or upwards) arises only from incidental decorative elements or strongly colored or diffusing materials such as "honey" or colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded.~~

Perimeter. The boundaries or borders of a lot or lots if developed as a unit.

Persons. Individual persons and any form of organization, including but not limited to sole proprietorships, partnerships, corporations, trusts and any other form of commercial or noncommercial enterprise; person applies to any person who is the owner, lessee, sublessee, manager of premises, to any other person who is in possession of or in charge of premises, and to any person who has management or supervisory authority or responsibility to direct construction work or any other activity or use taking place on premises.

Planning Commission. The Planning Commission of the City of St. Helena.

Planned development. An area developed according to an approved planned development permit with unique development standards pursuant to the PD zoning overlay established for the development.

Porch. A roofed approach to a doorway usually extending from the exterior wall of the structure and requiring ground supports.

Pre-prohibition winery. A building that was used as a winery prior to Prohibition but has since been abandoned from use as a winery. For purposes of this Section, Prohibition took effect on January 16, 1920. Also referred to as a "ghost winery."

Private wine marketing event. Marketing event which is hosted by a Small Winery owner/operator for members of the wine trade.

Processing. The preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

Processing fee. The charges for staff time, transmission and communication costs, including but not limited to charges for postage, telephone, fax, transportation, etc., as well as the costs of production or reproduction of materials, exhibits, etc., used in the investigation, processing, inspection or review of development projects or the enforcement of regulations and conditions to development projects. Also referred to as "processing costs."

Public. A building or land use open to the public, whether free or on a fee basis.

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Public hearing. A meeting noticed as required by this Title in which testimony and arguments are presented publicly before any of the City's hearing bodies, including the Planning Commission and City Council.

Public recreation. Any recreational use that is not private.

Public Works Director. The Director of the Public Works Department of the City of St. Helena, or designee.

Publicly owned. Land or building owned or operated by a governmental or other public agency.

Pump island. A facility, generally a raised concrete apron, designed primarily to hold motor vehicle fuel dispensing devices, and separated from other pump islands by sufficient space for the maneuvering of an automobile.

Qualifying resident. As defined in § 51.3 of the California Civil Code, a qualifying resident or senior citizen means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

Reconstruction. The repair or renewal of any part of an existing structure for the purpose of work necessary due to damage in same footprint where rebuilding structure.

Recreational trailer. Any camping trailer and any trailer designed for transporting boats, airplanes, motorcycles, horses or other livestock which horses or livestock are intended solely for recreational use, tents, and any other recreational equipment.

Recreational vehicle. As defined in California Government Code § 18010, recreational vehicle means both of the following:

1. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:
 - a. ~~a.~~ It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
 - b. ~~b.~~ It contains 400 square feet or less of gross area measured at maximum horizontal projections.
 - c. ~~c.~~ It is built on a single chassis.
 - d. ~~d.~~ It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.
2. A park trailer, as defined in California Government Code § 18009.3.

Rehabilitation. The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Rental. A dwelling unit that is not a for-sale dwelling unit, and does not include any dwelling unit, whether offered for rental or sale, that may be sold as a result of the lawful subdivision of the parcel upon which the dwelling unit is located or creation of the unit in accordance with the Subdivision Map Act (California Government Code § 66410 et seq.).

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Resale restriction agreement. A legally binding agreement between the City and the purchaser of a for-sale inclusionary unit, in a form as approved by the City Attorney, which requires that the inclusionary unit to be occupied by the purchaser for the term of the agreement or sold to another moderate-income household at an affordable sales price.

Residential condominium project. A community apartment project, a condominium, a condominium project, a stock cooperative or a planned development as those terms are defined by California Civil Code § 783, California Business and Professions Code, respectively. A residential condominium project does not mean or include:

- Financing or leasing of apartments, offices, stores or store space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks;
- Mineral, oil or gas leases; or
- Land dedicated for cemetery purposes under the [California](#) Health and Safety Code ~~of the state of California.~~

Residential density, or Density. A computation expressing number of dwelling units per acre, based on the gross lot area prior to the dedication of any rights of way, public parks or other public areas. Primary and accessory units are included in the calculation of residential density.

Residential development. Any development project for which an application for any ministerial or discretionary permit has been submitted to the City and where the development would create new or additional dwelling units by the construction or alteration of structures, the conversion of a use to residential from any other use, or the conversion of a use to for-sale residential from rental residential use.

Reverse vending machine. An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. A bulk reverse vending machine is a type of reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

Review Authority. Body or entity responsible for making decisions on applications.

Rezoning or Reclassification. See "Amendment."

Right-of-way. An area of land acquired by reservation, dedication, prescription or condemnation and is intended to be occupied or is occupied by a street, road or other similar public utility or use. The right-of-way generally includes the area behind the curb (i.e., planting strip, sidewalk and sometimes the area behind the sidewalk).

Riparian. Land and vegetation which is located adjacent to a natural or man-made water course or body of water.

Roof. The outside top covering of a building.

Run with the land. A covenant, restriction, permit, or entitlement to the use of the land contained in a deed or other recorded instrument which is binding on the present and future owners of the property.

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Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another or from the public right-of-way by fencing, walls, berms or densely planted vegetation.

Section 8 of the Housing and Urban Development Act of 1965. A federal rent subsidy program (or its successors) in which eligible, very low-income and low-income households receive financial assistance to rent housing units.

Service station. A parcel of land, or any portion of a parcel of land, developed exclusively for the purpose of, and with facilities for, the sale of motor vehicle fuels; and which may also provide lubricants, tires, batteries, accessory items and other customary services for motor vehicles, the delivery of which is made directly to the vehicle. The servicing of motor vehicles shall be generally limited to lubrication, nonmechanical washing, the replacement of spark plugs, lamps, fan belts and batteries, the repair or replacement of tires and tubes; and minor motor vehicle repair.

Setback. The distance between a property line and a building or structure that must be kept clear or open, except for such encroachments as are specifically permitted by this Title.

Setback, front. The area extending the full width of the lot as measured from, and perpendicular to, a front lot line.

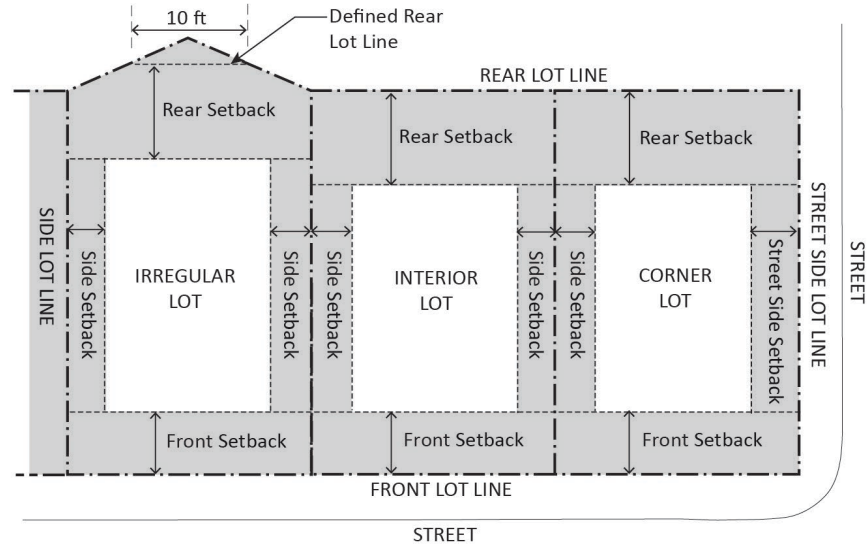
Setback, interior side. The area extending from a front setback line to a rear setback line as measured from, and perpendicular to, an interior side property line. An interior side setback does not abut a street.

Setback, street side. The area extending from a front setback line to a rear setback line as measured from, and perpendicular to, a street side property line.

Setback, rear. The area extending the full width of the lot as measured from, and perpendicular to, a rear lot line. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from a front lot line, will be deemed a rear lot line for establishing a minimum rear yard.

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Figure 17.32.D: Setbacks



Shopping center. A type of integrated commercial center specifically designed for occupancy or occupied by a minimum of five separate uses devoted predominantly to retail and personal service activities which are characterized by common parking, access, function and appearance. Shopping centers may also include other nonretail uses (i.e., restaurants, real estate offices, travel agencies, law offices, etc.) when permitted by district regulations. Also referred to as "Integrated commercial center."

Sign terms. See Section 17.27.020, Sign Definitions.

Single housekeeping unit. A dwelling unit in which the residents of the dwelling unit satisfy the following criteria:

1. They have established ties and familiarity and interact with each other.
2. Membership in the single housekeeping unit is fairly stable as opposed to transient or temporary.
3. They share meals, household activities, expenses, and responsibilities.
4. All adult residents have chosen to jointly occupy the entire premises of the dwelling unit, and they each have access to all common areas.
5. If the dwelling unit is rented, all adult residents are named on and party to a single written lease that gives them each joint use and responsibility for the premises.
6. Membership of the household is determined by the residents not by a landlord, property manager, or other third party.
7. The residential activities of the household are conducted on a nonprofit basis.

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8. They do not have separate entrances, nor do they have separate food-storage facilities, such as separate refrigerators or food-prep areas.

Single room occupancy housing. See Chapter 17.33, Definitions of Uses.

Slope. The degree of deviation of a surface from the horizontal, usually expressed ~~as a~~ ⁱⁿ ~~percent~~ ^{age}, degrees, or ~~a~~ ^a ratios. Slope is referenced or measured in the following ways:

Percent slope: The change in elevation or rise (in feet) divided by the horizontal distance or run in feet multiplied by 100 (e.g., 50 feet/480 feet x 100 = 10.4 percent).

Degrees. The angle of deviation from the horizontal which ranges from zero degrees for horizontal to 90 degrees for vertical (e.g., a 50 percent slope is equal to 26.5 degrees).

Slope ratio: The ratio between the horizontal or run in feet and vertical or rise in feet (e.g., a three to one slope (expressed as 3:1) shall mean three horizontal feet to one vertical foot; a 100 percent slope is the same as a slope ratio of 1:1 and is the same as 45 degrees).

Small lot development. Residential development on lots which are smaller than the minimum lot size of the zoning district, including but not limited to those specifically designed to accommodate bungalow court developments, garden court development, and zero lot line dwellings (single-family dwellings attached at a common wall located on a side lot line) and meeting the standards of Section 17.16.030, Development Standards, and Section 17.16.040, Design Standards.

Specific Plan. Specific plans are planning documents that guide the development of a particular geographic area within the City. They are separate from, but must be consistent with, a jurisdiction's adopted general plan. Specific plans implement the general plan by providing a special set of planning policies and development standards. Refer also to the provisions of [California](#) Government Code, §§ 65450 et seq.

Stable, Private. Any building, barn, corral, or paddock used or designed to shelter or keep livestock.

Stable, Public or Riding. An establishment where livestock is kept, boarded, groomed or trained, rented for riding, or bred for profit.

Staff. The employees, agents, contractors, and consultants of the City.

Step-back A term used to describe an upper-story portion of a building façade that is closer to the interior of a property than the portion of the façade immediately below.

Storage. The placement of material objects on a site for any period in excess of seven consecutive days or the parking of a vehicle in the same approximate location for a period of 72 hours or more.

Story. Portion of a building included between the upper surface of any floor and the upper surface of the floor next above; except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. See Section 17.34.030, Measuring Height.

Story, Half. A partial story under a gable, hip or gambrel roof, of which the wall plates of two opposite exterior walls are not more than four feet above the floor.

Street, Center Line of. The line drawn at points midway between the face of curbs of an improved street; or as determined by the City Engineer, in the case of unimproved or partially improved streets.

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Street, Private. A right-of-way or easement, approved by the City Council, in private ownership, not dedicated or maintained as a public street, and not an alley, and which affords the principal shall mean of access to two or more sites. See "Access drive."

Street, Public. A way, the entire width of which is within a publicly owned right-of-way and which contains pedestrian, vehicular and utility improvements, facilities and appurtenances. The term shall include avenue, drive, road, circle, parkway, boulevard, highway, thoroughfare or any other similar term. Also any dedicated street accepted by the City for maintenance.

Structural alterations. Any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters.

Structure. Anything constructed or erected, except fences, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. (Note: All buildings are structures, but not all structures are buildings. See "Building.")

Subdivision. The division, by any subdivider, or any unit or units of improved or unimproved land or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. The term subdivision includes a "condominium project," as defined in § 1350 of the [California](#) Civil Code, a "community apartment project," as defined in § 11004 of the Business and Professions Code, or the conversion of five or more existing dwellings to a "stock cooperative," as defined in § 11003.2 of the Business and [P](#)rofessions Code.

Supportive housing. As defined in ~~Government~~ California Health and Safety Code § 50675.14, supporting housing means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

Swarming. The natural method of honeybee colonies to reproduce, resulting in the departure of part of the bee population with a queen to create a new honeybee colony.

Swimming pool. An outdoor pool or artificial body of water designed, constructed or used for swimming, dipping, or immersion purposes, and having a depth in excess of 24 inches or a surface area exceeding 100 square feet.

Timeshare. See Section 17.22.260, Time Share Uses.

Townhouse. A single dwelling unit in a townhouse group, located or capable of being located on a separate lot; and being separated from the adjoining dwelling unit by an approved wall, extending from the foundation through the roof and structurally independent of the corresponding wall of the adjoining unit.

Transitional housing. As defined in California Government Code Section § 50801, transitional housing means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for

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subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

Transitory Lodging. Lodging provided for a period of up to 30 days.

Triplex. A three-family dwelling designed or used exclusively as residences. Includes three separate but attached dwelling units.

Top of bank. The highest elevation of land which confines to their channel waters flowing in an intermittent or perennial stream or river.

Turf. A ground cover surface of mowed grass.

Unenclosed. Open on at least one side.

Urban Limit Line. A parcel-specific boundary that marks the limit of where urban development is permitted within the incorporated area of St. Helena. The intent of the Urban Limit Line is to discourage urban sprawl by containing urban development within designated areas during the planning period.

Use, Accessory. See "Accessory use."

Utilities. Garbage collection, sewer, water, electricity, gas and other heating, cooling, cooking and refrigeration fuels.

Vacancy rate. The number of uninhabited dwelling units that are available and suitable for occupancy expressed as a ratio to the total number of housing units.

Variance. The term applied to the procedure whereby the strict application of the provisions of this Title relating to height, area, yard requirements or other requirements of this Title may be modified in a particular instance. The term "variance" does not apply to a use modification.

Vehicle. A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. The definition of vehicles includes motor vehicles, recreational vehicles, recreational trailers and boats.

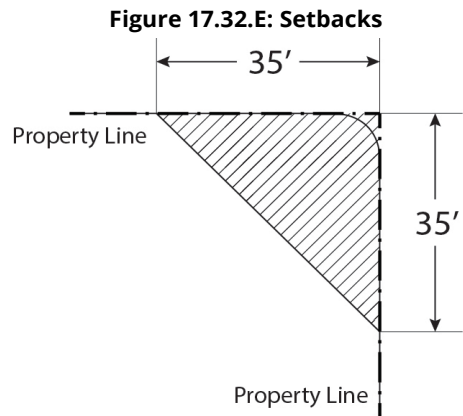
Very low-income household. A household whose income does not exceed the qualifying limits for very low-income families as established and amended from time to time pursuant to § 8 of the United States Housing Act of 1937. The income limits for very low-income households, adjusted for family size, is published periodically in the California Code of Regulations, Title 25, § 6932.

Very low-income unit. Unit that is required to be rented to a very low-income household at an affordable rent.

Video game center. A commercial establishment which offers six or more electronic games as a form of entertainment.

Visibility triangle. On a corner lot, the triangle formed by the property lines extended to their intersection and a line connecting such property line extensions measured 35 feet from their point of intersection.

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Wall. The vertical exterior surface of a building; or the vertical interior surfaces which divide a building's interior space into rooms.

Warehouse. A building used primarily for the storage of goods and materials.

Waterway. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

Wetlands. Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wine production. A winery's total annual production equals either: (1) the sum of all wine created through fermentation in a given year, plus the net total of all fermented bulk wine received and shipped in the same year, or (2) the amount of wine bottled on the premises in the same given year, whichever is greater ~~including all bottled wine received on the premises during the same year.~~

Wine marketing event. Any activity conducted at a small winery for the purpose of educating members of the wine trade and persons who have pre-established business relationships with the small winery or its owner/operator about the wine produced at the Small Winery in order to increase the amount of wine sold to those individuals. Marketing activities may include food service without charge when provided in association with such education and development but shall not include cultural and social events unrelated to such education and development.

Xeriscape. A style of landscape design requiring little or no irrigation or other maintenance. Xeriscape principles are listed in Chapter 17.25, Landscaping.

Zero lot line. The location of a building on a lot line in such a manner that one or more of the building's sides rest directly on a lot line. See "Small lot development."

Zone. See "District."

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Zoning map. The officially adopted zoning map or maps of the City, together with all amendments subsequently adopted.

Zoning Code. Title 17 of the St. Helena Municipal Code consisting of the [Code text and the](#) official adopted [Z](#)zoning [M](#)map ~~and text~~.

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Chapter 17.33 Definitions of Uses

[This chapter provides definitions for all uses established in the use tables in Part III, District Regulations. Refer to Chapter 17.32, Definitions of Terms, for definitions of the terms commonly used throughout this Title.](#)

Accessory dwelling unit (ADU). See Section 17.22.030, Accessory Dwelling Units.

Active agricultural use. [Includes animal husbandry, animal keeping, beekeeping, and cultivated agriculture.](#)

Adult entertainment. An establishment of concern that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

Agriculture.

Animal husbandry. The use of land for the care and raising of livestock, equine, poultry, and dairy animals. This also includes any animal-related production uses incidental to the foregoing, including processing, drying, storage, and sales, [excluding animal slaughter, meat cutting and packing, stockyards or the commercial feeding of garbage or offal to swine or other animals.](#)

Animal keeping. The raising or keeping of domestic animals as provided in Title 6, Animals of the Municipal Code and Section 17.22.060, Animal Keeping.

Beekeeping. The keeping or propagation of honeybee hives for collection of honey or other bee products.

Cultivated agriculture. [The planting, growing, and harvesting of crops or plants, or the preparation of land for this purpose, of more than one-half acre of land for viticulture, horticulture, pasturage, floriculture, or similar farming where a crop or final product is produced \(but not necessarily offered for sale\) for consumption.](#) ~~A commercial facility for the cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers or for growing flowers, trees, and ornamentals. Includes farming, pasturage, horticulture, floriculture, and viticulture.~~

Agricultural employee housing. Employee housing as set forth in California Health and Safety Code § 17008 for farmworkers.

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Agricultural supply sales. An establishment or place of business primarily engaged in the retail or wholesale sale from the premises of farm supply, feed, grain, fertilizers, pesticides, and similar goods as well as the provision of agriculturally related services with incidental storage on a lot other than where the service is rendered.

Amphitheater. An open building with a central space surrounded by tiers of seats for spectators, for the presentation of dramatic, sporting, or other events.

Animal boarding facility/kennel. A facility for keeping, boarding, training, breeding, or maintaining, generally overnight or in excess of 24 hours, animals not owned by the owner or operator of the facility.

Automobile/Vehicle sales and services.

Auto rental. An establishment providing for the rental of automobiles, motorcycles, or other vehicles. Typical uses include car rental agencies. Excludes large vehicles and equipment.

Auto sales. A retail or wholesale establishment for the display and sale of new or used automobiles, small trucks and vans, motorcycles, and other motor vehicles. Excludes large vehicles and equipment.

Auto service and repair. The service and repair of automobiles, trucks, motorcycles, motor homes, boats, and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts.

Car wash. A facility for and a process involving the washing or cleaning of automobiles or other motor vehicles. A car wash may, but need not, include drying facilities. Car wash does not include a casual or occasional use of the premises to wash or clean automobiles or other motor vehicles that is done as a convenience or accommodation to customers or other persons and that constitutes a secondary use.

Large equipment sales, service, and rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, farming/agricultural, or landscape gardening activities.

Service station. An establishment primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile vehicle repair services; selling automotive oils, replacement parts, and accessories; or providing incidental food and retail services. Major motor vehicle repair (engine rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender repair; over-all painting) is not permitted. This facility may include a “mini-mart” or a convenience store that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles.

Towing and impound yard. An establishment primarily engaged in towing light or heavy motor vehicles, both local and long distance. This establishment may provide incidental services, such as vehicle storage and emergency road repair services.

Bank or financial institution. A financial institution providing retail banking services. This classification includes only institutions that serve walk-in customers or clients, including banks, savings, and loan institutions, check-cashing services, and credit unions. Includes facilities that provide self-serve facilities; excludes drive-through facilities.

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Business services.

Cleaning and janitorial services. An establishment that offers professional cleaning services.

Equipment rental and leasing. A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental or leasing.

General business services. An establishment primarily engaged in providing personal services and commercial services to other businesses on a fee or contract basis, including advertising and mailing, legal document services, model building, and taxi services or delivery services with two or fewer fleet vehicles on-site.

Printing and copy services. An establishment providing printed or copied materials from digital or hard copy format originals, including printing and distribution of envelopes, business cards, and similar business products.

Security services. A service establishment that offers monitoring, theft prevention, or protection of individuals or property.

Caretaker residence. A building which is used as a residence by a security guard or caretaker of a commercial, industrial, public, or semi-public use, which is located on or adjacent to the premises occupied by the use, and which is reasonably necessary to provide adequate security for the use.

Catering. An accessory service to a restaurant that provides food or beverages at social events or other large gatherings.

Cemetery. An establishment primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Cinema/theater. A facility for the indoor display of motion pictures on single or multiple screens and stage productions such as plays, ballets, and musical performances. This classification may include incidental food and beverage service to patrons as well as an auditorium within a building.

College or trade school. An institution of higher education primarily for adults providing curricula of a general, religious, or professional nature, granting degrees or professional certifications and including junior colleges, business and computer schools, management training, and technical and trade schools. This classification excludes Instructional Services.

Commercial laundry. A facility where articles of fabric are laundered by commercial grade machinery. Does not include Laundromat, Self Service.

Communication facility.

Audio/video recording studio. An indoor facility including radio, television or music recording studios.

Telecommunications. See Section 17.22.270, Wireless Telecommunication Facilities.

Community assembly. A facility for public or private meetings and gatherings, including community centers, union halls, places of worship, meeting halls, and membership organizations. This classification includes the use of functionally related facilities for the use of members and attendees, such as kitchens, multi-purpose rooms, classrooms, and storage. Includes social halls, lodges, fraternal organizations, and clubs when owned and operated by nonprofit organizations.

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Community garden. An area where neighbors and residents have the opportunity to contribute to and manage the cultivation of plants, herbs, vegetables, and fruits. May consist of individually tended plots on a shared parcel or many be communal on a single plot.

Contractor shop. An establishment for specialized business activities related to building construction. This classification includes establishments for trades such as painting, carpentry, plumbing, heating, air-conditioning, roofing, landscaping, cabinetmaking, and sign-making.

Contractor's office and showroom. An office or showroom of a business related to building construction. This classification excludes storage yards.

Contractor's yard. Premises used by any person for the storage, maintenance, repair and processing of equipment, materials and other items involved in construction of physical facilities or in the operation of a fleet of rolling stock.

Cottage food operation. An enterprise where an individual prepares or packages non-potentially hazardous foods in his or her private home for sale to consumers and as it is defined in California Health and Safety Code §113758.

Crop services. An establishment that provides agriculturally related services including pesticide application and tree maintenance.

Cultural institution. A public or private institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts facilities, community centers, arenas, auditoriums, event and conference spaces, spaces for display or preservation of objects of interest in the arts or sciences, libraries, museums, and historical sites. This classification excludes schools or institutions of higher education providing curricula of a general nature (see College or Trade School).

Custom and artisan manufacturing. An establishment primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include metalworking, pottery and ceramic studios with a kiln, glass furnace, or woodworking.

Day care facility. A commercial establishment providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Dry cleaning facility. A facility engaged in the cleaning of fabrics in an essentially non-aqueous solvent by means of one or more washes in solvent and extraction of excess solvent. Does not include Dry Cleaners, Drop-Off and Pick-Up.

Eating and drinking establishment.

Bar. A business, whether called a bar, nightclub, lounge, or other, that serves alcoholic beverages for consumption on the premises as a primary use, including on-sale service of alcohol including beer, wine, and mixed drinks and amplified music as an accessory use. This subclassification excludes formula businesses.

Brewpub. An establishment that is a hybrid between a restaurant and a brewery engaged in the small-scale production of specialty or craft beer that sells at least 25 percent of the beer

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produced on-site with significant food services in a restaurant or bar. Brewpubs may also sell beer to go or distribute it to offsite destinations.

Mobile food vendor. A business engaged in the sale of prepared, pre-packaged or unprepared, unpackaged food or foodstuffs from a mobile vending unit on private or public property.

Restaurant, full service. An establishment where food and beverages are served to patrons on-site. This subclassification excludes formula businesses.

Restaurant, limited counter service. A restaurant where more than 50 percent of food, frozen desserts, or beverages intended for immediate consumption is available after a short waiting time and is packaged or presented in such a manner that it may be readily eaten off the premises as well as on the premises where it is sold; and where the facilities for on-premises consumption of the food items are insufficient for the volume of customers purchasing such items. This subclassification includes, but is not limited to, cafes, coffee shops, ice cream shops, delicatessens, bakeries, and sandwich shops, and by-the-slice pizza parlors with indoor or outdoor seating for customers. This subclassification excludes formula businesses.

Emergency services. Facilities for parking and the dispatch of emergency medical transport services, including ambulance, fire, police, and rescue. May include offices and facilities for cooking and sleeping of on-duty personnel.

Emergency shelter. As defined in California Health and Safety Code § 50801(e), emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care. No individual or household may be denied emergency shelter because of an inability to pay.

Family day care, large. As defined in California Health and Safety Code Section § 1596.78, a large family daycare home means a facility that provides care, protection, and supervision for seven to 14 children inclusive, including children under 10 years of age who reside at the home, as set forth in § 1597.465 and as defined in those regulations.

Family day care, small. As defined in California Health and Safety Code Section § 1596.78 a small family daycare home means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in § 1597.44 and as defined in those regulations.

Food and beverage sales.

Farmers market. Temporary but recurring outdoor retail sales of primarily raw, unprocessed fruits, vegetables, nuts, plants, flowers, and prepared products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them. Also includes sale of non-food items (processed food, artisan items, clothing, leather, art, etc.)

Fruit and vegetable market. A retail establishment that primarily sells fresh produce.

Grocery store. A store limited to 10,000 square feet in gross floor area with retail sales of meat, produce, dairy, baked goods, and groceries with accessory sales of household goods and delicatessen items.

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Liquor store. A retail establishment that primarily sells alcoholic beverages.

Public market. A retail location made up of small independent retail or food/drink businesses where each shop or stall is owner-operated.

Roadside stand. An open-air retail establishment that sells agricultural products produced on-site.

Winery tasting room. An establishment that sells wines on behalf of one or more wineries and enables consumers to taste wine (with and without charge) as a regular part of the sales process. The wines for tasting and for sale must be made from a minimum of 75 percent Napa Valley grapes and must be labeled Napa Valley or be a sub-appellation of the Napa Valley. The permit requires a Type 02 ABC license. Food may be provided if it is at no cost to the consumer, is made off premises, and the facilities are approved by Napa County Environmental Management.

Wine shop. An establishment that purchases and sells wines from multiple wineries and distributors. Wines may be made in other counties in California, other states, or other countries. [Beer sales may occur in a wine shop.](#) Incidental wine tastings may occur in wine shops. Wine shops are not owned by wineries and must possess a Type 20, 21, or 42 license from Alcoholic Beverage Control.

Food preparation. An establishment preparing and/or packaging food for off-site consumption only, including catering kitchens, small-scale specialty food production, and commercial kitchens. This classification excludes establishments with an industrial character in terms of processes employed, waste produced, water used, and traffic generation. May include ancillary retail sales of items prepared on the premises.

Formula business. A business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs, trademark, name, or other similar standardized features which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations. Does not include formula restaurants, which are prohibited.

Formula restaurant. [“Formula restaurant” means a restaurant devoted to the preparation and offering of food and beverage for sale to the public for consumption either on or off the premises and which is required by contractual or other arrangement to offer any of the following: standardized architecture or standardized external signs which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location.](#)

Fuel storage. A facility engaged in the storage of gasoline or other fuel sources.

Funeral home or mortuary. An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of human remains and conducting memorial services. This subclassification includes funeral parlors, crematories, and mortuaries, but excludes cemeteries and burial parks.

Government office. An administrative, clerical, or public contact office of a government agency, including postal facilities and courts, along with the storage and maintenance of vehicles. Includes public and quasi-public noncommercial uses (open to the public but privately owned), buildings and facilities of an administrative, educational, religious, cultural, communications or public service nature.

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This classification excludes corporation yards, equipment service centers, and similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment.

Health club or fitness center. A facility used for sports, health, and recreational uses, including tennis or racquetball courts, swimming pools, weight training, exercise classes, health spas, and other similar uses.

Heavy equipment repair. An establishment engaged in the repair of heavy-duty vehicles, construction equipment and apparatus, as well as equipment associated with any form of heavy manufacturing.

Home occupation. A commercial use conducted on residential property by the residents that is incidental to the primary residential use of the dwelling.

Hospital or clinic. A State-licensed facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs and teen crisis counseling centers, as well as training, research, and administrative services for patients and employees. This classification excludes veterinary and animal hospitals (see Veterinary Clinic).

Indoor recreation. An establishment that provides indoor amusement or recreation services conducted within an enclosed building. This classification includes but is not limited to arcades, bingo halls, bowling alleys, billiard parlors, video game center, card rooms, and ice- and roller-skating rinks.

Industrial, general. An establishment engaged in the manufacturing of non-edible products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. Toxic, hazardous, or explosive materials may be produced or used in large quantities as part of the manufacturing process. These industrial activities may produce impacts on nearby properties, such as noise, gas, odor, dust, or vibration. This classification includes manufacturing for biomass energy conversion, commercial cosmetics and perfumes, electrical appliances, apparel and textile mills, leather and allied products manufacturing, wood and paper, glass and glass products, chemical products, medical/pharmaceutical products, plastics and rubber, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.

Instructional services. An establishment that offers specialized programs in personal growth and development such as music, martial arts, vocal, fitness, dancing, reading, and math instruction. Attendance is typically limited to hourly classes rather than full-day instruction. These establishments do not grant diplomas or degrees, though instruction could provide credits for diplomas or degrees granted by other institutions. Includes art, dance, photography, or music studio offering instruction, including retail as an accessory use. This classification also includes tutoring facilities which offer academic instruction to individuals or groups.

Live/work. An integrated housing unit and working space occupied and utilized by a single household in a structure designed or structurally modified to accommodate joint residential occupancy and work activity.

Laundromat, self-service. A facility where patrons wash, dry, or iron clothing or other fabrics in machines operated by the patron.

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Lodging.

Bed and breakfast inn. A home occupation in an owner-occupied residence in which transitory lodging and breakfast is provided to guests for compensation.

Boarding house. A dwelling unit, other than a hotel, bed and breakfast, or condominium hotel, used in whole or in part to provide short-term or long-term lodging for compensation under multiple separate written or oral agreements.

Hotel. An establishment with two or more rooms or suites that are used to provide overnight or extended-stay lodging to transient patrons.

Short-term rental. The rental of any residential structure or any portion of any residential structure for occupancy for dwelling, lodging, or sleeping purposes for 30 or fewer consecutive calendar days.

Low bBarrier nNavigation cCenter. A housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing. (See [California](#) Government Code [Section](#) 65660.)

Maker's space. A workspace for an artist or artisan or for a group of artists or artisans practicing an applied art or craft, including but not limited to candle-making, pottery and ceramics (no kiln allowed), jewelry, or multi-media, with incidental retail sales of items produced on the premises. Uses in a maker's space typically do not produce significant odors, fumes, noise, or other disturbances.

Manufacturing, packaging, and processing. An establishment engaged in the production, processing, packaging, or manufacturing of food or beverage products and where instruction, direct sales, tasting, or on-site consumption are incidental to the food or beverage production activity. This classification excludes wineries and the slaughtering of animals which is not allowed.

Micro-brewery. An establishment engaged in the small-scale and independent manufacturing that produces 15,000 barrels or less of specialty or craft beer per year. A small tasting room or bar for visiting consumers is allowed on site although a minimum of 75 percent of the beer produced must be sold in off-site locations through any one of the following ways:

1. Wholesale, i.e. the brewer sells to a wholesaler who in turn sells to a retailer or the brewer acts as a wholesaler and sells directly to a retailer;
2. Direct sales, i.e. the brewer sells directly to the consumer via carry-outs or sales from an onsite taproom or restaurant.

Micro-distillery. A small, often boutique-style facility established to produce beverage grade spirit alcohol from any source or substance that is licensed to manufacture, store, and sell spirits produced in single batches (as opposed to larger distillers' continuous distilling process.

Mining.

Gravel mining operations. A facility engaging in the extracting, producing, handling, milling, or other processing of gravel.

Mining and quarrying of nonmetallic minerals. A facility engaging in the extracting, producing, handling, milling, or other processing of nonmetallic minerals.

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Mobile home. As defined in § 18008 of the [California](#) Health and Safety Code or manufactured home as defined in § 18007 of the [California](#) Health and Safety Code, a movable dwelling constructed on a chassis, designed for use without a permanent foundation, and designed to be connected to utilities. Excludes manufactured modular housing designed to be placed on a permanent foundation and recreational vehicles, recreational vehicles as defined in § 799.24 of the [California](#) Civil Code and § 18010 of the [California](#) Health and Safety Code, commercial coaches, and or factory-built housing, as defined in § 19971 of the [California](#) Health and Safety Code.

Model home sales office. A dwelling temporarily used as a sales office for on-site sales for a residential development under construction.

Multi-family dwelling. Two or more attached dwelling units on a single lot. Types of multi-family dwellings include duplexes, [single room occupancy units](#), townhouses, and apartment buildings.

Office.

Business, professional, and technology. An office of a firm, organization, or agency providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal, and tax preparation.

Medical and dental. An office providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors or dentists; medical and dental laboratories that see patients; licensed acupuncturists; and similar practitioners of medical and healing arts for humans licensed by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

Walk-in clientele. An office providing direct services to patrons or clients without prior appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (see Bank or Financial Institution).

Wholesale office. An office of a wholesale firm excluding storage or on-site shipping and receiving of products.

Winery office (off-site). An office performing off-site administrative functions for a winery.

On-site storage facilities. The indoor or outdoor storage of any materials, products, or equipment on the premises.

Outdoor dining. An area set up outside the confines of a commercial structure with tables, chairs, and other furnishings for the purpose of offering seating to patrons while selling, offering for sale, and serving food and beverages by an adjoining restaurant in which the same food and beverages are offered for sale, sold, and served.

Outdoor display and sales. The display or sale of any materials, products, or equipment outside of a building.

Parking facility. A surface lot or structure with five or more parking spaces situated contiguous to one another or in close proximity, providing parking as the primary use of a site, typically for a fee. Excludes parking provided incidental to another on-site activity.

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Personal services.

Hair salon/Nail salon/Spa. A service establishment that offers hairstyling, manicuring, spa treatments, or similar services. May include retail sales.

Dry cleaners, drop-off, and pick-up. A facility operated for the primary purpose of dry cleaning clothing and other fabrics utilizing a process that involves the use of dry cleaning solvents. May include tailoring.

Laundromat, self-service. A self-serve clothes washing establishment containing one or more washers and drying, ironing, finishing, or other incidental equipment.

Massage establishment. An establishment having a fixed place of business where any person engages in or carries on any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Such establishment shall have health enhancement as part of its purpose. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist (State-licensed professions or vocations) who are duly State-licensed to practice their respective professions in the State of California.

Tanning salon. A commercial establishment where patrons can expose themselves to ultraviolet light to darken their skin.

Tattoo and piercing. An establishment whose principal business activity is one or more of the following: (1) using ink or other substances that result in the permanent coloration of the skin using needles or other instruments designed to contact or puncture the skin; or (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Processing of agricultural products primarily produced on the premises. A facility engaging in the processing of crops primarily grown on-site, excluding Large Wineries.

Public sServices, mMajor. Services for the public that include water treatment facility, wastewater treatment facility, corporation yard, warehouse, and other services that provide major public infrastructure services for urban development.

Public sServices, mMinor. Services for the public that include utility substations, pumping stations and other transmission and distribution facilities.

Recreational facility, active. A public or private play field, athletic fields and facilities, including baseball/softball diamonds, basketball courts, volleyball courts, tennis courts, golf courses, bicycle courses, rollerblade and skateboard courses, swimming pools and boating/fishing facilities.

Recreational facility, passive. A park, playground, trail, botanical garden, or related open space.

Research and development. A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing conducted entirely within an enclosed building. This classification includes assembly of related products from parts produced off

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site, where the manufacturing activity is secondary to the research and development activities, in addition to involving the production of experimental products.

Retail.

Art gallery. A commercial establishment exclusively engaged in the sale, loan, and exhibition of paintings, sculpture, photography, video art, or other works of art.

Building materials and supply. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales, or equipment rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This subclassification does not include Construction and Material Yards, Auto Rental, hardware stores less than 10,000 square feet in gross floor area, or plant nurseries.

Firearms sales. A business engaged in the selling, transferring, or leasing any firearm or ammunition, either directly or indirectly.

Furniture store. A retail store primarily selling home furnishings including draperies, floor coverings, furniture, glass and chinaware.

General retail and merchandise. The retail sale or rental of merchandise not specifically listed under another use classification. This subclassification includes retail establishments such as clothing stores, small hardware stores (with 10,000 square feet or less of gross floor area), and businesses retailing the following goods: antiques, household pets and pet supplies, toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), pharmacies, electronic equipment, sporting goods, department stores, kitchen utensils, hardware, appliances, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and parts replacement. Retail sales may be combined with other services such as office machine, computer, electronics, bicycle, and similar small-item repairs.

Health care equipment. An establishment that offers for sale primarily medical equipment and supplies.

Nursery, lawn, and garden supply store. An establishment primarily engaged in retailing nursery and garden products, accessory garden supplies, and trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves.

Saddle and equestrian store and repair. An establishment that offers for sale primarily equipment and supplies related to equestrian uses. May include repairs of such equipment.

Tobacco/smoke shop. An establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia.

Used merchandise store. An establishment engaged in the purchase, barter, exchange, or sale of any secondhand merchandise of value, or which deals in secondhand goods. Does not include Antique Store.

Reupholstery and furniture repair. An establishment engaged in the maintenance or repair of upholstery, furniture, and similar items.

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School. A facility for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

Senior center. A facility that offers services and activities to promote the physical, mental and social well-being of seniors.

Short-term rental. A use in which overnight accommodations are provided to guests for compensation for periods of less than 30 days in a single-family dwelling.

Single-family dwelling. A building designed exclusively for and occupied exclusively by one single housekeeping unit. Includes site-built homes and modular homes.

Single room occupancy (SRO). Housing (consisting of single- room dwelling units) that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of nonresidential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants. A project's designation as an SRO cannot be inconsistent with the building's zoning and building code classification.

Small recycling facility. A recycling facility accessory to a primary use devoted exclusively to the collection of recyclable materials from the public. A small recycling facility does not include the processing of recycled products. A small recycling facility may include: mobile recycling units, reverse vending machines and groupings of reverse vending machines (including bulk reverse vending machines), kiosk type units (may be permanent), and unattended containers placed for the donation of recyclable materials. See Section 17.22.220, Small Recycling Facilities.

Solar energy system. Any solar energy collection device and all associated appurtenances, including energy storage, used for the purposes of heating or cooling or generating electricity for a primary or accessory structure.

Storage, personal. A facility offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage, and records or inventory storage for businesses. This classification includes moving company businesses which offer storage and transporting services, but excludes workshops, hobby shops, manufacturing, or commercial activity.

Timeshare. See Section 17.22.260, Time Share Uses.

Transit station and terminal. A facility for passenger transportation operations, including rail stations, bus terminals, taxi, and scenic and sightseeing facilities. Includes truck, bus, taxi, van and limousine terminals and service centers. This category, ~~excludes~~ ing maintenance centers.

Veterinary clinic. An infirmary for the treatment of small animals, including overnight care.

Warehousing, wholesale, and distribution. An establishment engaged in selling merchandise to retailers and other contractors; industrial, commercial, institutional, farm, or professional business users; other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. This category does not include freight forwarding terminals.

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Wildlife sanctuary. An area of land managed as a nature reserve that serves as a place of refuge for wildlife. Includes wildlife sanctuaries, botanical gardens, outdoor nature areas and other similar facilities and uses for passive use.

Winery event center. A facility for major public assembly events such as concerts, art festivals, banquets and special wine tastings. Winery event centers are an accessory use to a large winery.

Winery, large. An agricultural processing facility used for wine production and the fermenting and processing of grape juice into wine, the refermenting of still wine into sparkling wine, and processes and practices used in the creation of ports, sherries, and the like. Includes manufacturing, packaging, commercial scales, and grape sampling facilities; ~~grape sampling~~; crushing of grapes; fermenting and processing of grape juice; ageing and processing of wine; distillation; bottling of wine; on-site disposal of winery waste generated on a site; and warehousing and shipping of wine ~~produced on the premises~~. Uses accessory to a winery, including offices, laboratories, equipment maintenance shops, employees' eating facilities, cooperage repair shops, wine storage tanks, scales, and boiler rooms, are allowed.

Winery, small. An agricultural processing facility used for wine production and the fermenting and processing of grape juice into wine, and the refermenting of still wine into sparkling wine. Small wineries are an accessory use to a residential use.

Winery visitor center. A day use area including tour and tasting facilities, retail sales of wines and wine-related items, catering shops, cafes, restaurants, delicatessens, and drinking places. Must be conducted within structures specifically designated for such uses. Winery visitor centers are an accessory use to a large winery.

Wine warehousing. A building used for the wholesale storage or distribution of wine and allied wine products from any source.

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Chapter 17.34 Rules of Measurement

17.34.010 Measuring Fractions

Whenever this Code requires ~~calculation~~~~consideration~~ of distances, or the number of, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

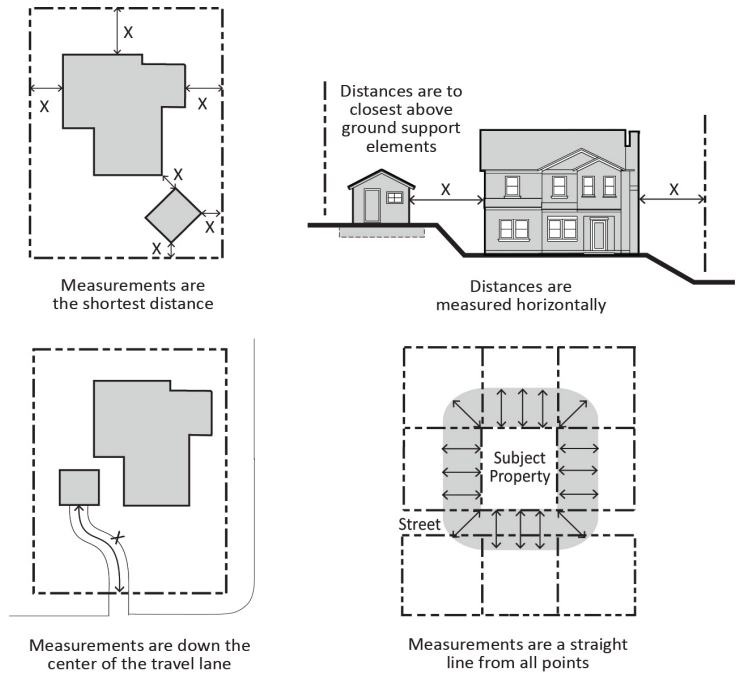
- A. **General Rounding.** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
- B. **Exception for State Affordable Housing Density Bonus.** The calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to [California](#) Government Code § 65915 or any successor statute, and Chapter 17.29, Density Bonus, any fractional number of units shall be rounded up to the next whole number.

17.34.020 Measuring Distances

- A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
- B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
- C. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
- D. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
- E. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

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Figure 17.34.020: Measuring Distances

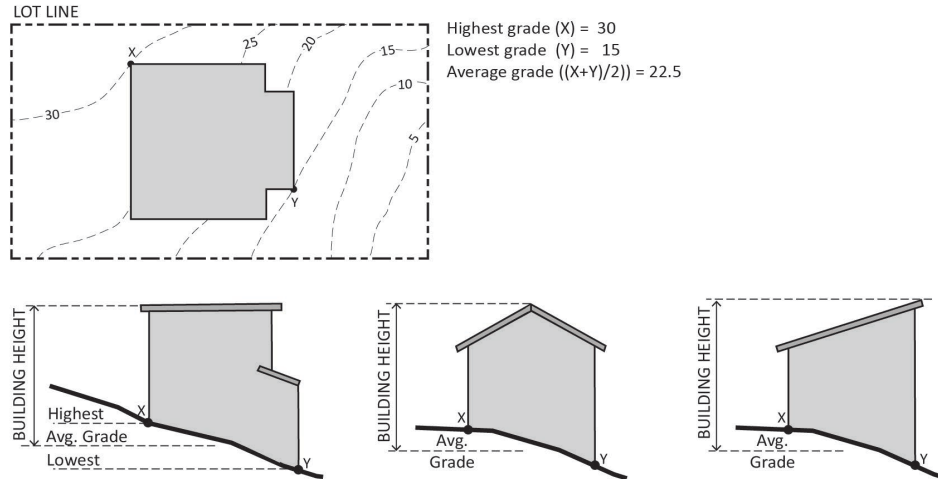


17.34.030 Measuring Height

- A. **Parapet or Flat Roof.** For buildings with a parapet or flat roof, building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls touch existing or finished grade, whichever is lower, to the highest point on the roof, the top of the parapet wall, the wall coping of a flat roof, or the deck line of a mansard roof.
- B. **Sloped Roof.** For buildings with a hipped, gabled, gambrel, or other sloped roof design, building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls touch existing or finished grade, whichever is lower, to the highest point ~~on the highest point~~ on the highest ridge.

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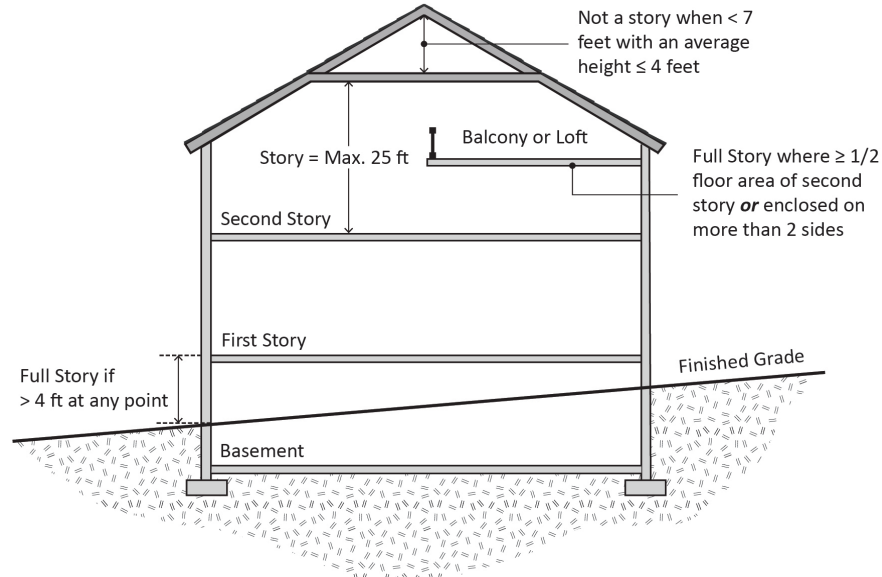
Figure 17.34.030.A: Measuring Building Height



- C. **Stories.** In measuring the number of stories in a building, the following rules shall apply:
1. An interior balcony or loft shall be counted as a full story if its floor area exceeds one-half of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.
 2. A basement shall be counted as a full story if the vertical distance between finished grade and the finished surface of the floor above the basement is more than four feet at any point.
 3. A story shall not exceed 25 feet in height from the upper surface of the floor to the ceiling above.
 4. An attic is not considered a story provided it is unconditioned, unfinished, and less than seven feet at its highest point with an average height not exceeding four feet.

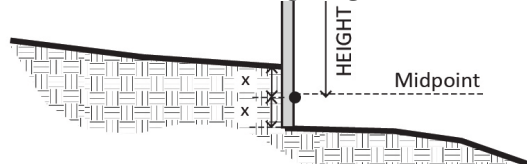
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Figure 17.34.030.B: Measuring Building Stories



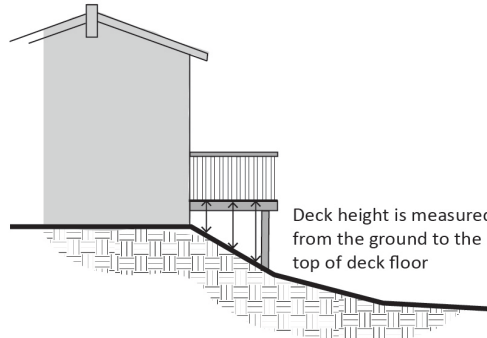
- D. **Fences and Walls.** The height of fences, walls, and other landscape structures shall be measured as the vertical distance from the midpoint between the highest and lowest natural grade immediately adjacent to both sides of the fence or wall to the highest point of the fence or wall.

Figure 17.34.030.C: Measuring Height of Fences or Walls



- E. **Decks.** Deck height is determined by measuring from the ground to the top of the floor of the deck directly above the ground below.

Figure 17.34.030.D: Measuring the Height of Decks



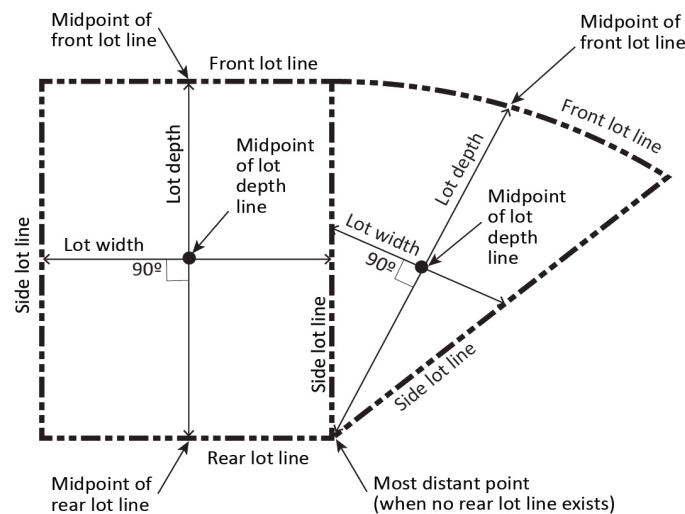
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- F. **Antennas.** The height of antennas shall be measured as described in Section 17.22.270, Wireless Telecommunication Facilities.

17.34.040 Measuring Lots

- A. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- B. **Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

Figure 17.34.040: Measuring Lot Width and Depth



- C. **Average Slope.** The average slope of a parcel is calculated using the following formula:
 $S = 100(I)(L)/A$, where:
1. S = Average slope (in percent)
 2. I = Contour interval (in feet)
 3. L = Total length of all contour lines on the parcel (in feet)
 4. A = Area of subject parcel (in square feet)

17.34.050 Measuring Floor Area and Floor Area Ratio

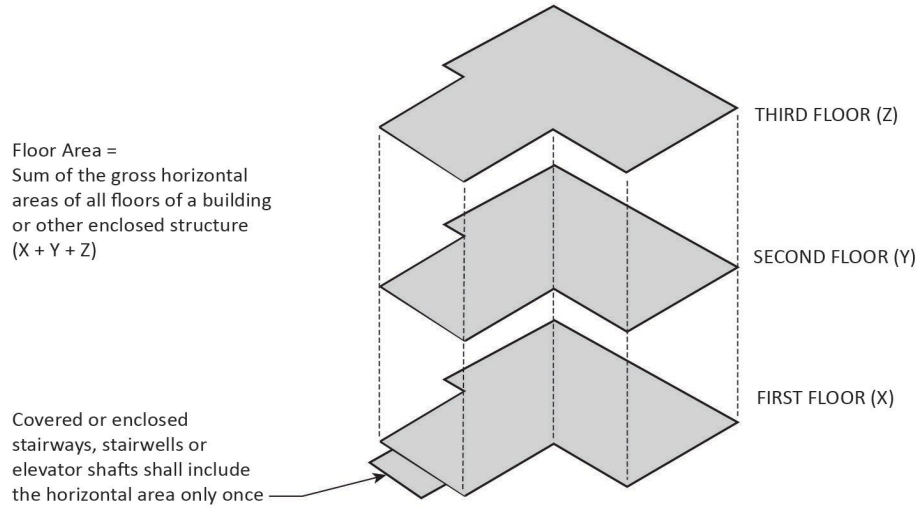
- A. **Areas included in floor area measurement.** The floor area is measured as the sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings. Areas included and excluded from floor area are listed below.

Part V: Definitions and Rules of Measurement

1. ***Included in Floor Area Calculation.***
 - a. All habitable space (as defined in the Building Code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof.
 - b. In cases where no walls exist, the area covered by the roof excluding two feet on each side of the structure for a standard roof projection.
 - c. Interior walkways or corridors, interior courtyards, walkways, paseos, or corridors covered by a roof or skylight.
 - d. All floors of enclosed stairways, stairwells or elevator shafts.
2. ***Excluded from Floor Area.***
 - a. Mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area.
 - b. Bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater.
 - c. Any areas that satisfy the landscape and open space base zone requirements.
 - d. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.
 - e. In non-residential buildings, areas used for off-street parking spaces or loading spaces, driveways, and maneuvering aisles that are located below the finish grade of the property.
 - f. Arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.
 - g. Outside areas used for sales and/or display (e.g., plant nurseries, building materials, auto sales, wine production, etc.).
 - h. A building or structure consisting of nonusable floor space such as a garage, carport, or storage shed.
 - i. Unfinished attics, crawlspaces, and basements shall not be included unless converted and finished as usable floor space.

Part V: Definitions and Rules of Measurement

Figure 17.34.050: Measuring Floor Area



B. **Floor Area Ratio (FAR).** The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all primary and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0. The following are excluded from Floor Area in [Calculating FAR](#).

1. **Underground Areas.** Floor area located below finished grade.
2. **Parking.** Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is less than six feet.
3. **Small Accessory Structures.** Accessory structures up to 120 gross square feet.
- ~~3.4.~~ **Unenclosed Porches.** [Porches where at least one of the longest dimensions is unenclosed.](#)

17.34.060 Measuring Lot Coverage

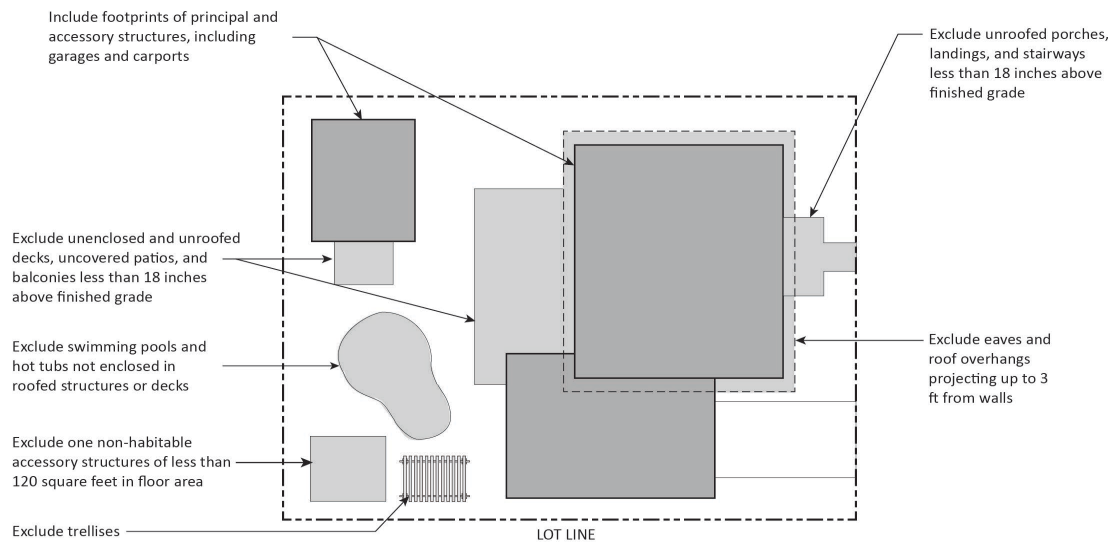
Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including, but not limited to, garages, carports, covered patios, and roofed porches, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculation:

- A. Unenclosed and unroofed decks, uncovered patio slabs, [unroofed](#) porches, landings, balconies and stairways with an elevation of less than 18 inches above finished grade;
- B. Eaves and roof overhangs projecting up to three feet from a wall;

Part V: Definitions and Rules of Measurement

- C. Trellises, pergolas, and similar structures that have roofs that are at least 50 percent open to the sky ~~through~~ with uniformly distributed openings;
- D. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and
- E. One small, non-habitable accessory structure under 120 square feet. More than one small non-habitable accessory structure shall be included in lot coverage.

Figure 17.34.060: Determining Lot Coverage



17.34.070 Determining Lot Frontage

- A. **Corner Lot.** The front of a lot is either of the two lines adjacent to the streets as platted, subdivided, or laid out, except that the front lot line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then as determined by the Community Development Director, either may be considered the front of the lot, but not both.
- B. **Through Lot.** The front of a through lot abuts the street that neighboring lots use to provide primary access.

17.34.080 Measuring Setbacks

A setback line defining a required setback is parallel to and at the specified distance from the corresponding front, side, or rear property line, as shown in [Figure 17.34.080.A: Determining Setbacks – Interior Lot](#) and [Figure 17.34.080.B: Determining Setbacks – Corner Lot](#). Required setbacks shall be unobstructed from the ground to the sky except where allowed pursuant to this Title, subject to compliance with the Building Code. All required setbacks shall be determined by their relationship to the front of a lot.

Part V: Definitions and Rules of Measurement

Figure 17.34.080.A: Determining Setbacks – Interior Lot

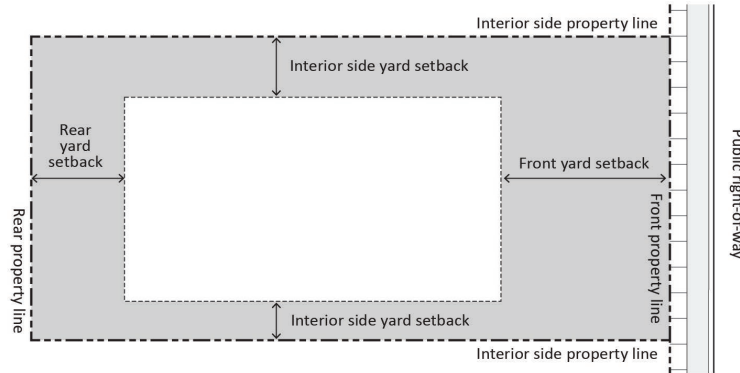
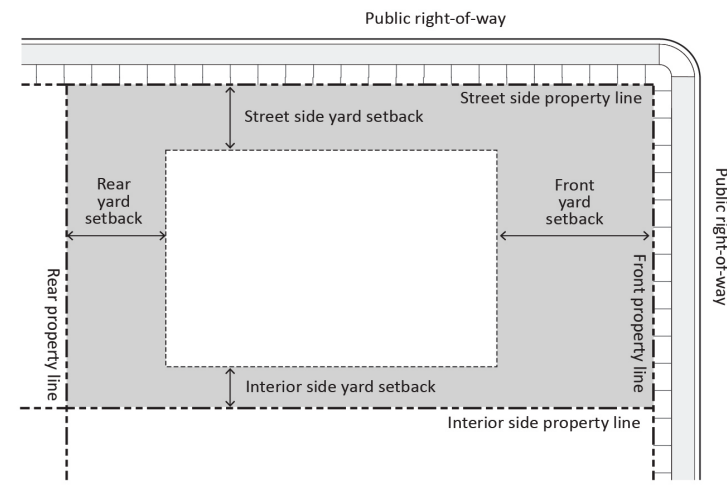


Figure 17.34.080.B: Determining Setbacks – Corner Lot



The following special regulations for determining required setbacks apply when a lot abuts a proposed street or alley.

- A. **Setback Abutting Planned Street Expansions.** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the property line.

Part V: Definitions and Rules of Measurement

B. Setbacks abutting Alleys.

1. If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.
2. In computing the minimum setback for any lot where such setback abuts an alley, no part of the width of the alley may be considered as part of the required setback.

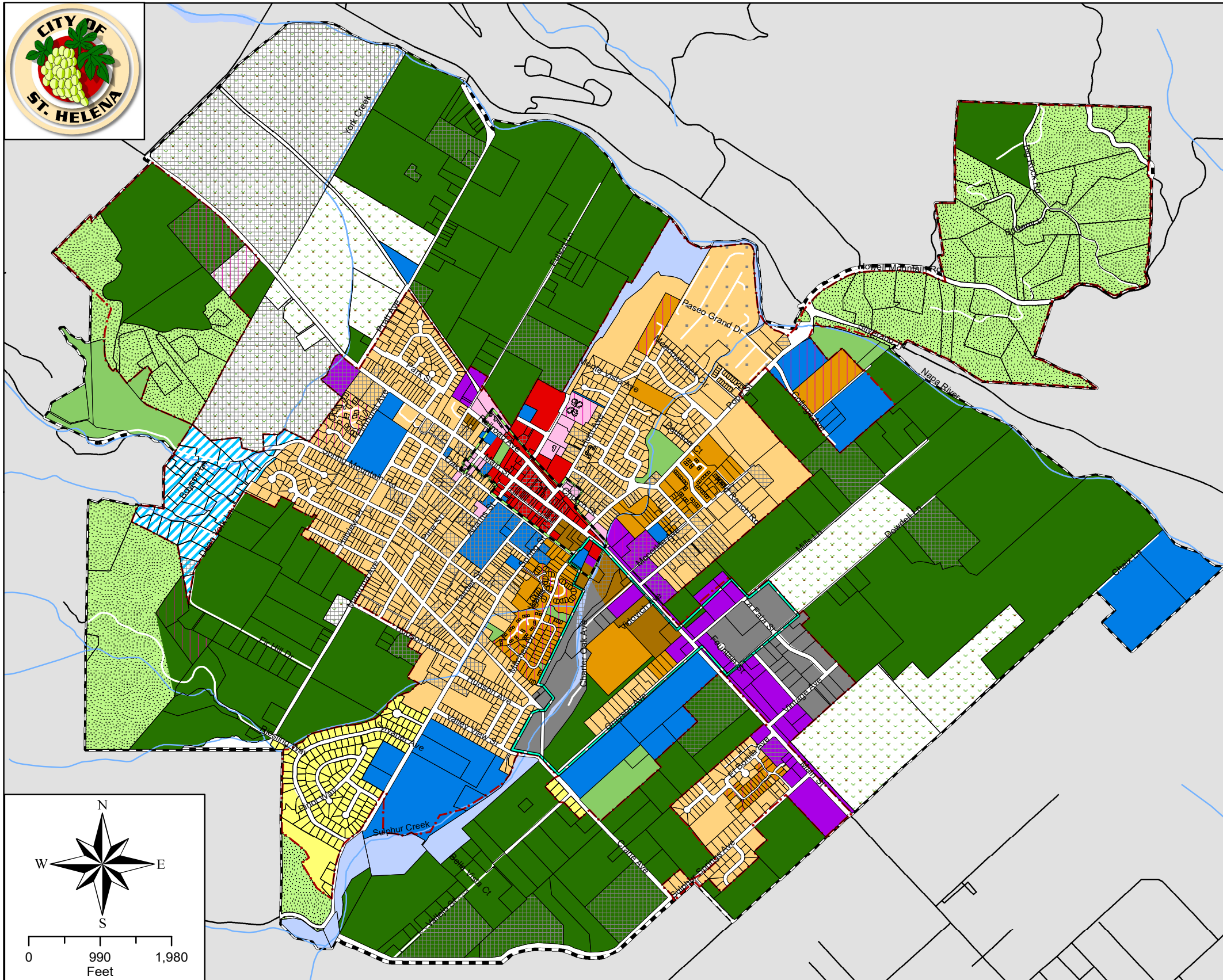
C. Flag lots.

1. The panhandle portion of the lot shall be excluded when determining the required setbacks and yards.
2. The Planning Commission may waive the minimum setback requirements of existing units after review of the location of the proposed panhandle, the width of the landscape area and the location of buildings in the vicinity.

D. Exceptions. In unusual cases, the Community Development Director shall have the authority to establish the location of the setback and yard standards in relation to any existing or proposed buildings or structures.

17.34.090 Measuring Signs

The calculation of measurements related to signs are described in Chapter 17.27, Signs.

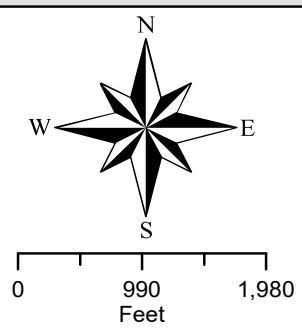


City of St. Helena Zoning Map June 2023

Zoning Districts

- Business and Professional Office (BPO)
- Central Business (CB)
- Industrial (I)
- Mixed-Use (MU)
- Open Space (OS)
- Parks and Recreation (PR)
- Public & Quasi-Public (PQP)
- Service Commercial (SC)
- Twenty-Acre Agriculture (A-20)
- Winery (W)
- Woodlands & Watershed (WW)
- High Density Residential (HR)
- Medium Density Residential (MR)
- Low Density Residential (LR)
- Low Density Residential One Acre Minimum (LR-1A)
- Highway 29 Specific Plan
- Historic Preservation Overlay
- Mobile Home Park Overlay
- Parking Exemption District
- Planned Development Overlay
- St. Helena City Limits
- St. Helena Urban Limit
- Parcels
- Waterways

Notes: Refer to Figure 9.1 in the General Plan for Flood Plain Overlay. This Zoning Map is subject to change and should only be used for reference. For the most up to date Zoning information please contact the City of St. Helena Planning Department.



Proposed Local Register

Name	Property Owners	Number	Street Name	Town	State	Zip
United Methodist Church of St Helena	Property Owners	1310	Adams Street	St. Helena	CA	94574
St Helena Elementary School	Property Owners	1325	Adams Street	St. Helena	CA	94574
George W. Schmidt House	Property Owners	1611	Adams Street	St. Helena	CA	94574
Pritchard Building	Property Owners	1104	Adams Street	St. Helena	CA	94574
	Property Owners	1106	Adams Street	St. Helena	CA	94574
	Property Owners	1108	Adams Street	St. Helena	CA	94574
	Property Owners	1110	Adams Street	St. Helena	CA	94574
	Property Owners	1112	Adams Street	St. Helena	CA	94574
	Property Owners	1410	Adams Street	St. Helena	CA	94574
	Property Owners	1518	Adams Street	St. Helena	CA	94574
	Property Owners	1552	Adams Street	St. Helena	CA	94574
	Property Owners	1706	Adams Street	St. Helena	CA	94574
Frank L. Alexander House	Property Owners	1207	Alexander Court	St. Helena	CA	94574
	Property Owners	1025	Allison Avenue	St. Helena	CA	94574
	Property Owners	825	Allison Avenue	St. Helena	CA	94574
	Property Owners	910	Allison Avenue	St. Helena	CA	94574
	Property Owners	917	Allison Avenue	St. Helena	CA	94574
C.D. Mooney House	Property Owners	1269	Allyn Avenue	St. Helena	CA	94574
	Property Owners	1279	Allyn Avenue	St. Helena	CA	94574
Dowdell House	Property Owners	1317	Allyn Avenue	St. Helena	CA	94574
	Property Owners	1252	Allyn Avenue	St. Helena	CA	94574
	Property Owners	1556	Allyn Avenue	St. Helena	CA	94574
	Property Owners	1321	Allyn Avenue	St. Helena	CA	94574
	Property Owners	1325	Allyn Avenue	St. Helena	CA	94574
	Property Owners	1329	Allyn Avenue	St. Helena	CA	94574
	Property Owners	1323	Allyn Avenue	St. Helena	CA	94574
	Property Owners	1327	Allyn Avenue	St. Helena	CA	94574
	Property Owners	1330	Allyn Avenue	St. Helena	CA	94574
	Property Owners	945	Brown Street	St. Helena	CA	94574
	Property Owners	1043	Charter Oak Avenue	St. Helena	CA	94574
Frank Sciaronis Winery & Distillery	Property Owners	1050	Charter Oak Avenue	St. Helena	CA	94574
	Property Owners	967	Charter Oak Avenue	St. Helena	CA	94574
	Property Owners	741	Charter Oak Avenue	St. Helena	CA	94574

Napa Valley Olive Oil Manufactory	Property Owners	835	Charter Oak Avenue	St. Helena	CA	94574
	Property Owners	1017	Charter Oak Avenue	St. Helena	CA	94574
	Property Owners	831	Charter Oak Avenue	St. Helena	CA	94574
	Property Owners	849	Charter Oak Avenue	St. Helena	CA	94574
	Property Owners	905	Charter Oak Avenue	St. Helena	CA	94574
	Property Owners	917	Charter Oak Avenue	St. Helena	CA	94574
	Property Owners	931	Charter Oak Avenue	St. Helena	CA	94574
	Property Owners	943	Charter Oak Avenue	St. Helena	CA	94574
	Property Owners	957	Charter Oak Avenue	St. Helena	CA	94574
Special Internal Revenue Bonded Warehouse	Property Owners	1216	Church Street	St. Helena	CA	94574
	Property Owners	1114	Church Street	St. Helena	CA	94574
	Property Owners	1132	Church Street	St. Helena	CA	94574
Dean York House	Property Owners	2070	Dean York Lane	St. Helena	CA	94574
J ames Dowdell House	Property Owners	415	Dowdell Lane	St. Helena	CA	94574
	Property Owners	1102	Edwards Street	St. Helena	CA	94574
	Property Owners	1133	Edwards Street	St. Helena	CA	94574
	Property Owners	1136	Edwards Street	St. Helena	CA	94574
	Property Owners	1160	Edwards Street	St. Helena	CA	94574
	Property Owners	1153	Edwards Street	St. Helena	CA	94574
	Property Owners	1161	Edwards Street	St. Helena	CA	94574
	Property Owners	1212	Edwards Street	St. Helena	CA	94574
Ivy Loeber House	Property Owners	1217	Edwards Street	St. Helena	CA	94574
	Property Owners	1220	Edwards Street	St. Helena	CA	94574
	Property Owners	1227	Edwards Street	St. Helena	CA	94574
	Property Owners	825	Fulton Lane	St. Helena	CA	94574
	Property Owners	1512	Hudson Avenue	St. Helena	CA	94574
George Schonewald Estate	Property Owners	1401	Hudson Avenue	St. Helena	CA	94574
	Property Owners	921	Hunt Avenue	St. Helena	CA	94574
D.O. Hunt house	Property Owners	957	Hunt Avenue	St. Helena	CA	94574
	Property Owners	1000	Hunt Avenue	St. Helena	CA	94574
	Property Owners	850	Hunt Avenue	St. Helena	CA	94574
	Property Owners	916	Hunt Avenue	St. Helena	CA	94574
	Property Owners	940	Hunt Avenue	St. Helena	CA	94574
Walter Metzner House	Property Owners	1407	Kearney Street	St. Helena	CA	94574
	Property Owners	1417	Kearney Street	St. Helena	CA	94574
	Property Owners	1426	Kearney Street	St. Helena	CA	94574

	Property Owners	1427	Kearney Street	St. Helena	CA	94574
	Property Owners	1439	Kearney Street	St. Helena	CA	94574
	Property Owners	1467	Kearney Street	St. Helena	CA	94574
	Property Owners	1489	Kearney Street	St. Helena	CA	94574
	Property Owners	1505	Kearney Street	St. Helena	CA	94574
	Property Owners	1530	Kearney Street	St. Helena	CA	94574
	Property Owners	1543	Kearney Street	St. Helena	CA	94574
	Property Owners	1451	Library Lane	St. Helena	CA	94574
Kraft House and Wine Cellar	Property Owners	1902	Madrona Avenue	St. Helena	CA	94574
	Property Owners	1220	Madrona Street	St. Helena	CA	94574
	Property Owners	1234	Madrona Street	St. Helena	CA	94574
American Legion Post	Property Owners	1291	Madrona Street	St. Helena	CA	94574
	Property Owners	1341	Madrona Street	St. Helena	CA	94574
	Property Owners	1513	Madrona Street	St. Helena	CA	94574
	Property Owners	1545	Madrona Street	St. Helena	CA	94574
	Property Owners	1549	Madrona Street	St. Helena	CA	94574
	Property Owners	1553	Madrona Street	St. Helena	CA	94574
	Property Owners	1548	Madrona Street	St. Helena	CA	94574
	Property Owners	1702	Madrona Street	St. Helena	CA	94574
Owen Wade Building/Smiths Pharmacy	Property Owners	1347	Main Street	St. Helena	CA	94574
Wall House	Property Owners	1414	Main Street	St. Helena	CA	94574
St. Helena Post Office	Property Owners	1461	Main Street	St. Helena	CA	94574
Burn & Wise Cellars, Greystone Cellars	Property Owners	2555	Main Street	St. Helena	CA	94574
Charles Krug Winery	Property Owners	2800	Main Street	St. Helena	CA	94574
St Helena High School/V intage Hall	Property Owners	437	Main Street	St. Helena	CA	94574
John Money's Planing Mill	Property Owners	1057	Main Street	St. Helena	CA	94574
Noble Building, Galleron Building	Property Owners	1200	Main Street	St. Helena	CA	94574
	Property Owners	1202	Main Street	St. Helena	CA	94574
	Property Owners	1204	Main Street	St. Helena	CA	94574
A. Goodman Building	Property Owners	1201	Main Street	St. Helena	CA	94574
David Building, Little Dress Factory	Property Owners	1231	Main Street	St. Helena	CA	94574
Hunt Building	Property Owners	1302	Main Street	St. Helena	CA	94574
	Property Owners	1304	Main Street	St. Helena	CA	94574
	Property Owners	1306	Main Street	St. Helena	CA	94574
	Property Owners	1308	Main Street	St. Helena	CA	94574
Windsor Hotel, Hotel St Helena	Property Owners	1305	Main Street	St. Helena	CA	94574

	Property Owners	1307	Main Street	St. Helena	CA	94574
	Property Owners	1309	Main Street	St. Helena	CA	94574
Richie Block	Property Owners	1327	Main Street	St. Helena	CA	94574
	Property Owners	1329	Main Street	St. Helena	CA	94574
	Property Owners	1331	Main Street	St. Helena	CA	94574
	Property Owners	1333	Main Street	St. Helena	CA	94574
	Property Owners	1335	Main Street	St. Helena	CA	94574
	Property Owners	1337	Main Street	St. Helena	CA	94574
St. Helena Star Building	Property Owners	1328	Main Street	St. Helena	CA	94574
St. Helena loof Hall/Odd Fellows	Property Owners	1352	Main Street	St. Helena	CA	94574
	Property Owners	1354	Main Street	St. Helena	CA	94574
KettleWell Building, V asconis Phar.	Property Owners	1381	Main Street	St. Helena	CA	94574
Greenfield House	Property Owners	1508	Main Street	St. Helena	CA	94574
Fuller House	Property Owners	1817	Main Street	St. Helena	CA	94574
V ann-Anderson House, St. Gothard's	Property Owners	1915	Main Street	St. Helena	CA	94574
Dr. George Belden Crane House	Property Owners	397	Main Street	St. Helena	CA	94574
Old St. Helena High School/ Vintage Hall	Property Owners	473	Main Street	St. Helena	CA	94574
Ives House, Bellani House	Property Owners	738	Main Street	St. Helena	CA	94574
Bank of St Helena, Pastime Bar	Property Owners	1351	Main Street	St. Helena	CA	94574
	Property Owners	1000	Main Street	St. Helena	CA	94574
	Property Owners	1028	Main Street	St. Helena	CA	94574
A. Goodman Building	Property Owners	1205	Main Street	St. Helena	CA	94574
	Property Owners	1219	Main Street	St. Helena	CA	94574
	Property Owners	1235	Main Street	St. Helena	CA	94574
	Property Owners	1237	Main Street	St. Helena	CA	94574
	Property Owners	1239	Main Street	St. Helena	CA	94574
	Property Owners	1243	Main Street	St. Helena	CA	94574
	Property Owners	1367	Main Street	St. Helena	CA	94574
	Property Owners	1375	Main Street	St. Helena	CA	94574
	Property Owners	1515	Main Street	St. Helena	CA	94574
	Property Owners	1523	Main Street	St. Helena	CA	94574
	Property Owners	1537	Main Street	St. Helena	CA	94574
	Property Owners	1547	Main Street	St. Helena	CA	94574
	Property Owners	1550	Main Street	St. Helena	CA	94574
	Property Owners	1558	Main Street	St. Helena	CA	94574
	Property Owners	1570	Main Street	St. Helena	CA	94574

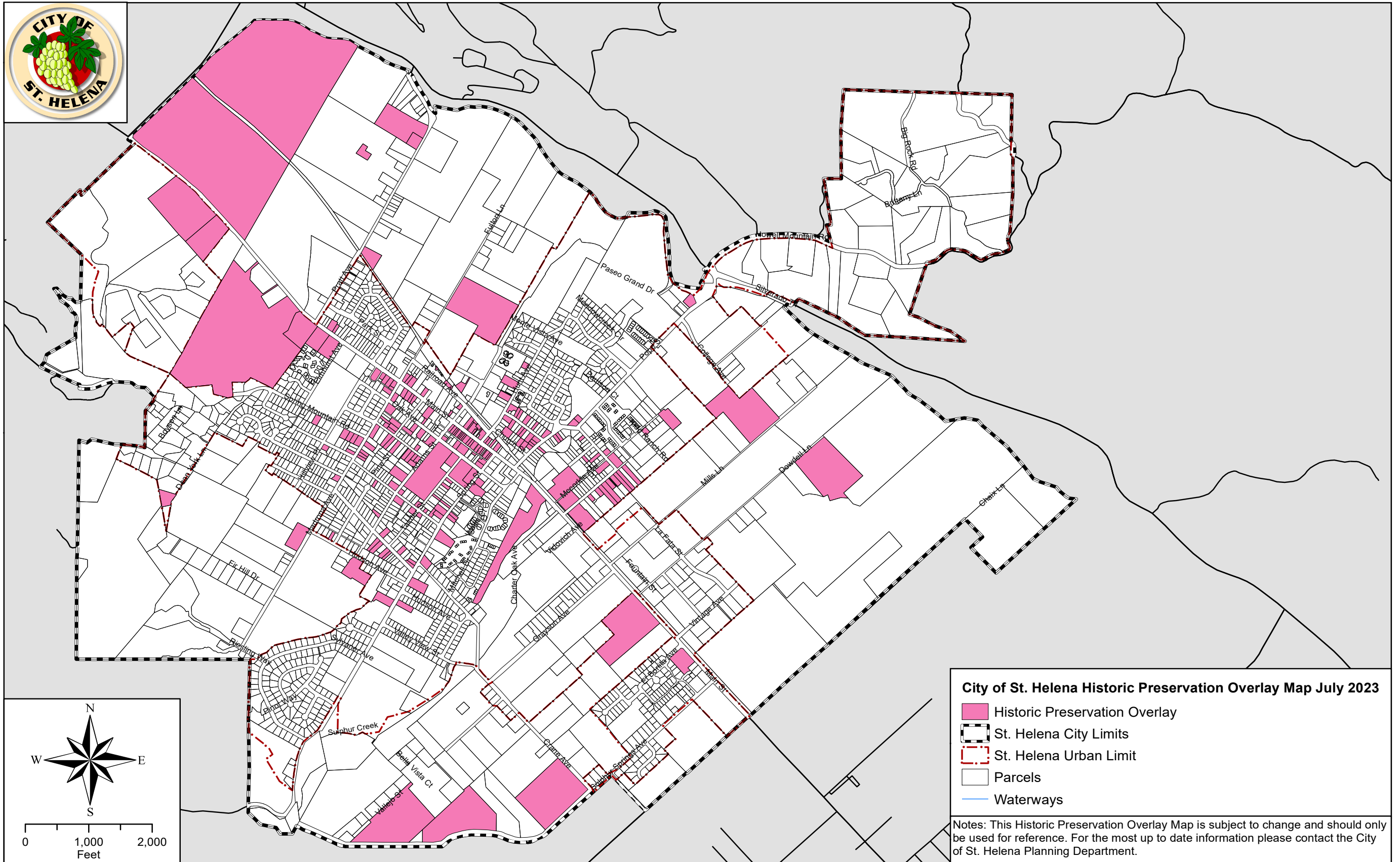
	Property Owners	1603	Main Street	St. Helena	CA	94574
	Property Owners	1615	Main Street	St. Helena	CA	94574
	Property Owners	1629	Main Street	St. Helena	CA	94574
	Property Owners	1635	Main Street	St. Helena	CA	94574
Vance-Anderson House/St. Gothard's Inn	Property Owners	1830	Main Street	St. Helena	CA	94574
	Property Owners	1846	Main Street	St. Helena	CA	94574
	Property Owners	1855	Main Street	St. Helena	CA	94574
	Property Owners	195	Main Street	St. Helena	CA	94574
	Property Owners	933	Main Street	St. Helena	CA	94574
	Property Owners	1225	Main Street	St. Helena	CA	94574
	Property Owners	1227	Main Street	St. Helena	CA	94574
	Property Owners	1269	Main Street	St. Helena	CA	94574
	Property Owners	1271	Main Street	St. Helena	CA	94574
	Property Owners	1273	Main Street	St. Helena	CA	94574
	Property Owners	1275	Main Street	St. Helena	CA	94574
	Property Owners	1277	Main Street	St. Helena	CA	94574
	Property Owners	1279	Main Street	St. Helena	CA	94574
	Property Owners	1281	Main Street	St. Helena	CA	94574
	Property Owners	1283	Main Street	St. Helena	CA	94574
	Property Owners	1285	Main Street	St. Helena	CA	94574
	Property Owners	1287	Main Street	St. Helena	CA	94574
	Property Owners	1289	Main Street	St. Helena	CA	94574
	Property Owners	1291	Main Street	St. Helena	CA	94574
	Property Owners	1293	Main Street	St. Helena	CA	94574
	Property Owners	1295	Main Street	St. Helena	CA	94574
	Property Owners	1297	Main Street	St. Helena	CA	94574
	Property Owners	1299	Main Street	St. Helena	CA	94574
	Property Owners	1310	Main Street	St. Helena	CA	94574
	Property Owners	1312	Main Street	St. Helena	CA	94574
	Property Owners	1314	Main Street	St. Helena	CA	94574
	Property Owners	1313	Main Street	St. Helena	CA	94574
	Property Owners	1315	Main Street	St. Helena	CA	94574
	Property Owners	1316	Main Street	St. Helena	CA	94574
	Property Owners	1317	Main Street	St. Helena	CA	94574
	Property Owners	1320	Main Street	St. Helena	CA	94574
	Property Owners	1332	Main Street	St. Helena	CA	94574

	Property Owners	1334	Main Street	St. Helena	CA	94574
	Property Owners	1336	Main Street	St. Helena	CA	94574
	Property Owners	1338	Main Street	St. Helena	CA	94574
	Property Owners	1340	Main Street	St. Helena	CA	94574
	Property Owners	1342	Main Street	St. Helena	CA	94574
	Property Owners	1339	Main Street	St. Helena	CA	94574
	Property Owners	1341	Main Street	St. Helena	CA	94574
	Property Owners	1346	Main Street	St. Helena	CA	94574
	Property Owners	1350	Main Street	St. Helena	CA	94574
	Property Owners	1355	Main Street	St. Helena	CA	94574
	Property Owners	1357	Main Street	St. Helena	CA	94574
	Property Owners	1371	Main Street	St. Helena	CA	94574
	Property Owners	1379	Main Street	St. Helena	CA	94574
Beringer Winery, Beringer Winery Circulation Routes, Beringer Winery Stone Wall, Distillery Building, Export Building, North House, Old Winery, Sherry Shack Complex, Tour Center, Beringer Brothers/ Los Hermanos Winery, Beringer Winery- Sisters' House, Rhine House/ Frederick Beringer, Elm Alley, Hudson House						
	Property Owners	2000	Main Street	St. Helena	CA	94574
Mixon House	Property Owners	835	Mccorckle Avenue	St. Helena	CA	94574
	Property Owners	741	McCorkle Avenue	St. Helena	CA	94574
	Property Owners	609	McCorkle Avenue	St. Helena	CA	94574
	Property Owners	681	McCorkle Avenue	St. Helena	CA	94574
	Property Owners	458	Mills Lane	St. Helena	CA	94574
	Property Owners	1326	Oak Avenue	St. Helena	CA	94574
St. Helena Catholic Church	Property Owners	1255	Oak Avenue	St. Helena	CA	94574
St Helena Public Library	Property Owners	1360	Oak Avenue	St. Helena	CA	94574
Klubescheidt House	Property Owners	1445	Oak Avenue	St. Helena	CA	94574
Dr. Davis House	Property Owners	1467	Oak Avenue	St. Helena	CA	94574
	Property Owners	1454	Oak Avenue	St. Helena	CA	94574
	Property Owners	1455	Oak Avenue	St. Helena	CA	94574
A. Forni House	Property Owners	1551	Oak Avenue	St. Helena	CA	94574
	Property Owners	1329	Pine Street	St. Helena	CA	94574
	Property Owners	1330	Pine Street	St. Helena	CA	94574
	Property Owners	1340	Pine Street	St. Helena	CA	94574

	Property Owners	1354	Pine Street	St. Helena	CA	94574
Jacob Meily Winery, Signorelli Pla.	Property Owners	924	Pope Street	St. Helena	CA	94574
	Property Owners	1006	Pope Street	St. Helena	CA	94574
	Property Owners	1012	Pope Street	St. Helena	CA	94574
	Property Owners	1017	Pope Street	St. Helena	CA	94574
	Property Owners	1024	Pope Street	St. Helena	CA	94574
	Property Owners	1034	Pope Street	St. Helena	CA	94574
	Property Owners	1125	Pope Street	St. Helena	CA	94574
	Property Owners	834	Pope Street	St. Helena	CA	94574
	Property Owners	943	Pope Street	St. Helena	CA	94574
	Property Owners	951	Pope Street	St. Helena	CA	94574
	Property Owners	330	Pratt Avenue	St. Helena	CA	94574
	Property Owners	376	Pratt Avenue	St. Helena	CA	94574
	Property Owners	514	Pratt Avenue	St. Helena	CA	94574
	Property Owners	855	Pratt Avenue	St. Helena	CA	94574
Taylor Duckworth and Company FoundryBuilding	Property Owners	1345	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1347	Railroad Avenue	St. Helena	CA	94574
Crane-Ramos Sherry Factory	Property Owners	1468	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1470	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1472	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1474	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1476	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1478	Railroad Avenue	St. Helena	CA	94574
Ranger's Residence	Property Owners	1572	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1325	Railroad Avenue	St. Helena	CA	94574
Roma Hotel/Miramonte Hotel	Property Owners	1327	Railroad Avenue	St. Helena	CA	94574
Boy Scout Hall	Property Owners	1515	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1550	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1321	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1339	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1341	Railroad Avenue	St. Helena	CA	94574
	Property Owners	1343	Railroad Avenue	St. Helena	CA	94574
Willian Bell House, Clark House	Property Owners	1605	Spring Mountain Road	St. Helena	CA	94574
Gus J ursch House	Property Owners	1637	Spring Mountain Road	St. Helena	CA	94574
Mackinder - Baldwin House	Property Owners	1651	Spring Mountain Road	St. Helena	CA	94574
	Property Owners	1623	Spring Mountain Road	St. Helena	CA	94574

Martinelli House	Property Owners	1709	Spring Mountain Road	St. Helena	CA	94574
William Tell Saloon and Hotel	Property Owners	1228	Spring Street	St. Helena	CA	94574
St Helena Native Sons of the Golden...	Property Owners	1313	Spring Street	St. Helena	CA	94574
First Presbyterian Church of St Helena	Property Owners	1420	Spring Street	St. Helena	CA	94574
Shy House	Property Owners	1542	Spring Street	St. Helena	CA	94574
	Property Owners	1226	Spring Street	St. Helena	CA	94574
	Property Owners	1228	Spring Street	St. Helena	CA	94574
	Property Owners	1230	Spring Street	St. Helena	CA	94574
	Property Owners	1232	Spring Street	St. Helena	CA	94574
	Property Owners	1234	Spring Street	St. Helena	CA	94574
	Property Owners	1236	Spring Street	St. Helena	CA	94574
	Property Owners	1238	Spring Street	St. Helena	CA	94574
	Property Owners	1240	Spring Street	St. Helena	CA	94574
	Property Owners	1244	Spring Street	St. Helena	CA	94574
Grace Church, Grace Episcopal Church	Property Owners	1314	Spring Street	St. Helena	CA	94574
Chiles House, First Baptist Church	Property Owners	1343	Spring Street	St. Helena	CA	94574
	Property Owners	1508	Spring Street	St. Helena	CA	94574
	Property Owners	1523	Spring Street	St. Helena	CA	94574
Tilley House	Property Owners	1526	Spring Street	St. Helena	CA	94574
	Property Owners	1531	Spring Street	St. Helena	CA	94574
	Property Owners	1635	Spring Street	St. Helena	CA	94574
John Kelly House, John Mitchell	Property Owners	1735	Spring Street	St. Helena	CA	94574
	Property Owners	1758	Spring Street	St. Helena	CA	94574
	Property Owners	1764	Spring Street	St. Helena	CA	94574
Schweinitzer House and Winery	Property Owners	1817	Spring Street	St. Helena	CA	94574
	Property Owners	1933	Spring Street	St. Helena	CA	94574
Methodist church Parsonage	Property Owners	1944	Spring Street	St. Helena	CA	94574
	Property Owners	1226	Spring Street	St. Helena	CA	94574
	Property Owners	1230	Spring Street	St. Helena	CA	94574
	Property Owners	1232	Spring Street	St. Helena	CA	94574
	Property Owners	1234	Spring Street	St. Helena	CA	94574
	Property Owners	1236	Spring Street	St. Helena	CA	94574
	Property Owners	1238	Spring Street	St. Helena	CA	94574
	Property Owners	1240	Spring Street	St. Helena	CA	94574
	Property Owners	1230	Stockton Street	St. Helena	CA	94574
	Property Owners	1248	Stockton Street	St. Helena	CA	94574

	Property Owners	1257	Stockton Street	St. Helena	CA	94574
	Property Owners	1305	Stockton Street	St. Helena	CA	94574
	Property Owners	1362	Stockton Street	St. Helena	CA	94574
	Property Owners	1420	Stockton Street	St. Helena	CA	94574
	Property Owners	1457	Stockton Street	St. Helena	CA	94574
	Property Owners	1657	Stockton Street	St. Helena	CA	94574
Red cottage/Charlotte Chase Starr House	Property Owners	1832	Sulphur Springs Avenue	St. Helena	CA	94574
White cottage/Captain Chase House	Property Owners	2252	Sulphur Springs Avenue	St. Helena	CA	94574
	Property Owners	2610	Sulphur Springs Avenue	St. Helena	CA	94574
St. Helena Catholic Church	Property Owners	1340	Tainter Street	St. Helena	CA	94574
	Property Owners	1413	Tainter Street	St. Helena	CA	94574
	Property Owners	1421	Tainter Street	St. Helena	CA	94574
	Property Owners	1509	Tainter Street	St. Helena	CA	94574
	Property Owners	1513	Tainter Street	St. Helena	CA	94574
	Property Owners	1556	Tainter Street	St. Helena	CA	94574



City of St. Helena Historic Preservation Overlay Map July 2023

- Historic Preservation Overlay
- St. Helena City Limits
- St. Helena Urban Limit
- Parcels
- Waterways

Notes: This Historic Preservation Overlay Map is subject to change and should only be used for reference. For the most up to date information please contact the City of St. Helena Planning Department.

List of Properties for Proposed Zoning Map Changes Based on General Plan Change Areas

APN	ADDRESS	Existing Zoning	Proposed Zoning
009-150-006	Adams Street Property	Central Business / A-20	Central Business
009-261-001	1153 Main Street	Central Business	Mixed-use
009-261-017	1141 Main Street #A	Central Business	Mixed-use
009-261-016	1115 Main Street	Central Business	Mixed-use
009-261-014	1111 Main Street	Central Business	Mixed-use
009-261-006	1107 Main Street	Central Business	Mixed-use
009-261-007	1077 Main Street	Central Business	Mixed-use
009-262-005	1141 Oak Ave.	Medium Density Residential	High Density Residential
009-262-006	1133 Oak Ave.	Medium Density Residential	High Density Residential
009-262-007	1123 Oak Ave.	Medium Density Residential	High Density Residential
009-262-008	1111 Oak Ave.	Medium Density Residential	High Density Residential
009-262-009	1310 Mitchell Dr.	Medium Density Residential	High Density Residential
009-262-010	1318 Mitchell Dr.	Medium Density Residential	High Density Residential
009-262-011	1330 Mitchell Dr.	Medium Density Residential	High Density Residential
009-262-012	1340 Mitchell Dr.	Medium Density Residential	High Density Residential
009-263-014	n/a	Business Professional & Office / Service Commercial	Mixed-use
009-263-005	1301 Mitchell Dr.	Central Business	Public & Quasi Public
009-180-036	933 Main Street	Service Commercial	Mixed-use
009-263-007	945 Main Street	Service Commercial	Mixed-use
009-180-039	931 Main Street	Service Commercial	Mixed-use
009-180-038	929 Main Street	Service Commercial	Mixed-use
009-180-008	905 Main Street	Service Commercial	Mixed-use
009-180-040	709 Main Street	Service Commercial	Mixed-use
009-180-041	633 Main Street	Service Commercial	Mixed-use
009-180-042	641 Main Street	Service Commercial	Mixed-use
009-600-018	1637 Spring Street	High Density Residential	Medium Density Residential
009-600-019	1635 Spring Street	High Density Residential	Medium Density Residential
009-590-009	1563 Spring Street	High Density Residential	Medium Density Residential
009-590-008	1551 Spring Street	High Density Residential	Medium Density Residential
009-590-007	1531 Spring Street	High Density Residential	Medium Density Residential
009-590-006	1523 Spring Street	High Density Residential	Medium Density Residential
009-590-005	1505 Spring Street	High Density Residential	Medium Density Residential
009-590-004	1451 Spring Street	High Density Residential	Medium Density Residential
009-590-001	1437 Spring Street	High Density Residential	Medium Density Residential
009-590-002	1433 Spring Street	High Density Residential	Medium Density Residential
009-600-004	1711 Spring Street	High Density Residential	Medium Density Residential
009-180-016	1376 Grayson Ave.	Low Density Residential	Medium Density Residential

APN	ADDRESS	Existing Zoning	Proposed Zoning
009-340-013	1400 Grayson Ave.	Low Density Residential	Medium Density Residential
009-340-012	1420 Grayson Ave.	Low Density Residential	Medium Density Residential
009-340-002	1434 Grayson Ave.	Low Density Residential	Medium Density Residential
009-340-004	1460 Grayson Ave.	Low Density Residential	Medium Density Residential
009-340-011	1476 Grayson Ave.	Low Density Residential	Medium Density Residential
009-340-005	1492 Grayson Ave.	Low Density Residential	Medium Density Residential
009-340-007	1540 Grayson Ave.	Low Density Residential	Medium Density Residential
009-340-008	1562 Grayson Ave.	Low Density Residential	Medium Density Residential
009-340-010	1590 Grayson Ave.	Low Density Residential	Medium Density Residential
009-340-009	1624 Grayson Ave.	Low Density Residential	Medium Density Residential
009-280-024	1644 Grayson Ave.	Low Density Residential	Medium Density Residential
009-391-020	2798 Spring Street	Woodlands and Watershed	Low Density Residential
009-030-056	Flood Control Parcel	Medium Density Residential	Open Space
009-192-007	1547 Railroad Ave.	Medium Density Residential	Mixed-use
009-192-006	1557 Railroad Ave.	Medium Density Residential	Mixed-use
009-192-004	1567 Railroad Ave.	Medium Density Residential	Mixed-use
009-192-003	1121 Fulton Ln.	Medium Density Residential	Mixed-use
009-211-016	1480 Main Street	Public and Quasi-Public	Central Business
Map Correction Properties:			
025-070-029	1501 Big Rock Rd.	Woodlands and Watershed	Twenty Acre Agriculture
009-131-044	2500 Spring Mountain Rd.	Woodlands and Watershed	Twenty Acre Agriculture
009-131-040	2491 Spring Mountain Rd.	Woodlands and Watershed	Twenty Acre Agriculture



MEMO

To: Ms. Maya DeRosa, AICP, Community Development Director, City of St. Helena
 From: Lisa Wise Consulting, Inc.
 Date: June 14, 2023
 Subject: **Technical Memo Supporting Findings of Consistency with the 2040 General Plan EIR**

This technical memorandum has been prepared to evaluate the potential environmental impacts associated with the Zoning Code and Zoning Map update and to assess whether the potential impacts are within the scope of analysis of the certified St. Helena General Plan Update 2040 Environmental Impact Report (SCH #2010042001). The EIR was certified in March 2019 by the St. Helena City Council following all required Native American consultations (Senate Bill [SB] 18 and Assembly Bill [AB] 52), a 45-day public comment period, and workshops and hearings before the Planning Commission and City Council. This analysis was prepared to determine whether potential impacts of the Zoning Code update are within the scope of the General Plan Update 2040 EIR.

Introduction

California Planning Law requires each county and city to adopt “a comprehensive, long-term general plan for the physical development of the county or city” (Government Code Section 65300). The General Plan 2040 provides a long-term, overarching policy vision for the City of St. Helena, guiding decisions on growth and development by identifying allowable land uses and patterns of future development. On April 16, 2019, the City of St. Helena adopted the General Plan 2040 and certified its Environmental Impact Report (EIR) to evaluate and disclose significant environmental impacts associated with the Plan.

The General Plan 2040’s objectives and policies are implemented through specific plans, zoning, and other ordinances. Of these, the primary land use implementation tool is the Zoning Code, which is required to be consistent with the General Plan 2040 and applicable federal and state laws. Additionally, a comprehensive update to the Zoning Code was identified as an implementation program for a number of policies in the General Plan 2040 (see Appendix A). Accordingly, in 2019 the City initiated a comprehensive update of the Zoning Code for consistency with the General Plan 2040.

This memo evaluates the consistency of the Zoning Code update with the General Plan 2040 and EIR. The State General Plan Guidelines definition of consistency states: “*An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives of the general plan and will not obstruct their attainment*”.

Environmental Review Process

Use of a Program EIR with Later Activities

CEQA statute and implementing regulations allow for use of a Program EIR when considering potential impacts for subsequent activities, provided new or substantially more severe environmental impacts do not occur, including impacts associated with a changed condition. Pending such a determination, the agency, in this case the City of St. Helena, “can approve the activity as being within the scope of the project covered by the Program EIR” (State CEQA Guidelines Section 15168 (c)(2)).

As noted above, on April 16, 2019, the City of St. Helena certified a Program EIR that evaluated a comprehensive update to the City's General Plan. After certification of the Program EIR and approval of General Plan 2040, the City began updating its Zoning Code, consistent with the Plan's policies, land uses, and intensities of development. The General Plan 2040 EIR is both recently prepared and comprehensive, and based on the analysis presented below, the impacts of the Zoning Code update are determined to be addressed programmatically by the General Plan 2040 EIR.

When a Subsequent EIR is Required

Pursuant to Section 21166 of CEQA and Section 15162 of CEQA Guidelines, when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR or negative declaration shall be prepared for the project unless the lead agency determines that one or more of the following conditions are met:

- Substantial project changes are proposed that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes would occur with respect to the circumstances under which the project is undertaken that require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the negative declaration was adopted that shows any of the following:
 - The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
 - Significant effects previously examined will be substantially more severe than identified in the previous EIR.
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives.
 - Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Where none of the conditions specified in Section 15162 are present, the lead agency must determine whether to prepare an Addendum or whether no further CEQA documentation is required (Section 15162(b) of CEQA Guidelines). An Addendum is appropriate where some minor technical changes or additions to the previously EIR are necessary, but there are no new or substantially more severe significant impacts (Section 15164 of CEQA Guidelines).

Discussion

Project Location

St. Helena is located at the heart of the upper Napa Valley in Napa County, and approximately 65 miles north of San Francisco and 77 miles west of Sacramento. State Route (SR) 29 connects St. Helena to other communities in the Valley, including Calistoga to the north and Yountville, Napa, and American Canyon to the south. Exhibit 1, General Plan Land Use Map, identifies the City limits and the General Plan Land Use designations.

Background

The City began the process of comprehensively updating the General Plan in 2007 to more accurately reflect the City's current conditions and the community's goals. From 2007 to 2010, the City worked to develop a complete draft update of the General Plan with the assistance of a General Plan Update Steering Committee (GPUSC) composed of St. Helena residents and a team of consultants.

The initial development of the proposed Plan involved four phases. The first phase took place between April 2007 and February 2008 and involved a thorough analysis of existing conditions and a community visioning process. The existing conditions analysis resulted in a series of working papers that described current conditions and key policy issues. The analysis, together with an extensive community visioning process, resulted in a clear articulation of the community's desire to build a sustainable future, reflected in the community vision included in the proposed Plan.

The second phase started in October 2008 and focused on policy and physical framework development. During this phase, the City worked with the GPUSC and the community to develop the proposed Plan's goals, policies, and implementing actions. The City launched its General Plan Update website and published regular e-newsletters. The GPUSC met regularly and hosted a community workshop to explore key land use issues and opportunities. The City worked to refine existing land use maps, review background policy and technical documents, and analyze the existing General Plan Physical Framework and Land Use Element.

In April 2009, the City began the third phase, developing the draft General Plan Update document. A series of eight GPUSC meetings were held to review drafts of the updated General Plan elements and two community workshops were held to discuss community design and circulation. Additional community meetings were held to review the public review draft of the General Plan Update in early 2010.

Beginning in the summer of 2010, the fourth phase of plan development focused on preparing draft General Plan documents for review by the Planning Commission and the City Council. The City prepared a Draft EIR to identify potential impacts of implementing the then-proposed General Plan Update 2030. The Draft EIR was released in August 2010, and a Final EIR including responses to comments received was prepared in October 2010. Subsequently, the Planning Commission reviewed the draft General Plan and Final EIR in October of 2010, and recommended approval to the City Council; however, during City Council review, concerns were raised in relation to water supply and the Council decided to postpone action on the draft General Plan in order to address these concerns. A "Safe Yield Committee" was formed to develop a Water Management Program, which was adopted by the City Council in November 2012. Since that time, the City Council and Planning Commission continued to review the draft General Plan in an ongoing process involving a series of public hearings and study sessions and made subsequent recommendations for additional revisions to the draft document.

Changes Since 2010

Following incorporation of the Planning Commission's refinements to the 2010 draft described above, the General Plan Update was substantially complete, although some additional changes from that version were necessary to ensure consistency and compliance with State law. In January 2018, the City began the task of making these additional refinements as listed below and to finalize the proposed General Plan:

- An updated horizon year of 2040;
- Additional policies to address State general plan requirements that have been adopted since the 2010 draft of the General Plan was completed;
- Text revisions associated with new State requirements; and
- Documentation of sensitive environmental resources and regulatory or capacity constraints in the three additional study areas outside but adjacent to the city limits in order to inform decision-makers and community members about associated issues and opportunities.

Ultimately, the 2019 General Plan was organized by topic in 11 elements. Major differences between the 2019 General Plan and the previous plan are the inclusion of three new elements—Economic Sustainability, Climate Change, and Arts, Culture, and Entertainment—and the incorporation of the 1993 Tourism

Management Element into the new Economic Sustainability Element. Each element contains related goals, policies, and implementing actions, as well as supporting background information.

California Government Code Section 65860(a) requires a city's zoning ordinance to be consistent with its General Plan. Therefore, the City is proposing to amend the Zoning Code and Map to ensure conformance with the General Plan 2040, and to allow for development intensities and uses that are consistent with the General Plan 2040. The Zoning Code update does this, and also improves the organization, usability, and legibility of the Zoning Code.

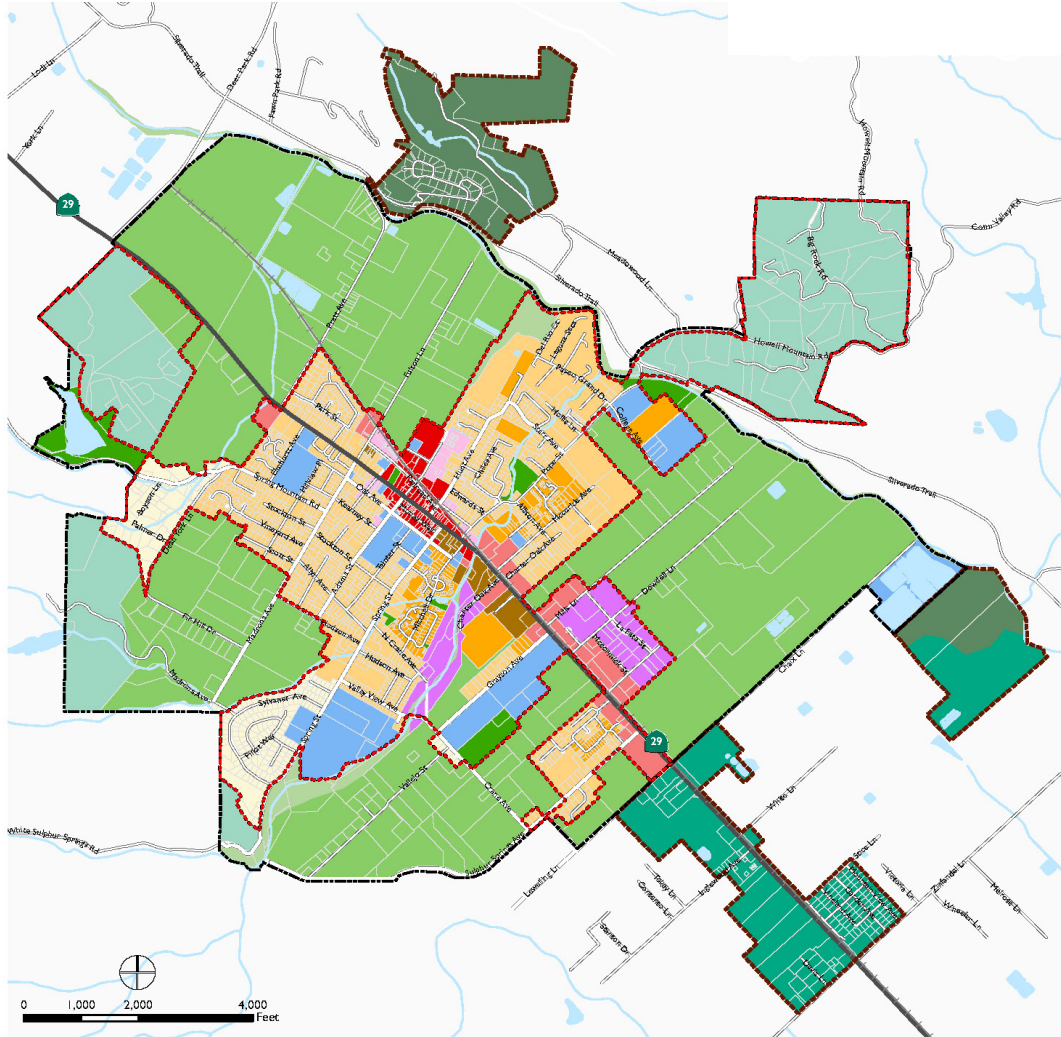
Analysis

The Zoning Code and updated Zoning Map (see Exhibit 2) provides rules and regulations for development on private property to implement the General Plan. The Zoning Code update does not propose changes to the land uses or levels of development that are allowed under the General Plan 2040 or evaluated in the EIR and does not propose any by-right development that was not accounted for in the preparation of the General Plan 2040 or evaluated in the EIR. Nor does the Code update propose any site-specific development projects. The update does include standards and requirements to implement the current General Plan 2040, including objective design standards as required in SB330. Review of future projects will continue to be carried out by City staff to ensure that the projects are consistent with all General Plan goals, objectives, and policies as well as State legislation that limits discretionary review of projects with a residential component. As such, the Zoning Code update is consistent with the implementing actions of the General Plan 2040 and is consistent with the certified Final EIR: therefore, no additional CEQA documentation is required. Further, no new information of substantial importance has been identified that would otherwise necessitate subsequent/supplemental environmental analysis.

Conclusion

Based on the analysis presented above, the proposed Zoning Code update is consistent with the scope of the EIR prepared for the St. Helena General Plan update 2040, and no new or substantially more adverse impacts would occur through implementation of the proposed Zoning Code. Further, there are no necessary technical changes or additions to the certified EIR. As a result, no new environmental document is required, consistent with State CEQA Guidelines Section 15168 (c)(2).

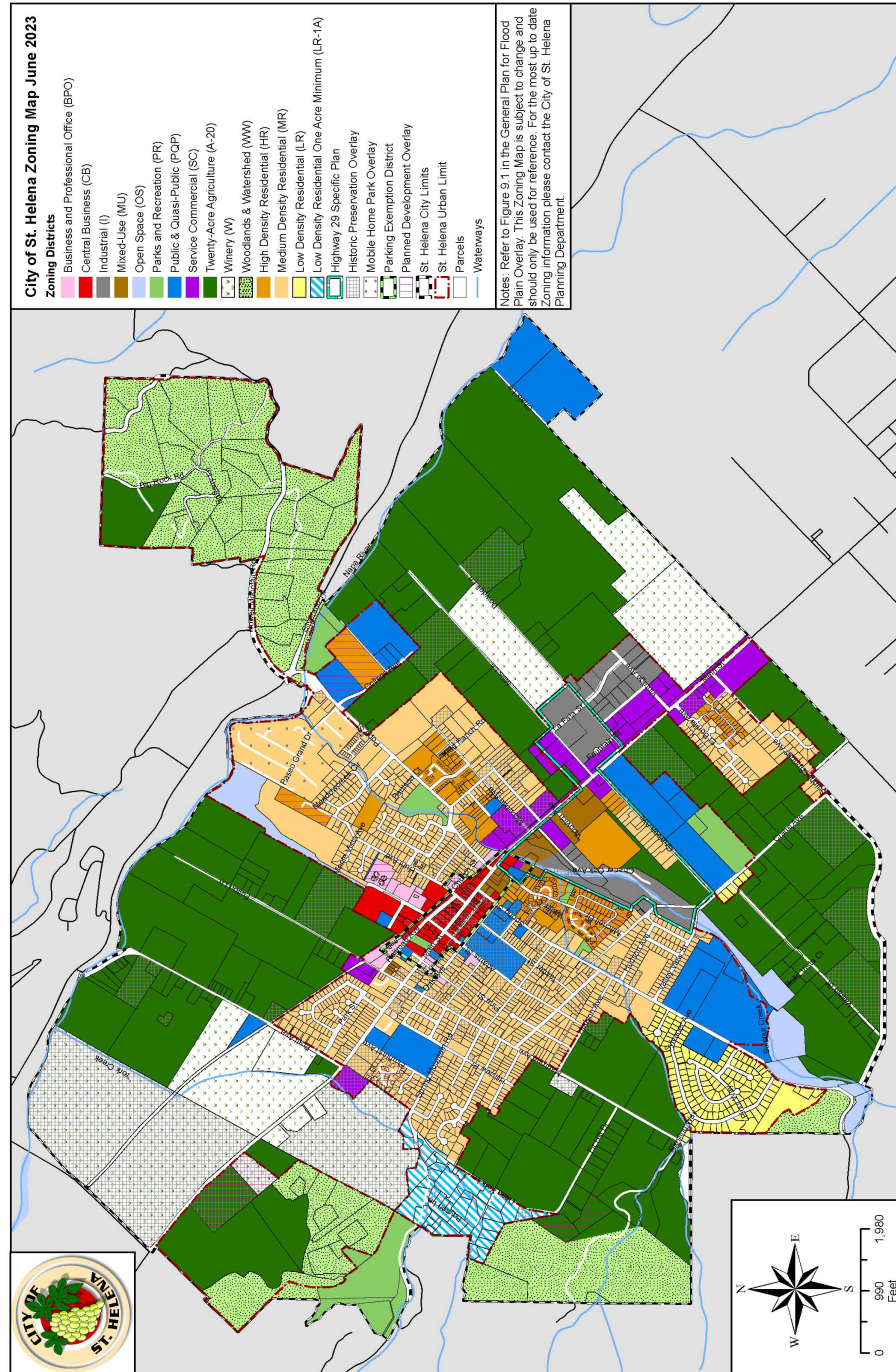
Exhibit 1: General Plan Land Use Map



Data Source: City of St. Helena, 2018; Napa County, 2018; Dyett & Bhatia, 2018

St. Helena General Plan		Napa County General Plan	
Low Density Residential	Office	Agricultural Resource	Railroad
Medium Density Residential	Industrial	Agriculture, Watershed and Open	Water Features
High Density Residential	Public and Quasi-Public		Urban Limit Line
Central Business	Parks and Recreation		Study Areas
Service Commercial	Agriculture		City of St. Helena
Mixed-Use	Open Space		
	Woodlands and Watershed		

Exhibit 2: Updated Zoning Map



Appendix A: General Plan Policies and Implementation Actions Evaluated In General Plan 2040 EIR and Reflected in the Zoning Code Update

General Plan Policies and Implementation Actions Related to the Zoning Code Update

Number	Policy/Action Implemented	Zoning Code Chapter or Section
Land Use and Growth Management		
LU1.3	Support agricultural and low-intensity uses beyond the Urban Limit Line.	N/A – not a part of the Zoning Code update
LU1.A	In order to increase residential density and housing availability without requiring an extension of the Urban Limit Line, allow the conversion of single-family homes in central locations to duplexes or triplexes under appropriate circumstances and where the homes are in medium and high density zoning districts. Update the Zoning Code to implement this policy.	Table 17.16.020.A. Required under SB 9
LU1.B	Rezone appropriate sites with land use designations such as Central Business, Service Commercial, and Mixed-Use, in accordance with the General Plan Land Use Map. Include provisions to allow for compatible uses on the same site, either in one structure or adjacent structures. The mix of uses can be vertical or horizontal and can include attached residential development in keeping with the integrity of historic structures and historic districts.	Tables 17.17.020.A and 17.17.030.A
LU1.E	Restrict the use of housing units as short-term rentals, except for those allowed by the Short-Term Rental Ordinance.	Sections 17.05.100 and 17.22.200
LU2.1	Promote a mix of housing types and price ranges that are consistent with the Housing Element RHNA categories of housing affordability.	Table 17.16.020.A
LU2.2	Encourage new residential development that is consistent in design, size, color, and floor area ratio (FAR) with the older residences in the neighborhood.	Section 17.16.040
LU2.3	Protect residential neighborhood views of surrounding vineyards and mountains.	Table 17.16.030.A
LU2.4	Encourage the subdivision and/or development of larger parcels as Planned Unit Developments to ensure a more comprehensive and creative approach to planning the development as a single unit. This does not prohibit use of Planned Unit Developments on parcels less than three acres.	Section 17.21.050
LU2.5	Encourage the development of higher density housing in areas near the center of the city and close to recreation and services, such as transit, retail, and public facilities.	Tables 17.17.020.A and 17.17.030.A
LU2.6	Allow residential density at the higher end of the permitted range for single family development within Medium and High Density Residential Land Use designations as long as the development character of the single family area is maintained, including lot widths, orientation to street, building heights, onsite parking, traffic, and noise, among other considerations.	Tables 17.16.020.A and 17.16.030.A
LU2.7	Ensure safe, walkable, and bikeable residential neighborhoods and vibrant, livable streets.	N/A – City Engineering Standards

General Plan Policies and Implementation Actions Related to the Zoning Code Update

Number	Policy/Action Implemented	
LU2.8	Ensure walkable and accessible neighborhoods through mixed-use development.	Table 17.17.030.A
LU2.A	Update the zoning ordinance and map to be compatible with the General Plan land use map and designations.	Title 17 and Zoning Map
LU2.B	Develop and implement residential design guidelines and/or form-based codes, for single family and multiple family uses, to provide oversight and guidance for new buildings and renovations. Guidelines should ensure that new residential development is consistent with the design, size, and footprint of older residences in the neighborhood. Consider the impact of new development on surrounding residences.	Section 17.16.040
LU2.E	Update zoning standards to encourage the following criteria: • A variety of lot widths and sizes, such as that found in the older areas of town; • Garages at the rear of lots rather than on the street; or creative garage designs that incorporate the “garage door” frontage appearance to blend into the home; • Lot coverage and floor area ratio (FAR) that is consistent with the scale of historic and older areas; • Planting of street trees and planting strips along sidewalks; and • Setbacks, building massing, and configuration consistent with older parts of neighborhoods.	Table 17.16.030.A
LU 3.1	Strengthen the downtown as the City’s social and cultural core, and as the primary center of retail services. Facilitate a healthy mix of retail and commercial uses, residential development, entertainment, and lodging.	Table 17.17.020.A
LU 3.2	Enhance the pedestrian-oriented character of commercial areas and provide for convenient pedestrian and bicycle connections to encourage walking and reduce vehicle trips within the commercial area.	Section 17.17.040
LU 3.3	Support the redevelopment of auto-oriented commercial areas into pedestrian-friendly commercial uses.	Tables 17.17.020.A and 17.17.030.A
LU 3.4	Protect historic resources in the commercial areas and encourage appropriate rehabilitation and adaptive reuse.	Chapter 17.17 and Section 17.21.040
LU 3.5	Ensure that new retail and commercial development is compatible with and complementary to St. Helena’s small-town image. In addition, within the City’s Central Business District, new retail and commercial development should be of a scale and type that complements the historic character.	Sections 17.17.040 and 17.21.040
LU 3.7	Provide sufficient auto and bicycle parking in order to serve local businesses in the commercial districts. Ensure that all parking areas are well designed and that auto parking spaces are hidden from pedestrian view, whenever possible.	Chapter 17.26
LU 3.8	Provide sufficient opportunities for offices that support the regional, agricultural-based economy and the local needs of the community.	Table 17.17.020.A
LU 3.9	In Mixed-Use, Service Commercial, and Central Business districts encourage residential and office uses in upper-story locations or locations along the	Tables 17.17.020.A and 17.17.030.A

General Plan Policies and Implementation Actions Related to the Zoning Code Update

Number	Policy/Action Implemented	
	periphery of the retail district. This will facilitate active and pedestrian-oriented commercial areas.	
LU 3.10	Encourage office development within Mixed-Use, Service Commercial, and Central Business districts to complement the pedestrian orientation of surrounding development.	Table 17.17.020.A and Section 17.17.040
LU 3.11	Ensure that new commercial development does not obstruct view corridors to the mountains.	Table 17.17.020.A and Section 17.17.040
LU3.D	Develop and implement commercial design guidelines and/or form-based codes to provide oversight and guidance for new buildings and renovations. Guidelines should ensure that new commercial development is consistent with the City's character, particularly in historic districts.	Sections 17.17.040 and 17.21.040
LU3.E	Prohibit retail commercial zoning on Main Street north of Pine Street.	Table 17.17.020.A and Zoning Map
LU3.F	Limit the floor area and size of buildings in the Central Business and Service Commercial districts to ensure that new buildings are in scale with typical older buildings in the district.	Table 17.17.030.A and Section 17.17.040
LU 4.1	Support and maintain a transitional zone around industrial areas to protect the health and safety of residential neighborhoods.	Tables 17.18.020.A and 17.18.030.A
LU 4.2	Support the development of industries that are consistent with viticulture and winery support services and similar, compatible uses. Support the role of the City as an agriculturally-based service center for the surrounding area, including Calistoga, Angwin, Deer Park, Meadowood, Madrone Knoll, Rutherford, and the unincorporated area south of St. Helena.	Tables 17.19.020.A and 17.19.030.A
LU 4.3	Ensure that industrial projects are designed and sited to provide a positive image of the community. Landscaping and setbacks should be used to enhance industrial buildings.	Table 17.18.030.A and Section 17.18.040
LU4.B	Develop and implement industrial design guidelines and/or form-based codes, to provide oversight and guidance for new buildings and renovations. Guidelines should ensure that new industrial development is consistent with the City's character.	Section 17.18.040
LU4.C	Evaluate the compatibility of the Industrial Area and existing heavy equipment use between Highway 29 and Crane Avenue and determine if re-zoning or other action is necessary to ensure safety and liability, hazard, and noise reduction in surrounding neighbor-hoods, schools, and parks.	Table 17.17.030.A and Sections 17.17.040 and 17.18.040
LU 5.1	Discourage conversion of existing farmland to non-agricultural uses.	Table 17.19.020.A
LU 5.3	Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land.	Tables 17.19.020.A and 19.19.030.A
LU 5.4	Support community-based agricultural uses within the city, including community gardens, orchards, and parks.	Table 17.17.020.A and Section 17.22.100
LU 5.5	Encourage the use of sustainable agricultural practices.	N/A – not a part of the Zoning Code update

General Plan Policies and Implementation Actions Related to the Zoning Code Update

Number	Policy/Action Implemented	
LU 5.6	Permit wineries and other agricultural-related industries to locate in the city if their location does not adversely impact surroundings, uses, or city services (water, traffic, etc.) or the quality and character of the community.	Table 17.19.020.A
LU5.C	Explore the feasibility and desirability of implementing permanent agricultural protection for lands within the Urban Limit Line in the form of agricultural preserves.	Out of scope for the current zoning code work; future City task
LU5.F	Where proposed residential, commercial, or industrial development abuts lands devoted to agricultural use, require the non-agricultural uses to incorporate buffer areas to mitigate potential land use conflicts as a condition of approval for subdivisions or use permits. The type and width of buffer areas shall be determined by the City based on the character, intensity, and sensitivity of the abutting land uses. Prepare and adopt guidelines and regulations to assist in the determination of the appropriate type and scope of agricultural buffer areas needed in circumstances that warrant the creation of such buffer areas.	Table 17.18.030.A
LU5.H	Prepare and adopt guidelines and regulations to assist in the determination of the appropriate type and scope of agricultural buffer areas.	Section 17.19.030
Economic Sustainability Element		
ES1.4	Encourage the creation of workforce housing to support the local employment base in keeping with small town smart growth.	Chapter 17.29 and Chapter 17.30
ES1.5	Encourage commercial uses that provide basic, everyday shopping and services for residents.	Table 17.17.020.A
ES1.B	Update the Municipal Code to (a) encourage to the extent feasible businesses that are complementary to St. Helena's small-town character and that provide a range of goods to local residents; (b) define and permit non-chain, discount type stores while maintaining the existing provisions in the Municipal Code that prohibit formula restaurants, outlet, and chain discount-type stores, and retail businesses over 10,000 square feet in size; and (c) limit certain non-retail uses, such as real estate offices, from occupying ground-floor retail space in Central St. Helena.	Table 17.17.020.A
ES1.E	Provide development incentives for new visitor-serving businesses to develop affordable workforce housing either through construction of housing or payment of an appropriate in lieu fee to develop housing elsewhere in the city. Such incentives shall include consideration of visitor-serving uses in Medium Density Residential or Higher Density Residential where a project provides affordable housing or an appropriate payment of an in lieu fee.	Chapter 17.29 and Chapter 17.30
ES1.1	Support the development of responsible, visitor-serving components to the City's economy as a valuable source of jobs, tax revenues, and cultural amenities. Promote policies that facilitate and encourage this type of sustainable economic development.	Table 17.17.020.A
ES1.2	Encourage visitor-serving uses oriented toward an upscale market, and consistent with the Valley's reputation as a producer of world-class wines.	Tables 17.17.020.A and 17.19.020.A

General Plan Policies and Implementation Actions Related to the Zoning Code Update

Number	Policy/Action Implemented	
	Discourage the introduction of uses that are dependent upon a mass tourist market.	
ES1.3	Ensure a diverse mix of uses that avoids an over-representation of any particular use. Remove the cap on the number of hotel and motel rooms and restaurant seats but continue to limit vacation rentals.	Table 17.17.020.A
ES1.5	Encourage socially and environmentally responsible businesses that make positive contributions to the community and operate in an environmentally-sound manner.	Out of scope for the current zoning code work; future City task
ES1.6	Expand lodging in the downtown area to encourage walking, biking, and alternative transportation modes in order to reduce the need for automobile trips.	Table 17.17.020.A
ES1.7	Do not legislate or restrict the number of restaurant seats, but continue to prohibit formula restaurants.	Table 17.17.020.A and Section 17.22.120
ES2.A	Continue to prohibit formula restaurants, chain discount stores, and time-share lodging projects (excluding Fractional Ownership Lodging). Consider destination membership clubs and other potential lodging options that contribute to the Transient Occupancy Tax (TOT) revenue stream subject to a conditional use permit.	Table 17.17.020.A and Section 17.22.120
ES3.3	Ensure clarity, transparency, and efficiency in local regulations, permitting processes, and fee structures.	Chapters 17.03 – 17.13 ensure transparency in procedures and local regulations
Historic Resources		
HR1.1	Preserve the City's historic and cultural resources, so that they may contribute to the special character and quality of the City and support its economic base.	Section 17.21.040
HR1.2	Protect the historic resources that exist in the downtown commercial area.	Section 17.21.040
HR1.3	Encourage the adaptive reuse, rehabilitation, and retrofit of historic buildings in which the original use is no longer feasible.	Section 17.21.040
HR1.4	Promote the application of sustainable building practices to the preservation of historic resources.	Section 17.21.040
HR1.B	Adopt design review guidelines and/or form-based codes, standards and criteria for the alteration or rehabilitation of historic properties. The adoption of design review guidelines and/or form-based codes can assist City staff, the Planning Commission, and City Council when reviewing permit requests and provide long-term regulatory consistency.	Section 17.21.040
HR1.C	Adopt design review guidelines and/or form-based codes that require new development in or adjacent to historic areas or buildings to be compatible in design and character with existing historic buildings.	Sections 17.16.040, 17.17.040, and 17.21.040
HR1.G	Continue to develop and implement downtown design guidelines and/ or standards to protect historic buildings and guide façade changes.	Sections 17.17.040 and 17.21.040

General Plan Policies and Implementation Actions Related to the Zoning Code Update

Number	Policy/Action Implemented	
Community Design		
CD1.1	Ensure high-quality design and construction through a robust design review process.	Sections 17.05.070 and 17.05.080
CD1.2	Ensure the construction of sustainable buildings and landscaping in all public and private development projects.	N/A and Chapter 17.25
CD1.3	Require construction and development practices that reduce energy demand through conservation and efficiency, such as the use of green building materials, site design to maximize passive heating and cooling and energy generation, on-site water reuse, water efficient landscaping, and use of low-flow appliances, among others.	N/A and Chapter 17.25
CD1.A	Continue to implement the existing design review process for new development and remodels throughout the city. Create additional tools, including design guidelines and/or form-based codes, to inform decision-making and ensure high-quality, sustainable design that is compatible with and enhances community character. Consider formation of historic design review committee and/or policies.	Sections 17.16.040, 17.17.040, and 17.21.040
CD2.1	Maintain the character and identity of the downtown by emphasizing strong street definition, creating active front setbacks with outdoor seating, locating parking on the side and behind buildings, and maximizing entrances and transparency on building façades.	Table 17.17.030.A and Section 17.17.040
CD2.2	Within industrial and commercial areas outside downtown, maintain transitional zones as needed to protect public health and safety but allow flexible front setbacks while encouraging transparent and accessible front façades and parking on the sides and backs of buildings.	Tables 17.18.020.A and 17.18.030.A
CD2.3	Encourage distinction within and between buildings by varying roof lines and articulating building facades.	Sections 17.16.040, 17.17.040, and 17.18.040
CD2.D	Require businesses and structures to be of a scale commensurate with existing older buildings in the CB and SC land use areas.	Table 17.17.030.A and Section 17.17.040
CD3.1	Limit building envelope sizes and require adequate side and rear setbacks to preserve the character of existing residential areas and to avoid overbuilt lots. Require future development to conform to the pattern and density of the neighboring areas. In order to complement existing town character and protect against incursion into vineyard agricultural areas.	Table 17.16.030.A and Section 17.16.040
CD3.2	Ensure that new residential designs contribute positively to existing neighborhoods by complementing character and incorporating design features, such as front porches, façade articulation and stepbacks.	Section 17.16.040
CD3.B	Review the existing ordinance language limiting lot coverage/floor area ratio according to parcel size in residential areas in order to preserve neighborhood character, reduce adverse view and shade impacts on existing homes, improve groundwater infiltration, and avoid overbuilt conditions. At the same time, care needs to be taken that any ordinance revision does not impair the ability to build second units on existing lots where appropriate.	Tables 17.16.020.A and 17.16.030.A, and Section 17.16.040

General Plan Policies and Implementation Actions Related to the Zoning Code Update

Number Policy/Action Implemented		
CD3.E	Require new development to include landscaping and street trees.	Chapter 17.25
	Explore a reduction in parking requirements for residential uses that	Chapter 17.26
CD3.G	implement transportation demand management strategies, consistent with the parking management strategy articulated in the Circulation Element.	
CD4.A	Require private development to incorporate appropriate public open space into site designs.	Tables 17.16.030.A, 17.17.030.A, and 17.18.030.A and Sections 17.16.040, 17.17.040 and 17.18.040
Housing Element		
HE1.3	Encourage the development of affordable housing and remove development constraints as feasible.	Chapters 17.29 and 17.30
HE1.4	Address workforce housing needs by supporting an improved jobs/housing “match.”	Chapters 17.29 and 17.30
HE1.5	Encourage innovative housing types and designs.	N/A – not a part of the Zoning Code update
HE1.6	Address emergency shelter and transitional housing requirements.	Addressed in state law
	Review and possibly amend the Growth Management System to encourage the production of regulated affordable and workforce housing units.	N/A – not a part of the Zoning Code update
	Review the Growth Management System (GMS) to make sure that it is not disproportionately affecting the development of affordable housing.	
HE1.B	Exemptions for restricted “workforce” housing units should be explored, and adopt as appropriate, in addition to current exemptions for affordable housing units. Continue to allow a maximum of 9 market rate units per year and priority allocation of annual building permit allocations and carryover permits to market rate units in development projects that include a minimum of 40 percent affordable units.	
	Revise the permitting process to streamline the review of affordable housing and market rate multifamily projects. The City will establish different design guidelines for various neighborhoods in the City in order to provide appropriate guidelines for neighborhood character. The design guidelines will address architectural character, building materials, appropriate “massing” of structures, parking, tree planting/ preservation, mitigating visual impacts, and preserving vineyard views, among other design issues. The City will prioritize the adoption of design guidelines for the Affordable Housing and Mixed-Use overlay zones, should such zones be adopted, as well as for the high density residential zone and key sites in the medium density residential zone. Design guidelines will facilitate and not hinder the production of units affordable to lower-income households. Upon adoption of design guidelines for multifamily projects, the City will eliminate the current requirements for a use permit for multifamily projects in the high density residential district and for the key housing sites in the medium density residential district that are listed in the Available	N/A – not a part of the Zoning Code update
HE1.D		Table 17.16.020.A 17.16.040

General Plan Policies and Implementation Actions Related to the Zoning Code Update

Number	Policy/Action Implemented	
	Land Inventory Summary, Table 42, in the Housing Element Needs Assessment. Concurrently, the City will evaluate redesignating and rezoning medium density parcels, other than those listed in the Available Land Inventory Summary (Table 42), with a land use designation that better reflects the type and character of existing development. In addition, the City will eliminate, as appropriate, use permit requirements for multifamily projects for the remaining parcels in the medium density residential district. The City will adopt multifamily design guidelines and eliminate CUP requirements by no later than May 31, 2016. This timing will allow the City to first complete the update and adoption of the 2030 General Plan. Once the General Plan is adopted, the City can begin work on establishing design guidelines for the zones established in the General Plan.	
HE1.J	Encourage development of co-housing, eco-housing, 'green' manufactured homes, and other 'nontraditional' forms of housing. Ensure these housing types are addressed in the development of design guidelines to streamline the approval process.	N/A – not a part of the Zoning Code update
HE1.K	Amend the Zoning Ordinance to define “family” as one or more persons living together as a single housekeeping unit in a dwelling unit. The definition should not distinguish between related and unrelated individuals and should not impose a numerical limit on the number of persons that constitute a family.	Chapter 17.32
HE2.1	Encourage higher density development where appropriate.	Tables 17.16.020.A, 17.16.030.A, 17.17.020.A, 17.17.030.A, 17.18.020.A and 17.18.030.A; and Chapters 17.29 and 17.30
HE2.2	Ensure that higher density housing opportunity sites are not lost to lower density uses.	Chapters 17.29 and 17.30
HE2.3	Promote mixed-use developments.	Tables 17.17.020.A, 17.17.030.A and Section 17.17.040
HE2.4	Promote second unit production.	Section 17.22.030
HE2.5	Allow conversion of single-family homes to multi-unit dwellings.	Table 17.16.020.A. Required under SB 9
HE2.6	Promote a balance of types of housing throughout the whole community.	Tables 17.16.020.A, 17.17.020.A, and 17.18.020.A
HE2.A	Provide incentives for higher density housing. Explore possible incentives for building attached market rate housing units for rent and for sale. Incentives to adopt as appropriate include, but are not restricted to, fast tracking development applications, deferred development fees, reduced parking and/or other city standards, and density bonuses.	Chapters 17.29 and 17.30

General Plan Policies and Implementation Actions Related to the Zoning Code Update

Number	Policy/Action Implemented	
HE2.B	Study potential modifications to the Zoning Ordinance to facilitate higher density housing [and discourage construction of oversize homes]. Modify the Zoning Ordinance to encourage higher density developments [and restrict construction of large single-family units], including current floor area ratios and yard and setback requirements.	Tables 17.16.030.A and 177.030.A, and Chapter 17.29
HE2.C	Amend regulations to discourage exemptions from the minimum density requirements. The City shall discourage exemptions for minimum density requirements	Tables 17.16.030.A and 177.030.A, and Chapter 17.29
HE2.D	Modify section 17.100 of the Zoning Ordinance to rename the Mobilehome Park Overlay District to “Manufactured Housing Overlay District.” Develop policies to streamline the review process for this overlay district on residential land for projects that create land-ownership opportunities for residents. Support giving residents the right of first refusal if an existing park is to be sold.	Sections 17.21.020 and 17.22.160
HE2.G	Promote both ‘vertical’ and ‘horizontal’ mixed-use. Encourage mixed-use developments that combine compatible uses on the same site, either in the same structure or adjacent structures. Amend the Zoning Ordinance accordingly. Amendments to the Zoning Ordinance include permitting the FAR for the residential component of a mixed-use development to be ‘additive’ rather than within the established FAR for that zone, and allowing commercial and residential users to ‘share’ their parking, resulting in a lower overall parking requirement. Requirements for covered parking should also be reconsidered.	Tables 17.17.020.A, 17.17.030.A, Sections 17.17.040 and 17.22.140
HE2.H	Explore the possibility of allowing mixed use and live/work units in non-residential zoning districts. • Explore and adopt as appropriate modifications to non-residential Zones that would permit, either as of right or as a conditional use, residential uses including mixed use and integrated live/work units. • Analyze requirements that commercial projects provide housing for a portion of the employment that will be generated on site. The City will study and determine what portion of employment generated will require housing, whether housing will be required on-site or allowed off-site, if pricing for the non-inclusionary units will be tied to anticipated salaries for employees in the commercial portion of the project, and if in-lieu fees will be permitted for smaller sized projects. • Explore and adopt as appropriate development incentives such as higher density and height allowances, a streamlined design review process, and financial incentives, including fee reductions and waivers and contributions from the City’s Housing Trust Fund, to encourage employers to provide on-site employee housing.	Tables 17.17.020.A, 17.18.020.A, and Section 17.22.140
HE2.I	Review and revise development standards pertaining to second units. Ensure that the development of second units is physically and financially	Tables 17.16.020.A, 17.16.030.A and Section 17.22.230

General Plan Policies and Implementation Actions Related to the Zoning Code Update

Number	Policy/Action Implemented	
	feasible in targeted areas. Give particular attention to parking standards, setbacks, and impact fees.	
HE4.A	Review and possibly amend the inclusionary housing ordinance to:	Chapter 17.30
	· Adjust the inclusionary housing ordinance to require further distribution of affordable units within the various income categories. For example, a project required to provide two low-income units under the current inclusionary housing ordinance could be required to provide one unit affordable to households with incomes of up to 65 percent of area median income and one unit affordable to households with incomes of up to 80 percent of area median income.	
	· Balance collecting housing impact fees with the requirement to construct affordable housing, either on or off site depending on the size of the site and other site conditions, for larger commercial developments. Evaluate increasing the housing impact fees to reflect the increasing cost of housing in the community. Collect housing impact fees for small commercial development where requiring residential construction would not be feasible.	
	· Increase as appropriate residential construction in-lieu fees and/or create a sliding scale for larger houses.	
	· Add an above moderate-income workforce housing component to the Inclusionary Housing Ordinance requirements.	
HE4.J	Establish regulations requiring that a portion of units in all new developments meet the special housing needs of seniors and persons with disabilities, including developmental disabilities. Target 20 percent of new housing units to meet senior household needs and 10 percent accessible to persons with disabilities.	Chapter 17.29
HE4.C	Reduce, defer, or waive fees for affordable housing developments. The City will establish a set of criteria for project eligibility to have fees reduced, deferred, or waived. The City will explore and adopt as appropriate higher incentives for affordable housing developments with units affordable to extremely low- and very low-income households.	N/A – not a part of the Zoning Code update and Chapter 17.30
HE5.G	Require bicycle and pedestrian amenities and connectivity to surrounding areas, in all new housing developments. Support programs to develop more local and regional walking and biking trails. In addition to requiring bicycle and pedestrian connectivity in all new residential developments, the City will provide staff time in support of regional trail programs.	Section 17.26.080 and N/A – not a part of the Zoning Code update
HE5.H	Continue to apply Municipal Code provisions pertaining to water resources. The City will continue to require water-efficient landscaping for new residential and commercial construction, as well as implementing the Water Use Efficiency and Use Guidelines.	Chapter 17.25

CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION NO. PC2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ST. HELENA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE ST. HELENA MUNICIPAL CODE (ZOA 2023-001), AMENDING THE ZONING MAP (ZMA 2023-001) TO BE CONSISTENT WITH THE GENERAL PLAN AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED UNDER CEQA GUIDELINES SECTION 15162

Recitals

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

WHEREAS, the City desires to amend its Zoning Code (ZOA 2023-001), codified as Title 17 of the St. Helena Municipal Code ("SHMC"); and

WHEREAS, the City adopted a General Plan 2040 Update on May 14, 2019; and

WHEREAS, before adopting the General Plan 2040 Update, the City determined that, in accordance with the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA"), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.), an Environmental Impact Report ("EIR") should be prepared under CEQA to analyze all potential adverse environmental impacts of the General Plan 2040 Update; and

WHEREAS, the City prepared and certified the Final EIR ("FEIR") for the General Plan 2040 Update on May 14, 2019 for the Project, consisting of comments received during the 45-day public review and comment period on the Draft FEIR, written responses to those comments, and revisions and errata to the Draft FEIR. For the purposes of this Resolution, the "FEIR" refers to the Draft FEIR, as revised by the Final FEIR's errata section, together with the other sections of the Final FEIR; and

WHEREAS, the FEIR (State Clearinghouse #2010042001) was certified and the General Plan 2040 Update was approved and adopted by the City on May 14, 2019 based on the certified FEIR; and

WHEREAS, the City now proposes to amend several provisions of its Zoning Code, Title 17 of the SHMC and also the Zoning Map, consistent with the General Plan 2040 Update (the “2023 Zoning Code Update”); and

WHEREAS, under CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines Section 15162 require additional environmental review; and

WHEREAS, pursuant to CEQA, staff prepared an addendum to the FEIR with regard to the 2023 Zoning Code Update (“Addendum”); and

WHEREAS, based on their evaluation of the FEIR and Addendum, staff concluded that the FEIR fully analyzed and mitigated, where feasible, all potentially significant environmental impacts, if any, that would result from the proposed 2023 Zoning Code Update, and therefore, no subsequent EIR or mitigated negative declaration is required; and

WHEREAS, under State CEQA Guidelines Section 15164, subdivision (c), the Addendum is not required to be circulated for public review, but can be included within the public record with the FEIR; and

WHEREAS, staff and the City Attorney prepared the proposed ordinance, including the proposed language and terminology, and any additional information and documents deemed necessary for the Planning Commission to take action; and

WHEREAS, the City gave public notice of the public hearing for the proposed ordinance by publishing in the Napa Valley Register; and

WHEREAS, on August 15, 2023, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

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

Resolution

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ST. HELENA DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. **Recitals.** The above recitals are incorporated herein by reference.

Section 2. Compliance with CEQA. The Planning Commission recommends that the City Council find that it has reviewed and considered the FEIR, Addendum, and any oral or written comments received, and the administrative record prior to considering the 2023 Zoning Code Update. The Planning Commission recommends that the City Council find that the FEIR and Addendum contains a complete and accurate reporting of all of the environmental impacts associated with the 2023 Zoning Code Update.

Section 3. Findings re Further Review.

Based on the substantial evidence set forth in the record, including but not limited to, the FEIR, and all related information presented to the Planning Commission, the Planning Commission recommends that the City Council find that the necessitates no modifications to the FEIR. Therefore, pursuant to State CEQA section 15164 no subsequent or supplemental EIR is required for the 2023 Zoning Code Update.

The Planning Commission recommends that the City Council find that the preparation of a subsequent or supplemental EIR is not required for the 2023 Zoning Code Update because the 2023 Zoning Code Update:

- A. Will not result in substantial changes that would require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- B. Will not result in substantial changes with respect to the circumstances under which the 2023 Zoning Code Update are developed that would require any revisions of FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- C. Does not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time that the FEIR documents were certified showing any of the following:
 - 1. The Revised Project would have one or more significant effects not discussed in the EIR;
 - 2. That significant effects previously examined would be substantially more severe than shown in the EIR;
 - 3. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one

or more significant effects, but the lead agency declined to adopt such measures; and

4. That mitigation measures or alternatives considerably different from those analyzed would substantially reduce one or more significant effects on the environment, but which the lead agency declined to adopt.

Section 4. General Plan Consistency. Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance is consistent with the City's adopted General Plan. The proposed ordinance does not otherwise conflict with any of the General Plan's goals or policies.

Section 5. 2023 Zoning Update. The Planning Commission hereby recommends that the City Council adopt the attached proposed ordinance (**Attachment A**) entitled:

An Ordinance of the City Council of the City of St. Helena, California, Amending Title 17 (Zoning) of the St. Helena Municipal Code (ZOA 2023-001), Amending the Zoning Map (ZMA 2023-001) and Finding That No Further Environmental Review Is Required Under CEQA Guidelines Section 15162

Section 6. Zoning Map Amendment. The Planning Commission hereby recommends that the City Council adopt the amended zoning map in order to be consistent with the General Plan Land Use Map.

Section 7. The proposed ordinance entitled "An Ordinance of the City Council of the City of St. Helena, California, Amending Title 17 (Zoning) of the St. Helena Municipal Code (ZOA 2023-001), Amending the Zoning Map (ZMA 2023-001) and Finding That No Further Environmental Review Is Required Under CEQA Guidelines Section 15162" is on file and has been available for public review for at least ten days prior to the date of this Resolution, in the Community Development Department, at St. Helena City Hall, 1088 College Avenue.

Section 8. Severable. If any part of this Resolution is held by a court to be invalid, that part is severable from the rest and every other part remains unaffected and in effect.

(Signatures on following page)

I HEREBY CERTIFY that the foregoing recommendation to the City Council was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of the Planning Commission held on August 15, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

John Ponte
Chair, Planning Commission

Maya DeRosa, AICP
Community Development
Director

Attachment A

CITY OF ST. HELENA

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY OF ST. HELENA, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE ST. HELENA MUNICIPAL CODE (ZOA 2023-001), AMENDING THE ZONING MAP (ZMA 2023-001) TO BE CONSISTENT WITH THE GENERAL PLAN AND MAKING FINDINGS THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED UNDER CEQA GUIDELINES SECTION 15162

Recitals

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

WHEREAS, the City desires to amend its Zoning Code (ZOA 2023-001), codified as Title 17 of the St. Helena Municipal Code ("SHMC"); and

WHEREAS, the City adopted a General Plan 2040 Update on May 14, 2019; and

WHEREAS, before adopting the General Plan 2040 Update, the City determined that, in accordance with the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA"), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.), an Environmental Impact Report ("EIR") should be prepared under CEQA to analyze all potential adverse environmental impacts of the General Plan 2040 Update; and

WHEREAS, the City prepared and certified the Final EIR ("FEIR") for the General Plan 2040 Update on May 14, 2019 for the Project, consisting of comments received during the 45-day public review and comment period on the Draft FEIR, written responses to those comments, and revisions and errata to the Draft FEIR. For the purposes of this Resolution, the "FEIR" refers to the Draft FEIR, as revised by the Final FEIR's errata section, together with the other sections of the Final FEIR; and

WHEREAS, the FEIR (State Clearinghouse #2010042001) was certified and the General Plan 2040 Update was approved and adopted by the City on May 14, 2019 based on the certified FEIR; and

WHEREAS, the City now proposes to amend several provisions of its Zoning Code, Title 17 of the SHMC and also the Zoning Map, consistent with the General Plan 2040 Update (the “2023 Zoning Code Update”); and

WHEREAS, under CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines Section 15162 require additional environmental review; and

WHEREAS, pursuant to CEQA, staff prepared an addendum to the FEIR with regard to the 2023 Zoning Code Update (“Addendum”); and

WHEREAS, based on their evaluation of the FEIR and Addendum, staff concluded that the FEIR fully analyzed and mitigated, where feasible, all potentially significant environmental impacts, if any, that would result from the proposed 2023 Zoning Code Update, and therefore, no subsequent EIR or mitigated negative declaration is required; and

WHEREAS, under State CEQA Guidelines Section 15164, subdivision (c), the Addendum is not required to be circulated for public review, but can be included within the public record with the FEIR; and

WHEREAS, staff and the City Attorney prepared the proposed ordinance, including the proposed language and terminology, and any additional information and documents deemed necessary for the City Council to take action; and

WHEREAS, the City gave public notice of the public hearing for the proposed ordinance by publishing in the Napa Valley Register; and

WHEREAS, on August 15, 2023, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

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

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ST. HELENA DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. **Recitals.** The above recitals are incorporated herein by reference.

Section 2. Compliance with CEQA. The City Council finds that it has reviewed and considered the FEIR, Addendum, and any oral or written comments received, and the administrative record prior to considering the 2023 Zoning Code Update. The City Council finds that the FEIR and Addendum contains a complete and accurate reporting of all of the environmental impacts associated with the 2023 Zoning Code Update.

Section 3. Findings re Further Review.

Based on the substantial evidence set forth in the record, including but not limited to, the FEIR, and all related information presented to the Planning Commission, the City Council finds that the 2023 Zoning Code Update necessitates no modifications to the FEIR. Therefore, pursuant to State CEQA section 15164 no subsequent or supplemental EIR is required for the 2023 Zoning Code Update.

The City Council finds that the preparation of a subsequent or supplemental EIR is not required for the 2023 Zoning Code Update because the 2023 Zoning Code Update:

- A. Will not result in substantial changes that would require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- B. Will not result in substantial changes with respect to the circumstances under which the 2023 Zoning Code Update are developed that would require any revisions of FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- C. Does not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time that the FEIR documents were certified showing any of the following:
 - 1. The Revised Project would have one or more significant effects not discussed in the EIR;
 - 2. That significant effects previously examined would be substantially more severe than shown in the EIR;
 - 3. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the lead agency declined to adopt such measures; and

4. That mitigation measures or alternatives considerably different from those analyzed would substantially reduce one or more significant effects on the environment, but which the lead agency declined to adopt.

Section 4. General Plan Consistency. Based on the entire record before the Planning Commission, and all written and oral evidence presented, the City Council hereby finds that the proposed ordinance is consistent with the City's adopted General Plan. The proposed ordinance does not otherwise conflict with any of the General Plan's goals or policies.

Section 5. 2023 Zoning Update. The City Council hereby recommends adoption of the attached proposed ordinance (**Exhibit A**) entitled:

An Ordinance of the City of St. Helena, California, Amending Title 17 (Zoning) of the St. Helena Municipal Code (ZOA 2023-001), Amending the Zoning Map (ZMA 2023-001) and Making Findings That No Further Environmental Review Is Required Under CEQA Guidelines Section 15162

Section 6. Zoning Map Amendment. The City Council hereby recommends adoption of the amended zoning map in order to be consistent with the General Plan Land Use Map.

Section 7. The proposed ordinance entitled "An Ordinance the City of St. Helena, California, Amending Title 17 (Zoning) of the St. Helena Municipal Code (ZOA 2023-001), Amending the Zoning Map (ZMA 2023-001) and Making Findings That No Further Environmental Review Is Required Under CEQA Guidelines Section 15162" is on file and has been available for public review for at least ten days prior to the date of this Ordinance, in the Community Development Department, at St. Helena City Hall, 1088 College Avenue.

Section 8. Severable. If any part of this Ordinance is held by a court to be invalid, that part is severable from the rest and every other part remains unaffected and in effect.

(Signatures on following page)

THE FOREGOING ORDINANCE was introduced and was adopted at a regular meeting of the St. Helena City Council on the _____ day of _____, 2022 by the following vote:

Mayor Dohring:	_____
Vice Mayor Hall:	_____
Councilmember Chouteau:	_____
Councilmember Hardy:	_____
Councilmember Summers:	_____

APPROVED:

Paul Jamison Dohring, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Tzaopoulos, City Clerk

Exhibit A 2023 Zoning Code Update



Public Hearing Draft

August 2023

Prepared for:

City of St. Helena
1088 College Avenue
St. Helena, CA 94574

Prepared by:



Lisa Wise Consulting, Inc.
983 Osos Street
San Luis Obispo, CA 93401

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Part I: GENERAL PROVISIONS

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Chapter 17.01 Title, Authority, and Purpose

17.01.010 Title

- A. Title 17 of the City of St. Helena Municipal Code shall be known and cited as the "Zoning Code" or "Code."
- B. The Zoning Map that is a part of the Zoning Code shall be known as the "City of Helena Official Zoning Map" or "Zoning Map" (see Section 17.01.070, Zoning Map).
- C. The Zoning Code and the Zoning Map shall be subject to change from time to time as may be determined by the City Council.

17.01.020 Authority

The St. Helena Zoning Code is adopted pursuant to the authority contained in § 65850 of the California Government Code.

17.01.030 Purpose

The purpose of this Zoning Code is to:

- A. Protect and promote the public health, safety, peace, comfort, and general welfare;
- B. Encourage orderly, compatible, and beneficial uses of land;
- C. Minimize conflicts which might result from incompatible and inappropriate land uses;
- D. Maintain and enhance the desirable character of the City and its various neighborhoods and areas;
- E. Lessen congestion on streets;
- F. Prevent and lessen the human and property loss resulting from natural and manmade hazards;
- G. Facilitate the provision of adequate community facilities such as schools, parks, streets, fire protection, and other public requirements;
- H. Provide open space for light and air;
- I. Protect agricultural soils, vegetation, wildlife, and other natural resources from incompatible and deleterious activities;
- J. Preserve, protect, and enhance the environment of the City;
- K. Provide for a variety of housing types and housing opportunities;
- L. Protect the City's historic resources; and
- M. Otherwise promote the general community welfare in accord with the City's General Plan.

Part I: General Provisions

17.01.040 Applicability

The provisions of this Title shall apply to all land and all owners of land within the incorporated limits of the City and shall be applicable not only to private persons, agencies, and organizations, but also to all public agencies and organizations to the full extent that such provisions may now or hereafter be enforceable in connection with the activities of any such public agency or organization. In their interpretation and application, the provisions of this Title shall be held to be minimum requirements.

- A. **Compliance with Use Regulations.** No land, building, structure or premises shall be used, designated or intended to be used for any purpose or in any manner other than that which is permitted by this Title, the regulations of the applicable zoning district in which such land, building, structure and premises is located, and any conditions of approval imposed upon any permit authorized by this Title.
- B. **Compliance with Development Standards.** No building or part thereof or structure shall be erected, constructed, reconstructed, structurally altered, enlarged, rebuilt or removed except in conformity to the yard, setback, building location and height regulations of this Title, the regulations of the applicable zoning district in which such building or part thereof or structure is located, and any conditions of approval imposed upon any permit authorized by this Title.
- C. **Conflicting Regulations.** Where conflict occurs between the regulations of this Title and the Building Code or other regulations effective within the City, the more restrictive regulation shall apply except in areas subject to discretionary design review provisions.
- D. **Limitations.** Except as otherwise authorized by the City Council, the City shall not process any application for a permit, approval or clearance that is sought pursuant to this Title (including, without limitation, a Conditional Use Permit, variance, zoning amendment, or General Plan amendment) for any property found in violation of this Title until the violation is corrected.

17.01.050 Relationship to the General Plan

- A. It is the policy of the City as expressed in the General Plan that the Zoning Code be consistent with the General Plan. For this purpose, consistency is achieved when the various land uses authorized by this Title are compatible with the objectives, policies, general land uses, and programs specified in the General Plan.
- B. In accord with this policy, the Zoning Code is intended to implement the General Plan of the City as expressed in the text, maps, and diagrams of all elements of the General Plan taken together. In determining consistency, the compatibility and timing of proposed developments and other uses of land shall be considered pursuant to the policies of the General Plan.
- C. This Title recognizes the supremacy of the General Plan. If an inconsistency between the Zoning Code and the General Plan should for whatever reason arise, the General Plan shall prevail over the Zoning Code; the City, shall, in good faith, make every effort to resolve the inconsistency within a reasonable period of time. Any amendment of this Title shall be consistent with the General Plan.

Part I: General Provisions

17.01.060 Interpretation of the Zoning Code

No matter how carefully constructed, the Zoning Code will require interpretation in its day-to-day administration. In adopting the Zoning Code, it is the intent of the City to interpret and administer the Zoning Code in a reasonable fashion consistent with the public interest of the residents of the City. In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements guided by the following:

- A. Where this Title imposes a greater restriction than is imposed or required by other rules, regulations or ordinances, the provisions of this Title shall control.
- B. Where other rules, regulations, or ordinances impose greater restrictions or more specific standards than those of this Title, the more specific shall control.
- C. Where provisions of this Title are in conflict, the more specific regulations shall apply over the more general; where provisions of this Title remain in conflict, the more restrictive provisions shall apply.

17.01.070 Zoning Map

The designations, locations and boundaries of the base districts and overlays established in this Title shall be shown on the Zoning Map or maps of the City. The Zoning Map accompanying and incorporated into this Title by reference shall govern the administration and enforcement of all regulations, standards, and permits. The Zoning Map as amended or changed from time to time, together with all notations, references, data and other information, is adopted and made a part of this Title. Any amendment or rezoning of a property or properties from one zoning district to another zoning district shall constitute an amendment to this Title and shall be so referenced in the amending zoning ordinance.

17.01.080 Interpretation of District Boundaries

All areas within the incorporated boundaries of the City whether land or water, public or private shall be considered to be zoned and shall be governed by the regulations of this Title. Where uncertainty exists as to the boundaries of any district as shown on the Zoning Map, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries. In its determination, the Planning Commission shall be guided by the following rules:

- A. The legal description of the lot or lots referenced by the assessor's parcel number of any prior rezoning and/or the existing Zoning Map;
- B. Unless otherwise clearly indicated on the Zoning Map, zoning district boundaries shall coincide with property lines, sectional lines, center lines of blocks, and/or the boundaries of publicly owned lands;
- C. Where the location of the zoning district boundaries cannot be determined by the above rules, the boundaries shall be located by the use of the scale on the Zoning Map.

Part I: General Provisions

17.01.090 Severability

If any section, sentence, clause, phrase, word, portion, or provision of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Title which can be given effect without the invalid provision. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this Title to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, clause, phrase, word, portion, or provision to any other property or structure not specifically included in said invalidation.

Part I: General Provisions

Chapter 17.02

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PART II: ADMINISTRATION AND PROCEDURES

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Chapter 17.03 Zoning Code Administration

17.03.010 Purpose

The purpose of this Chapter is to identify and establish the powers and duties of the Approval Authorities with responsibilities as defined in this Code. Subsequent Sections provide detailed information regarding procedures, applications, permits, and enforcement.

17.03.020 Approval Authorities

The following Approval Authorities are established under this Chapter:

- A. **Community Development Director.** The Community Development Director shall have such duties assigned by this Code as may be required to fulfill the purposes of this Title. These duties shall be in addition to those contained in California Government Code §§ 65900 et seq., as amended. References to the Community Development Director shall also mean any employee(s) of the Community Development Department authorized by the Community Development Director to act in the Director's behalf.
- B. **Public Works Director.** The Public Works Director shall have such duties assigned by this Code as may be required to fulfill the purposes of this Title. References to the Public Works Director shall also mean any employee(s) of the Public Works Department authorized by the Public Works Director to act in the director's behalf.
- C. **Building Official.** The Chief Building Official shall have such duties assigned by this Code as may be required to fulfill the purposes of this Title. References to the Chief Building Official shall also mean any employee(s) of the Building Division of the Community Development Department authorized by the Chief Building Official to act in the Chief Building Official's behalf.
- D. **Planning Commission.** The Planning Commission is established for the purpose of taking final action on certain applications and recommending actions on other applications to the City Council. References to the Planning Commission shall also mean any employee(s) of the Community Development Department when acting in the Planning Commission's behalf while carrying out specific tasks which have been delegated to staff by the Planning Commission. The powers and duties of the Planning Commission shall include:
 - 1. Authority to hear and decide:
 - a. Applications for Conditional Use Permit;
 - b. Applications for Variances;
 - c. Applications for Major Design Review;
 - d. Adoption of negative declarations or Environmental Impact Report (EIR) certification and findings when associated with another application acted upon by the Planning Commission.
 - 2. Authority to review and make recommendations to the City Council on:

Part II: Administration and Procedures

- a. Applications for ordinance amendments and zoning map changes;
 - b. Applications for tentative subdivision maps;
 - c. Applications for General Plan Amendments;
 - d. Environmental documentation where the final permit approvals above are made by the City Council; and
 - e. Any other action that state law requires the Planning Commission to consider and recommend before City Council consideration.
- 3. Authority to hear an appeal taken from any determination made by an administrative or appointed official, such as the Community Development Department staff, Community Development Director, or Zoning Administrator in the administration or enforcement of this Title.
- 4. The Planning Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Title. All meetings shall be open to the public. The Planning Commission shall keep minutes of all proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its own examinations and other official actions, all of which shall be a public record and be immediately filed with the Community Development Department.
- E. **City Council.** The City Council is established through the incorporation of the City and has final review of matters relating to planning and zoning, subject to delegation of such authority as provided in this Title. These duties shall be in addition to those contained in California Government Code §§ 65900 et seq., as amended. References to the City Council shall also mean any employee of the City who acts in the City Council's behalf while carrying out specific tasks that have been expressly delegated to staff by the City Council.

17.03.030 Summary of Approval Authorities for Decisions and Appeals

The Community Development Department shall provide the coordination of review for all planning applications for the establishment of uses and development. Table 17.03.030.A: Approval Authorities identifies the types of applications authorized by this Code and the Approval Authority responsible for recommending and making decisions on each type of application.

Part II: Administration and Procedures

Table 17.03.030.A: Approval Authorities				
Type of Action	Chapter/ Section	Recommending Authority	Approval Authority	Appeal Authority
Planning Permits and Approvals				
Conditional Use Permit	17.05.020	Community Development Director	Planning Commission	City Council
Demolition Permit	17.05.030	Community Development Director	Planning Commission	City Council
Development Agreement	17.05.050	Planning Commission	City Council	N/A
Historic Demolition Permit	17.05.040	Community Development Director	Planning Commission	City Council
Home Occupation Permit	17.05.060	N/A	Community Development Director	Planning Commission
Major Design Review	17.05.070	Community Development Director	Planning Commission	City Council
Major Sign Permit	17.27.050	Community Development Director	Planning Commission	City Council
Minor Design Review	17.05.080	N/A	Community Development Director	Planning Commission
Minor Sign Permit	17.27.040	N/A	Community Development Director	Planning Commission
Minor Use Permit	17.05.090	N/A	Community Development Director	Planning Commission
Short-Term Rental Permit	17.05.100	Community Development Director	Planning Commission	City Council
Short Term Rental Renewal	17.05.100	N/A	Community Development Director	Planning Commission
Temporary Use Permit	17.05.110	N/A	Community Development Director	Planning Commission
Amendments				
General Plan Amendments	17.06	Planning Commission	City Council	N/A
Zoning Map Amendments	17.07	Planning Commission	City Council	N/A
Zoning Text Amendments	17.07	Planning Commission	City Council	N/A
Other Actions				
Pre-Zoning for Annexation	17.07.030	Community Development Director	Planning Commission	City Council
Specific Plans	17.08	Community Development Director	Planning Commission	City Council

Part II: Administration and Procedures**Table 17.03.030.A: Approval Authorities**

Type of Action	Chapter/ Section	Recommending Authority	Approval Authority	Appeal Authority
Reestablishment of an Abandoned Non-conforming Use	17.09.030.D	Community Development Director	Planning Commission	N/A
Certificate of Present Extent of Legal Nonconformity for Uses	17.09.030.F	N/A	Community Development Director ¹	Planning Commission
Minor Modifications	17.11.010	N/A	Community Development Director	Planning Commission
Variance	17.11.020	Community Development Director	Planning Commission	City Council

Note:

¹ The request for Certificate of Present Extent of Legal Nonconformity for Uses is placed on the Planning Commission's consent calendar.

17.03.040 Approvals to Conform to Code

- A. All permits, approvals, clearances, or licenses shall conform to the provisions of this Code. If any issued permit, approval, clearance, or license is in conflict with the provisions of this Code, it shall be null and void.
- B. When carrying out their assigned duties and responsibilities, all Approval Authorities shall interpret and apply the provisions of this Code as minimum requirements adopted for the promotion of the General Plan.
- C. The City shall refuse to issue any permit, approval, or clearance that is sought pursuant to this Title, where the existing or proposed use, building or structure has been found to be in violation of this Code, except as otherwise authorized by the City Council.

Chapter 17.04 Common Procedures

17.04.010 Purpose

The purpose of this Chapter is to establish common procedures and requirements for preparation, filing, and processing of development applications required by this Title. The development review process is designed to provide a consistent and efficient method for the City to implement its General Plan and other adopted goals, policies, and standards. For procedures specific to individual permit types, refer to Chapter 17.05, Planning Permits and Approvals.

17.04.020 Application Process

- A. **Applicant.** Application for any permit shall be made by the property owner, or their authorized agent, to the Community Development Director.
- B. **Applications.**
 - 1. **Application Forms.** Application for permits or amendments shall be made with the Community Development Director on a prescribed form and shall include information that is necessary for adequate review of the application, such as plans, elevations, facts, and information deemed by the Community Development Director to be necessary to show details of the proposed use or development. Applications shall include the property owner's written authorization for any permit, permit amendment, or permit extension to be recorded against the property, and the appropriate fee, in accordance with the provisions of Section 17.04.030, Fees, unless otherwise indicated.
 - 2. **Supplemental Materials and Information.** The Community Development Director may require the submission of supplemental materials and information as part of an application submittal, including statements, photographs, plans, drawings, renderings, models, material samples, special studies, and other items necessary to describe existing conditions and the proposed project, and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).
 - 3. **Filing Date.** The filing date for an application shall be the date an application is certified by the City to be complete pursuant to California Government Code § 65943 et seq.
- C. **Concurrent Permit/Approval Processing.** The following provisions shall apply to multiple permit/approval processing and action by Approval Authorities:
 - 1. If a project requires more than one discretionary permit or other approval, all permits or other approvals shall be processed concurrently. The concurrent processing of other discretionary permits and approvals associated with but not required for the development of the project (e.g., development agreement) is encouraged.
 - 2. When more than one permit or other discretionary approval is required and Approval Authority rests with both the Planning Commission and City Council, the final action on all discretionary permits or other approvals shall be taken by the City Council. In such cases, the Planning Commission's actions shall consist of recommendations to the City Council.

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3. When a subdivision is proposed, the provisions of St. Helena Municipal Code, Title 16, Subdivisions, and this Title shall apply. Approval Authorities may combine in a single action or review such approvals as are required by this Title and the single approval shall have the same effect as though each action were taken individually, provided each separate approval required is appropriately entered in the record.
- D. **Withdrawn Applications.** An application may be withdrawn by the applicant prior to the opening of the public hearing or thereafter with the consent of the Approval Authority. A request to withdraw an application must be submitted by the applicant in writing. Withdrawal of an application shall terminate all further action on the application. Where an application has been withdrawn, an application for the same or substantially similar project may be filed within one year from the date of withdrawal. Any such subsequent application shall be considered a new application and be processed accordingly.

17.04.030 Fees

This Section is intended to ensure that the City is reimbursed for its costs of providing services to applicants for development projects and provide uniformity with respect to such provisions. The provisions listed below apply to all such projects except to the extent that more specific state or local regulations preempt its application.

- A. **Filing Fee.** Fees for processing applications shall be set by resolution of the City Council and shall be representative of the actual costs incurred by the City for processing the application.
- B. **Billing Rates.** The hourly rate to be billed by the City staff shall be periodically set by resolution of the City Council; other processing costs shall be at rates set by resolution of the City Council (e.g., costs of reproduction) or at direct cost to the City (e.g., postage). Such rates shall not exceed the costs (direct and indirect) of the services provided. Consultants shall be billed at the rate and for the expenses charged to the City plus any allocable overhead.
- C. **Billing Records.** All processing costs associated with the investigation, processing, inspection or review of development projects, or the enforcement of applicable regulations and conditions to development projects shall be recorded and charged to each project.
- D. **Payment of Processing Fees.**
 1. The City may, when the Community Development Director deems it appropriate, require an applicant to deposit funds with the City from which the costs described in this Section will be paid. Any remaining unused balance will be returned to the applicant within a reasonable time after a final decision on the application has been made.
 2. No development application may be filed without a deposit in an amount estimated to cover processing costs unless payment of processing fees has been waived by action of the City Council, or the applicant is a public entity exempted from payment of such fees. The City shall make subsequent periodic invoices to ensure that the balance in the project account remains sufficient to cover anticipated processing costs, and it shall be the responsibility of those liable for payment to make such payments.

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3. Each applicant for, or operator of, a development project, as well as the owner of the subject property, if different, shall be liable for payment of all processing fees associated with the development project.

E. Failure to Pay Processing Fees.

1. Any City body with the authority to approve or conditionally approve or deny a development project may deny such project with leave to amend if after notice the responsible party or parties fail to comply with this Section. The applicant shall be given no less than 10 calendar days' mailed notice of the City's intent to take such action.
2. The Community Development Director, Public Works Director, or Chief Building Official may issue a stop work order if the job site has previously been posted with a notice of intent to issue a stop work order for failure to comply with this Section.
3. An action may be brought in the name of the City, in any court of competent jurisdiction to enforce a lien. In such action, reasonable attorney's fees shall be awarded to the prevailing party.
4. The Finance Director may bring a civil action in the name of the City to collect the fees owing pursuant to this Section. In such action, reasonable attorney's fees shall be awarded to the prevailing party.

F. Lien on Subject Property.

1. The Finance Director may notify an applicant or operator and, if different, the owner of the subject property, of the failure to comply with this Section, the amount outstanding and of the fact that if not paid, the processing fees shall become a lien against the property. Such notice shall be given by registered or certified mail upon the owner or owner's agent, as shown on the last equalized assessment roll. Service on one property owner in multiple ownership shall be deemed in compliance with this Section. If an address for an owner cannot be reasonably obtained, the notice required by this Section may be given by posting the subject property.
2. Within 10 days from the date of posting, or date of registered or certified mail service, the applicant or operator, and if different, the owner or any person interested in the property may appeal the decision to file a lien under subsection F.1 to the City Council by filing a written appeal with the City Clerk, setting forth in detail the reasons for appeal. The Council shall hear from the appellant and subsequently approve or deny the appeal. The City Council's decision shall be final and conclusive.
3. At the expiration of the time set for appeal or upon determination of the City Council upon appeal, the processing fees due and any outstanding amounts owed become a lien upon the subject property.

17.04.040 Review of Planning Applications

- A. Initial Completeness Review.** The Community Development Director shall determine whether an application is complete within 30 days of the date the application is filed and required fee received.

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- B. **Incomplete Application.** Permits authorizing the use, construction, reconstruction, or alteration of any structure may be withheld when information submitted is inadequate or incomplete. If an application is deemed incomplete, the Community Development Director shall provide a written notification to the applicant listing information necessary to complete the application.
1. **Zoning Code Violations.** An application shall not be found complete if conditions exist on the site in violation of this Title or any permit or other approval granted in compliance with this Title, unless the proposed project includes the correction of the violations.
 2. **Appeal of Application Completeness Determination.** Determinations of incompleteness are subject to the provisions of Chapter 17.12, Procedures for Appeals, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal.
 3. **Submittal of Additional Information.** A determination will be made whether the permit may be issued or if the applicant must supply additional information to complete the permit application. The applicant shall provide the additional information within the time limit specified by the Community Development Director, which shall be no sooner than 30 days. The Community Development Director may grant one extension of up to 90 days.
 4. **Expiration of Application.** If an applicant fails to submit the information identified on the written notification of an application that is determined to be incomplete within 180 days, the application shall expire and be deemed withdrawn. After the expiration of an application, a new, complete application, along with all required fees, shall be submitted for review.
- C. **Complete Application.** In compliance with the California Permit Streamlining Act § 65920, when a planning application is deemed complete, the Community Development Director must make a record of that date and proceed with processing the application. If an application requires a public hearing, the Community Development Director shall schedule a hearing and notify the applicant of the date and time, pursuant to Section 17.04.080, Public Hearing Notice.
- D. **Procedure for Zoning Compliance.** Prior to approval of the following land use activities the Community Development Director shall first establish compliance with the provisions contained in this Title:
1. Business license requests;
 2. Issuance of building permits;
 3. The first and subsequent nonresidential occupancies or uses of any land, lot, building or structure;
 4. Any full or partial change in the nonresidential occupancy or use of any land, lot, building or structure; or
 5. The expansion of any nonresidential occupancy or use of any land, lot, building or structure.

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The Community Development Director shall confirm if the use, building or structure complies with all applicable City ordinances and the General Plan, and compliance with any conditions of approval imposed on any permit authorized by this Title. Actions of the Community Development Director taken in regard to the provisions of this Section may be appealed to the Planning Commission and City Council pursuant to Chapter 17.12, Procedures for Appeals.

E. Referral of Application.

1. When the Community Development Director is the Approval Authority, the Community Development Director has the discretion to refer the application to the Planning Commission.
2. At the discretion of the Community Development Director, or where otherwise required by this Title, state or federal law, any application filed in compliance with this Title may be referred to any City department, public agency, or interest group that may be affected by or have an interest in the proposed land use project for review and comment on the application.

F. Extensions for Review of Application. The Community Development Director may, upon written request, grant extensions of any time limit for review of applications imposed by this Title.

17.04.050 Determination of Similar Use

Each zoning district establishes a list of primary uses and accessory uses which are permitted, permitted with a Minor Use Permit (MUP), or permitted with a Conditional Use Permit (CUP). Occasionally, uses may be proposed which are not specifically listed in the Use Tables of Chapters 17.16 through 17.20. This Section provides procedures that shall be observed when an unlisted use is proposed in a zoning district. A use determined to be similar shall apply to the zoning district uniformly regardless of location.

- A. Community Development Director.** The Community Development Director may administratively determine that the proposed uses are similar to those of the appropriate use category where the uses are clearly similar in character to those uses listed and consistent with the purposes of the zoning district and General Plan.
- B. Planning Commission.** The Planning Commission's determination of similar use is subject to appeal to the City Council pursuant to the provisions of Chapter 17.12, Procedures for Appeals.

17.04.060 Interim Zoning Ordinance

Without following the procedures otherwise required prior to the adoption of a Zoning Ordinance, the City Council may adopt an interim ordinance as an urgency measure to prohibit any use which may be in conflict with a contemplated zoning proposal which the City Council, Planning Commission, or the Community Development Director is considering, studying, or intends to study within a reasonable time. The interim Zoning Ordinance shall require a four-fifths vote of the City Council for adoption and comply with the provisions of California Government Code § 65858.

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17.04.070 Environmental Review

The California Environmental Quality Act of 1970 (CEQA) and City guidelines, as amended, require environmental review of all projects which must obtain discretionary approval from the City. The intent of the review process is to evaluate and make publicly known the possible impacts of proposed projects on the environment and to mitigate significant adverse impacts. Each project is evaluated by the Community Development Director according to CEQA guidelines and a determination made whether additional environmental review is required.

17.04.080 Public Hearing Notice

- A. **Applicability.** Public hearing notices are required for all applications subject to a public hearing.
- B. **Noticing Procedures.** The following noticing procedures shall be observed when a public hearing is required by this Title:
 - 1. Notice shall include:
 - a. The date, time and place of the hearing;
 - b. The identity of the hearing body;
 - c. A brief description of the matter to be considered and permits required;
 - d. A description (text or diagram) of the location of the property involved; and
 - e. The following statement: "If you challenge the City's decision on this matter in Court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing."
 - 2. Notice shall be given not less than 10 calendar days prior to the public hearing.
 - 3. Notice shall be given by the following, except as provided below in subsection C, Special Provisions:
 - a. Mailed notice to the applicant, the owner of the property, persons who have requested notice of a hearing for a specific project, and all property owners within 300 feet of the proposed project site.
 - b. Publication of legal notice in a newspaper determined to be a newspaper of general circulation in St. Helena.
 - 4. Notice for all applications considered by the City Council at a public hearing which have been considered previously by the Planning Commission shall consist of the same notice required for the Planning Commission hearing.
- C. **Special Provisions.** The following special public hearing notice provisions shall apply to the adoption of a General Plan, General Plan element, substantive text amendment of the General Plan, substantive text amendment of the Zoning Ordinance, and any project, including a General Plan land use map amendment, for which the number of property owners who would be sent a public hearing notice pursuant to this Title is greater than 1,000:

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1. Placing a display advertisement of at least one-eighth page in a newspaper determined to be a newspaper of general circulation in the City; or
2. Placing an insert with any generalized mailing sent by the county or City to property owners in the area affected by the proposed ordinance or amendment, such as billing for City services.

The public hearing notice required pursuant to this Section shall be in lieu of that required by subsection B, Noticing Procedures, except for the applicant and property owner.

17.04.090 Continuance of Public Hearing

The hearing body, on its own motion, may continue a hearing from time to time. No additional notice shall be required for the continuance of a noticed public hearing to a specific date. At their own discretion, applicants may request that their project be acted upon rather than continued.

17.04.100 Timing and Notice of Action

When making a decision to approve, approve with conditions, modify, revoke, or deny any discretionary permit under this Title, the responsible authority shall issue a Notice of Action and make any findings that are required by the Zoning Code.

A. Time of Action.

1. A decision shall be deemed to have been made at the time action is taken by the City Council.
2. A decision of the Planning Commission shall be deemed to be made 10 days following the Commission's action on a Conditional Use Permit.
3. A decision shall be deemed to have been made on the date of issuance of a Notice of Action by the Community Development Director.

- B. Notice of Action.** When a final decision is made by Notice of Action, the decision made and the findings or conditions that were the basis for the decision shall be described. The Community Development Director shall mail the Notice of Action to the applicant at the mailing address stated in the application and to any other person or entity requesting the notification in writing.

17.04.110 Authority to Apply Conditions of Approval

In considering an application for a permit or other discretionary approval authorized by this Title, final Approval Authorities may require changes to applications and impose conditions of approval in order to effect the policies of the General Plan and the purpose of this Title. Conditions of approval, which may include dedication of land, installation of specific improvements, size, design and placement of buildings or structures, landscaping, and limitations on use and hours of operation, shall be reasonably related to the type of impacts caused by the use of the property for which the permit or other discretionary approval is requested.

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17.04.120 Effect of Approvals

- A. **Issuance of Approval.** The issuance of a permit or approval requirement described in this Title authorizes the holder to proceed in compliance with the terms of the permit. The applicant must follow the procedures of this Title for any additional applicable permits or approvals in order to complete the development and occupancy requirements for the subject property.
- B. **Conditions of Approval.** All conditions of approval shall be binding upon the applicant, their successors, and assigns; shall run with the land; shall limit and control the issuance and validity of Certificates of Occupancy; and shall restrict and limit the construction, location, use, and maintenance of all land and structures within the development.
- C. **Ownership and Transferability of Permits and Approvals.** An approved permit or other discretionary approval applies to the subject property and runs with the land, except as specifically provided in this Title. Once vested, an approved permit or other discretionary approval remains effective unless terminated, abandoned, revoked or modified even if the subject property is subsequently rezoned. An approved permit or other discretionary approval is transferable to any future owner of the subject property.
- D. **Inspections.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, the property owner, or successor property owners to comply with such conditions.

17.04.130 Terms of Approvals

- A. **Term of Permits and Approvals.**
 - 1. A discretionary approval authorized by this Title shall expire one year from the date that such approval becomes effective unless the applicant has established a vested right to proceed or a subdivision map that was concurrently approved for the project remains valid.
 - 2. A discretionary approval takes effect the day following the expiration of the appeal period if no appeal is filed or the day following the denial of an appeal.
- B. **Validity of Permits.** The following shall establish the validity of permits or other discretionary approvals:
 - 1. **Establishment of Use.** A permit or other discretionary approval shall remain valid as long as the use authorized by the permit is lawfully established prior to the expiration of the permit or the holder of the permit or other discretionary approval has established to the satisfaction of the Community Development Director a good faith, diligent effort to lawfully establish the use pursuant to the procedures set forth by this Section.
 - 2. **Valid Building Permit.** A permit or other discretionary approval shall remain valid as long as there is a valid building permit for construction authorized by the permit. If the building permit expires, or if no building permit has been issued for construction

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authorized by the permit or other discretionary approval during the one year that the permit is valid, the permit or other discretionary approval shall expire unless an extension of time has been granted pursuant to Section 17.04.140, Extension of Permits and Approvals, or the holder of the permit or other discretionary approval has established to the satisfaction of the Community Development Director a good faith, diligent effort to lawfully establish the use pursuant to the procedures set forth by this Section.

- C. **Expiration of Permits.** The following establish the expiration of permits or other discretionary approvals.
1. **Failure to Establish Use.** Any permit or discretionary approval that allows for the establishment of a use shall be revoked by the Community Development Director if it is determined that the use has not been established within a period of six consecutive months from the date the permit was issued or the discretionary approval was granted.
 2. **Failure to Continue Use.** Any permit or discretionary approval that allows for the establishment of a use shall be revoked by the Community Development Director if it is determined that the use has been abandoned, ceased operations, or has been vacated for a period of six consecutive months from the date the permit was issued or the discretionary approval was granted, unless the holder of the permit or other discretionary approval has confirmed to the satisfaction of the Community Development Director a good faith, diligent effort to continue the use pursuant to the procedures set forth by this Section.
 3. **Incompletion of a Project.** If only a portion of a project is completed pursuant to a permit authorizing its development, the permit or other discretionary approval for the balance of the project shall expire if no substantial action is taken toward completion of the balance of the project in a one-year period.
- D. **Determination of Expiration or Extension.** The following provides for determination of the expiration or extension of permits or other discretionary approvals.
1. **Notification of Determination of Expiration.** If the Community Development Director determines that the holder of the permit or other discretionary approval has not attempted to establish or continue the approved use diligently and in good faith, the Community Development Director shall notify the holder of the permit or other discretionary approval in writing of that determination, and that the permit or other discretionary approval is expired, lapsed and null and void. The Community Development Director's determination that the permit or other discretionary approval has expired may be appealed to the Planning Commission by the holder of the permit or other discretionary approval.
 2. **Notification of Determination of Extension.** If the Community Development Director determines that the holder of the permit or other discretionary approval has attempted to establish or continue the approved use diligently and in good faith, the Community Development Director shall notify the holder of the permit or other discretionary approval in writing of that determination, and that the permit or other discretionary approval has been extended for an additional period. Any such extension shall be for a period of one year and shall be subject to the requirements

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set forth in subsection B of this Section for establishing the use within that time period and the requirements set forth in subsection D.1 for submitting additional information prior to the expiration of any such extension. The Community Development Director's determination to extend the permit or other discretionary approval shall be final.

17.04.140 Extension of Permits and Approvals

A permit or other discretionary approval may be extended for not more than two, one-year periods, or for as long as any subdivision concurrently approved is extended, whichever is longer, provided that an application is filed at least 30 days prior to its expiration date.

The Community Development Director may grant an extension of an approval where there has been no proposed change in the original permit or approval. Extensions may be granted subject to additional conditions or amendments; however, if the permit or other discretionary approval is no longer in conformance with this Title, General Plan, or other City regulations, no extension shall be granted. A permit or other discretionary approval shall remain valid during the time an application for an extension is processed and considered by the appropriate Approval Authority.

17.04.150 Modifications to an Approval

- A. **Minor Modifications to an Approval.** At the discretion of the Community Development Director, a minor modification to a discretionary approval may require only administrative review and approval, but no minor modification may change the approved use, density, or intensity.
- B. **Major Modifications to an Approval.** Any modification to a discretionary approval that is not a minor modification under subsection A above is a major modification and must be approved by the Approval Authority that issued the discretionary approval.

17.04.160 Effect of Denials

- A. **Denial with Leave to Amend.** If an application for a permit or other discretionary approval is denied with leave to amend, an application for the same or a substantially similar project may be filed within one year from the date of the denial without being considered a new application. A denial without leave to amend must be accompanied by a statement that no right or privilege of the applicant is waived or lost by the denial if an amended application is resubmitted within one year from the denial.
- B. **Denial without Leave to Amend.** If an application for a permit or other discretionary approval is denied without leave to amend, in compliance with subsection A, no new application for the same or a substantially similar project may be filed for a period of one year from the date of the denial.
 - 1. If an application for a permit or discretionary approval on the same property is received within one year from the date of denial, the Community Development Director shall make the threshold decision whether the project is substantially similar to the rejected project and therefore cannot be filed for processing.

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2. The Community Development Director shall provide the applicant, each member of the Approval Authority and any person who has submitted a written request for notice a copy of the Community Development Director's proposed decision. Unless an appeal is filed, the proposed decision shall become final 15 days after notice is given by mail and provided to the Approval Authority.
3. Upon request of Community Development Director, the matter shall be placed on the agenda for a decision whether the project is substantially similar.

17.04.170 Appeals

Any person, firm, or corporation aggrieved by a decision of the Approval Authority in interpreting, applying, or enforcing this Chapter may file an appeal in compliance with the appeal provisions established in Chapter 17.12, Procedures for Appeals.

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Chapter 17.05 Planning Permits and Approvals

17.05.010 Purpose

This Chapter provides the procedures for the preparation, filing, and processing of applications for planning permits and other entitlements required by this Title.

17.05.020 Conditional Use Permit (CUP)

- A. **Purpose.** The purpose of a Conditional Use Permit (CUP) is to allow the proper integration in the City of essential or desirable uses while ensuring that such uses are and will continue to be compatible with surrounding existing and planned uses. The purpose is also to establish conditions as necessary to ensure the harmonious integration and compatibility of uses in the neighborhood and with surrounding areas.
- B. **Applicability.** Part III, District Regulations and Overlays, identifies land uses and activities that require a CUP.
- C. **Application.**
 - 1. **Application.** An application for a CUP shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 - 2. **Responsibility.** It is the responsibility of the applicant to provide support for the findings required by subsection E.
- D. **Public Hearing and Procedure.**
 - 1. Public hearings shall be properly noticed in compliance with Section 17.04.080, Public Hearing Notice.
 - 2. The Planning Commission shall hold a public hearing on the CUP application and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the requirements for conditional uses and other applicable Sections of this Code.
- E. **Findings.** The Planning Commission may approve the CUP only after making the following findings:
 - 1. The proposed use is consistent with the goals and policies of the General Plan and any applicable Specific Plan;
 - 2. The proposed use is appropriate for the zoning district in which it is located, compatible with uses allowed in the zoning district, and complies with all other applicable provisions of the Zoning Code;
 - 3. The proposed use will not be materially detrimental to the health, safety, and welfare of the public or the property and residents in the vicinity;
 - 4. The subject site is physically suitable for the use and compatible with existing and future land uses, buildings and structures in the vicinity;

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5. For formula businesses, the proposed use is consistent with the findings of Section 17.22.120, Formula Businesses; is consistent with the unique and historic character of the City; will preserve the distinctive visual appearance and shopping experience of the City for its residents and visitors; and will be compatible with existing uses in the zoning district;
6. The subject site is served by streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate or that the streets in question are physically or financially impossible to be improved and that the proposed use is deemed to be beneficial to the City; and
7. The project is categorically exempt under CEQA or other applicable environmental documents have been certified as complete and adequate.

F. Conditions of Approval.

1. The Planning Commission may attach conditions of approval to a CUP as are necessary to carry out the purposes of the General Plan, other adopted plans, or findings of subsection E. Some of the conditions may include limitations on size, bulk, and location; requirements for additional landscaping or buffers; mitigation of adverse environmental impacts; and other conditions such as the duration of the permit, hours of operation, and time limits on construction.
2. Conditions of approval will only be imposed if they are necessary to ensure:
 - a. The intent and purpose of the General Plan and this Code are met;
 - b. Compatible and complementary development and operation of the property; and
 - c. The provision of appropriate off-site improvements.

G. Master Use Permit.

1. **Purpose and Applicability.** A Master Use Permit is a special type of Conditional Use Permit which authorizes more than one conditional use, including future uses, from the list of conditional uses of the zoning district in which a property is located. The Planning Commission may approve a Master Use Permit on properties with one or more buildings which are occupied or designed for occupancy by multiple nonresidential uses.
2. **Application Requirements.** See subsection C above for application requirements.
3. **Public Hearing and Procedure.** The procedure and findings for a Master Use Permit shall be the same as that of a CUP as described above. Following approval of a Master Use Permit, any uses so authorized may be established subject only to compliance with any conditions of approval. Each Master Use Permit shall list all of the conditional uses authorized by the Permit and may be subject to conditions or requirements over and above those which might be applied for any particular use.

H. Notice of Action, Appeals, Expiration, Extensions, and Modifications.

1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.

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2. **Appeals.** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.
3. **Expiration, Extensions, and Modifications.** Conditional Use Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

17.05.030 Demolition Permit

- A. **Purpose.** The purpose of this Section is to provide the procedure for processing a demolition permit for non-historic structures.
- B. **Applicability.** This Section applies to all buildings and structures less than 50 years old that are proposed for demolition.
- C. **Application Requirements.**
 1. **Application.** An application for a Demolition Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process. If the structure is 50 years or older, a historic resource determination report may be needed from a qualified architectural historian. Applicants should contact the Community Development Department to verify requirements.
 2. **Responsibility.** It is the responsibility of the applicant to provide information regarding the findings described by subsection D.
- D. **Findings.** No permit authorizing the demolition of any building within any zoning district shall be issued until approved by the Planning Commission in accordance with the following findings:
 1. The building is determined not to be a significant architectural or historical building based on the public record and testimony presented at a public hearing;
 2. The demolition would not eliminate elements that are required to maintain the essential character of the neighborhood;
 3. Design review of the proposed replacement structure is approved prior to, or in conjunction with, approval of the demolition of a structure; and
 4. The building to be demolished does not reflect neglect by the owner.
- E. **Notice of Action, Appeals, Expiration, Extensions, and Modifications.**
 1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.
 3. **Expiration, Extensions and Modifications.** Demolition Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

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17.05.040 Historic Demolition Permit

- A. **Purpose.** The purpose of this Section is to provide procedures for the processing of a demolition permit for potential historic structures.
- B. **Applicability.** This Section applies to:
 - 1. All structures over 50 years old within the Historic Preservation Overlay District or determined to be a historic resource by a qualified architectural historian; and
 - 2. Any structure listed on the City's Historic Resources Master List (Local Register).
 - 3. **Exemptions.** The following are exempt from the Historic Demolition Permit requirement:
 - a. Buildings and structures determined by the Chief Building Official to pose a serious and immediate threat to the public health, safety, or general welfare.
 - b. A building or structure included in the City's Local Register but whose listing is determined by the Community Development Department to be based on erroneous information, based on evidence in the record.
 - c. The structure or building is determined by the Community Development Department to not meet criteria for historical significance as defined by Public Resources Code § 5020.1 or 5024.1, based on evidence in the record.
 - d. Demolition of interior partitions, walls, or any other demolition that will not modify the exterior appearance of the structure or building.
- C. **Application Requirements.**
 - 1. **Application.** An application for an Historic Demolition Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process. Specific requirements unique to the Historic Demolition Permit are listed on the Application.
 - 2. **Responsibility.** It is the responsibility of the applicant to provide information regarding the findings described by subsection F.
- D. **Environmental Review.** Environmental review of a historic demolition permit application shall be conducted in accordance with CEQA.
- E. **Public Hearing and Procedures.**
 - 1. Public hearings shall be properly noticed in compliance with Section 17.04.080, Public Hearing Notice.
 - 2. The Planning Commission shall hold a public hearing on a Historic Demolition Permit application and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the provisions of Chapter 17.04, Common Procedures.
- F. **Findings.** In order to approve an application for a historic demolition permit, the Planning Commission must make at least three of the following findings:
 - 1. The building or structure does not represent a unique and irreplaceable historic or architectural resource.

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2. The adaptive reuse of the structure is infeasible or inappropriate, due to economic considerations, structural conditions or land use incompatibility.
 3. The relocation of the structure is infeasible due to cost, structural conditions or lack of an interested party.
 4. Restoration of the building or structure is not feasible or practical using current building codes including, but not limited to, the Historic Building Code provisions of the California Building Standards Code.
 5. No public or other funding is available for financing renovation or purchase of the property on which the building or structure is located.
 6. The characteristics of the building or structure that originally supported its inclusion in a cultural resources survey are no longer present and such absence is not a result of:
 - a. Willful or negligent acts by the owner that resulted in structural deterioration;
 - b. Failure to perform normal maintenance and repairs;
 - c. Failure to diligently solicit and retain tenants; and
 - d. Failure to secure and board the structure if vacant.
 7. The base zoning of the site is incompatible with the intended reuse of the existing structure.
 8. The structure cannot be restored without repairs that would exceed 50 percent of the value of the structure itself. This finding shall be supported by 1) an appraisal prepared by a certified appraiser to determine the value of the structure and 2) at least two bids from qualified contractors to determine the cost of repairs to the structure.
 9. The historic resource must be removed from the site in order for the property to be utilized for a structure or use that substantially benefits the public.
 10. Demolition of the structure will not have a significant impact on the historic integrity of the designated or potential historic district.
- G. **Notice of Action, Appeals, Expiration, Extensions, and Modifications.**
1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** A decision of Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.
 3. **Expiration, Extensions and Modifications.** Historic Demolition Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.
- H. **Conditions of Approval.** Potential conditions of approval that may be adopted by the Planning Commission in approving a historic demolition permit include, but are not limited to, the following:

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1. Prior to demolition, the applicant shall provide archival quality photographs, floor plans and elevation drawings, as appropriate, to record the building(s) or structure(s) being demolished.
2. Prior to issuance of the Historic Demolition Permit, the Planning Commission shall approve a design review application for new construction for the site of the demolished structure(s) and a building permit shall be issued for the replacement structure(s). In addition to the findings required under Section 17.05.070, Major Design Review, the Planning Commission shall find that the proposed design is compatible with the historic character of the surrounding historic neighborhood, if applicable.
3. The applicant shall donate to the St. Helena Historical Society any artifact or other architectural element identified by the preservation consultant or Planning Commission. The artifact or architectural element shall be carefully removed and delivered to the St. Helena Historical Society in good condition to be used in future conservation work.
4. The applicant shall offer any reputable firm, group or individual, the opportunity to move the building to another site for restoration.
5. The City may require the applicant to bond for no less than 25 percent of the estimated construction cost of the replacement structure or structures approved under subsection H.2.

17.05.050 Development Agreement

- A. **Purpose.** The purpose of this Section is to provide procedures for the processing of development agreements.
- B. **Applicability.** The City may enter into an agreement with a qualified applicant for the development of real property as provided in this Chapter under the authority of California Government Code §§ 65864 through 65869.5.
- C. **Qualifications.** Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property that is the subject of the development agreement. The Community Development Director may require an applicant to submit proof of his or her interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the Community Development Director shall obtain the opinion of the City Attorney to confirm the sufficiency of the applicant's interest in the real property to enter into the agreement.
- D. **Application Requirements.**
 1. **Application.** An application for a development agreement shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 2. **Form of Agreement.** Each application shall be accompanied by the form of development agreement proposed by the applicant. This requirement may be met by designating the City's standard form of development agreement and including specific proposals for changes in, or additions to, the language of the standard form.

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E. **Public Hearing and Procedures.**

1. A public hearing on an application for a development agreement shall be held by the Planning Commission and the City Council. Notice of intention to consider adoption of a development agreement shall be given as provided in California Government Code §§ 65100 and 65110. These notice requirements are declaratory of existing law. If state law prescribes a different notice requirement, notice shall be given in that manner.
2. The failure of any person entitled to notice required by law or this Chapter to receive such notice does not affect the authority of the City to enter into a development agreement.
3. The failure of any person entitled to notice required by law or this Chapter to receive such notice does not affect the authority of the City to enter into a development agreement.
4. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice finding, record, hearing, report, recommendation or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown.

F. **Planning Commission Determination.** After the hearing by the Planning Commission, the Planning Commission shall make its recommendation in writing to the City Council. The recommendation shall include the Planning Commission's determination whether or not the development agreement proposed:

1. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan;
2. Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
3. Is in conformity with public convenience, general welfare and good land use practice;
4. Will be detrimental to the health, safety and general welfare;
5. Will adversely affect the orderly development of property or the preservation of property values. The recommendation shall include the reasons for the recommendation; and
6. Will have a sufficient water supply for subdivisions pursuant to the requirements of California Government Code § 66473.7 and new non-residential development.

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G. City Council Decision.

1. After the City Council completes its public hearing, it may accept, modify, or disapprove the recommendation of the Planning Commission. The City Council may refer matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for report and recommendation. The Planning Commission may hold a public hearing on matters referred back to it by the City Council.
2. The City Council may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the General Plan and any applicable specific plan.
3. If the City Council approves the development agreement, it shall do so by the adoption of an ordinance. When the ordinance approving the development agreement takes effect, the City may enter into the agreement.

H. Amendment or Cancellation. Either party, by mutual consent, may propose an amendment to or cancellation in whole or in part of the previously approved development agreement .

1. **Minor Amendments.** At the discretion of the Community Development Director, a minor amendment to a Development Agreement requires only administrative review and approval.
2. **Major Amendments or Cancellations.** The procedure for proposing and adoption of a major amendment to or cancellation in whole or in part of the development agreement is the same as the procedure described in subsection E.

I. Recordation.

1. Within 10 days after the City enters into the development agreement, the City Clerk shall record the agreement with the County Recorder.
2. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in subsection H, or if the City terminates or modifies the agreement as provided in subsection K for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall record a notice of such action with the County Recorder.

J. Periodic Review. The City shall review the development agreement every 12 months from the date the agreement is entered.

1. The time for review may be modified either by agreement between the parties or by initiation in one or more of the following ways:
 - a. Recommendation of the Community Development Director;
 - b. Affirmative vote of at least three members of the City Council.
2. The Community Development Director shall begin the review proceedings by giving notice that the City intends to undertake a periodic review of the development agreement to the property owner. The notice shall be given at least 15 days in advance of the time at which the matter will be considered. The review shall be conducted by the City Council.

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3. The City Council shall conduct a public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.
 4. The City Council shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.
 5. If the City finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded.
 6. If the City finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the City may modify or terminate the agreement.
- K. **Modification or Termination.** If, upon a finding under subsection J, the City determines to proceed with modification or termination of the agreement, the City shall give notice to the property owner of its intention to do so. The notice shall contain:
1. The time and place of the hearing;
 2. A statement as to whether or not the City proposes to terminate or to modify the development agreement; and
 3. Other information that the City considers necessary to inform the property owner of the nature of the proceeding.

At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The City Council may refer the matter back to the Planning Commission for further proceedings or for report and recommendation. The City Council may impose conditions to the action it takes as it considers necessary to protect the interests of the City. The decision of the City Council is final.

17.05.060 Home Occupation Permit

- A. **Purpose.** The purpose of the Home Occupation Permit is to allow for the conduct of a business in the residential districts and to prescribe the conditions under which limited nonresidential activities may be conducted when incidental to residential activities.
- B. **Applicability.** Section 17.22.130, Home Occupations, identifies uses and activities that require a Home Occupation Permit.
- C. **Application.**
 1. **Application.** An application for a Home Occupation Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 2. **Responsibility.** It is the responsibility of the applicant to comply with the standards identified in Section 17.22.130, Home Occupations and the findings of subsection D.
- D. **Findings.** The Community Development Director or the Planning Commission after an appeal shall approve a Home Occupation Permit if it is determined that the proposed home occupation would:

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1. Be consistent with the General Plan, any applicable Specific Plan, and the development and design standards of the subject residential zoning district;
 2. Be consistent with the home occupation criteria and standards of Section 17.22.130, Home Occupations; and
 3. Be consistent with all other municipal codes and applicable laws.
- E. **Conditions of Approval.** In approving an application for a Home Occupation Permit, the Approval Authority may impose additional conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the provision of Section 17.22.130, Home Occupations.
- F. **Notice of Action, Appeals, Expiration, Extensions, and Modifications**
1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Expiration, Extensions and Modifications.** Home Occupation Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

17.05.070 Major Design Review

- A. **Purpose.** This Section establishes procedures for the review and approval or denial of development applications requiring Major Design Review. The purpose of Major Design Review is:
1. To promote those qualities in the environment that bring value to the community;
 2. To foster the attractiveness and functional utility of the community as a place to live and work;
 3. To preserve the character and quality of our heritage by maintaining the integrity of those areas that have a discernible character or are of special historic significance;
 4. To protect certain public investments in the area;
 5. To ensure that new residential development within existing neighborhoods is respectful of the existing scale of development and promotes harmonious design;
 6. To encourage, where appropriate, a permissible mix of uses; and
 7. To raise the level of community expectations for the quality of its environment.
- B. **Applicability.** Major Design Review shall be required for the following:
1. Any new commercial, industrial, or agricultural building or exterior modification to an existing commercial, industrial, or agricultural building that involves the construction of 500 square feet or more, is visible from a public street or alley, and is not subject to Minor Design Review as stipulated in Section 17.05.080.B.
 2. Any new public facility or modification to an existing public facility, excluding structures for utilities.

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3. New construction and additions to structures in the Historic Preservation Overlay district. Exterior façade changes that are consistent with the standards in Section 17.21.040, Historic Preservation (HP) Overlay District are not subject to Major Design Review.
 4. Any development within an approved PD Overlay district.
 5. Any new structure or exterior modification to an existing structure where a Conditional Use Permit is required, excluding multi-family residential projects.
 6. The construction of a new single-family home (Enacted by Ord. 87-8 effective 06-26-1987) except as provided in subsection 17.05.080.B.8.
 7. Additions to a single-family home that create a second or third floor, story, or living space in an upper story where one does not currently exist including an addition to an existing second or third story.
 8. Any residential and residential mixed-use buildings that do not comply with the applicable design standards of Chapter 17.16, Residential Zoning Districts and Chapter 17.17, Commercial and Mixed-Use Zoning Districts.
- C. **Application.**
1. **Application.** An application for a Major Design Review shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 2. **Responsibility.** It is the responsibility of the applicant to provide support for the design review findings criteria required by subsection E.
- D. **Public Hearing and Procedures.**
1. Public hearings shall be properly noticed in compliance with Section 17.04.080, Public Hearing Notice.
 2. The Planning Commission shall hold a public hearing on an application requiring a Major Design Review and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with this Code.
 3. The Community Development Director may, on a case-by-case basis, require the applicant to erect story poles on the project site to illustrate the height and or scale of a two story (or more) proposal, particularly when there are adjacent neighboring structures.
- E. **Findings.** The Planning Commission may approve the Major Design Review only after making the following findings:
1. **Nonresidential Projects.**
 - a. The project is in conformance with the General Plan and applicable design standards in the Zoning Code;
 - b. The proposed siting, form and architectural style are appropriate for the project site and with the surrounding sites and structures;

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- c. In the CB district, the façade composition, door placement and design, and building fenestration encourage urban design which provides a connection to the street;
 - d. The roof design, building massing, and building articulation are reflected on all sides of the building that together create a visually engaging structure;
 - e. Project details including materials and colors are used in a manner that creates a visually cohesive design;
 - f. The building design and landscaping support public safety and security by allowing for a visual connection between the building frontages and the right-of-way, common open spaces, and other buildings on the site; and
 - g. In a National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines.
2. ***New Single-Family Dwellings and Additions of Second or Third Stories to Existing Single-Family Dwellings.***
- a. Consistency and compatibility with applicable elements of the General Plan (Enacted by Ord. 87-8 effective 06-26-1987); and
 - b. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions (Enacted by Ord. 87-8 effective 06-26-1987).

F. Review Limitations.

- 1. The Planning Commission shall not design or assist in the design of any buildings or projects submitted for approval except as requested by an applicant. The Planning Commission shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant.
- 2. Individual initiative and experimentation by the applicant are to be encouraged.
- 3. Only the applicant's failure to take reasonable account of the items discussed in subsections A and E shall justify the Planning Commission's disapproving of a proposal solely on the basis of design.
- 4. In its endeavor to improve the quality of a design, the Planning Commission shall keep considerations of cost in mind. However, consideration of cost shall not override the other objectives of this Title.
- 5. The Planning Commission shall not use the Major Design Review process to intentionally or inadvertently exclude housing for minority groups or housing for low- and moderate-income persons.
- 6. The Planning Commission shall not use the Major Design Review process to intentionally or inadvertently prohibit or unduly restrict building types, materials, or methods or to vary the specific allowances or other development controls.

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- G. **Exemptions.** This Community Development Director has the discretion to exempt a proposal from Design Review upon finding that the proposal:
1. Is clearly consistent with the findings of this Section and the remaining requirements of this Title and the General Plan; or
 2. Consists of the replacement of existing architectural features that do not involve substantial design changes or changes in materials.
 3. Involves a conforming residential dwelling where less than 50 percent of the gross floor area has been destroyed by a natural disaster and the proposal to reconstruct uses the same materials and design, is located on the same footprint, and does not increase the gross floor area of the previously existing structure.
- H. **Notice of Action, Appeals, Expiration, Extensions, and Modifications**
1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.
 3. **Expiration, Extensions and Modifications.** Major Design Review approval expires after one year. Major Design Review approval may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

17.05.080 Minor Design Review

- A. **Purpose.** The purpose of the Minor Design Review process is to allow for the administrative review and approval of development applications that do not have site or architectural design impacts.
- B. **Applicability.** The following activities are subject to all design criteria of the City; however, the review shall be conducted administratively by Community Development Director as a component of the building permit review:
1. Those activities not described in Section 17.05.070.B.
 2. New multi-family development consistent with the applicable development and design standards provided in Section 17.06.040, Design Standards.
 3. Any form of repair or maintenance where the work solely involves the replacement of materials in like kind and form or to any such work in areas not visible to the public from the public right-of-way or areas accessible to the public.
 4. The alteration, modification or addition to an existing single-family or multi-family residential structure or building except as identified in Section 17.05.070.B.
 5. The construction of an accessory structure in keeping with all development criteria of the zoning district in which the structure is proposed.

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6. Minor changes to the exterior of existing non-historic nonresidential buildings that require a building permit. This includes, but is not limited to, facade changes, relocation of storefront doors, and relocation of windows.
 7. Changes to a nonresidential site not involving major structural or site changes or changes of use. This includes site alterations such as construction of parking shade structures or other accessory structures.
 8. The intentional destruction and removal of less than 50 percent of the finished floor within the exterior walls of a non-historic structure in conjunction with a remodel or addition.
 9. The reconstruction of a single-family residence destroyed by an act of God.
- C. **Application Requirements.** No permit application is required for a Minor Design Review.
- D. **Findings.** In approving a Minor Design Review, the Community Development Director shall find that:
1. The project is in conformance with the General Plan and Zoning Ordinance;
 2. The project is in conformance with applicable design and development standards;
 3. The project's operating characteristics minimize potential negative impacts and land use conflicts;
 4. Adequate utilities, access roads, drainage, sanitation and other necessary facilities will be in place;
 5. The project is categorically exempt under CEQA or other applicable Environmental Documents have been certified as complete and adequate; and
 6. The project will not be detrimental to the public health, safety, and general welfare.
- E. **Review and Final Decision.**
1. The Community Development Director shall review the project types described in subsection B for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Minor Design Review process.
 2. A determination shall be issued by the Community Development Director as part of the building permit review that verifies that the design meets all applicable development and design standards and findings for Minor Design Review approval.
- F. **Appeals, Expiration, Extensions and Modifications.**
1. **Appeals.** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.
 2. **Extensions and Modifications.** Minor Design Review approval may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

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17.05.090 Minor Use Permit

- A. **Purpose.** The purpose of a Minor Use Permit (MUP) is to provide an administrative review process for proposed uses and activities to ensure that they are compatible with locational, use, structural, traffic, and the character of neighboring properties.
- B. **Applicability.** Part III, District Regulations and Overlays, identifies the uses and activities that require a MUP.
- C. **Application Requirements.**
 - 1. **Application.** An application for a Minor Use Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 - 2. **Responsibility.** It is the responsibility of the applicant to provide information on the proposed use that support the findings described in subsection D.
- D. **Findings.** The Community Development Director may approve a MUP upon making the following findings:
 - 1. The proposed use is consistent with the goals and policies of the General Plan and any applicable Specific Plan;
 - 2. The proposed use is appropriate for the zoning district in which it is located, compatible with uses allowed in the zoning district, and complies with all other applicable provisions of the Zoning Code;
 - 3. The proposed use will not be materially detrimental to the health, safety, and welfare of the public or the property and residents in the vicinity;
 - 4. The subject site is physically suitable for the use and compatible with existing and future land uses, buildings and structures in the vicinity;
 - 5. The subject site is served by streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate; and
 - 6. The project is categorically exempt under CEQA or other applicable Environmental Documents have been certified as complete and adequate.
- E. **Review and Hearing Procedures.**
 - 1. The Community Development Director shall review the projects described in subsection B for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Minor Use Permit review process. Each application shall be reviewed by the Community Development Director to ensure that the proposal complies with all applicable requirements of this Title.
 - 2. Prior to a decision on a Minor Use Permit, the City shall provide notice of a public hearing in compliance with Section 17.04.080, Public Hearing Notice.
 - a. **Public Notice.** The notice shall state that the Community Development Director will decide whether to approve or disapprove the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if

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requested in writing by any interested person prior to the specified date for the decision.

- b. Hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Section 17.04.080, Public Hearing Notice, and the Community Development Director shall conduct the public hearing prior to a decision on the application in compliance with Chapter 17.04, Common Procedures.

F. Notice of Action, Appeals, Expiration, Extensions, and Modifications.

- 1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
- 2. **Appeals.** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.
- 3. **Expiration, Extensions and Modifications.** Minor Use Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

17.05.100 Short-Term Rental Permit

A. Purpose.

- 1. The City Council finds that unregulated transient occupancy uses (i.e. short term rentals) in residential and agricultural district present a threat to the public welfare.
- 2. The purposes of the short term rental regulations are to:
 - a. Establish a permitting process and appropriate restrictions and standards for short-term rental of single-family dwellings;
 - b. Provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City;
 - c. Ensure the collection and payment of transient occupancy taxes;
 - d. Minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods; and
 - e. Retain the character of the neighborhoods in which any such use occurs.
- 3. The short term rental regulations are not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals.
- 4. The short term rental regulations are not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this Section.
- 5. The City Council also finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to Short-Term Rental Permits is necessary to protect the public health, safety and welfare. The purposes of the short term rental permit regulations are to:

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- a. Provide a permit system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density;
 - b. Ensure the health, safety and welfare of renters and guests patronizing short-term rentals;
 - c. Impose limitations on the total number of permits issued in order to ensure the long-term availability of the affordable housing stock; and
 - d. Provide for robust enforcement remedies and penalties to prevent and deter violations of this Section and unjust enrichment by those who violate this Section.
- B. **Application Requirements.**
 - 1. **Application.** An application for a new Short-Term Rental Permit or a renewal of an existing Short-Term Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 - 2. **Responsibility.** It is the responsibility of the applicant to provide information on the proposed use that support the findings described in subsection D.
- C. **Public Hearing and Procedures.**
 - 1. The Planning Commission shall hold a public hearing for discretionary review for a new Short-Term Rental application. The public hearings shall be properly noticed in compliance with Section 17.04.080, Public Hearing Notice
 - 2. The public hearing notice shall:
 - a. Contain a description of the proposed short-term rental operation, parking on the site, and number of bedrooms to be used for short-term rental use, together with a location map identifying the short-term rental dwelling lot in relationship to all other lots within a 300-foot distance.
 - b. State that the noticed owners may file a written protest against the proposed short-term rental use with the Community Development Director provided that the protest is postmarked or received within 14 days of the mailing of the notice of application.
 - 3. The Planning Commission shall hold a public hearing on an application for a Short-Term Rental Permit and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with this Code.
- D. **Findings.** The Planning Commission shall review and either approve or deny the initial Short-Term Rental Permit application pursuant to the requirements of this Section after considering the effects the proposed short-term rental use would have on surrounding uses and the cumulative impacts within the community. In approving a new Short-term Rental Permit application, the Planning Commission must make the following findings:
 - 1. The short-term rental complies with applicable standards identified in Section 17.22.200, Short-Term Rentals;

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2. The establishment of a short-term rental at the subject property is consistent with the purpose of the General Plan, including policies regarding the displacement of rental units in the housing stock;
 3. The establishment of a short-term rental at the subject property will not be detrimental to a building, structure, or feature of significant aesthetic, cultural, architectural, or engineering interest or value of a historical nature;
 4. The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses;
 5. The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City and will help to ensure the collection and payment of transient occupancy taxes; and
 6. There exists no substantial evidence of operation of an unpermitted short-term rental on the part of the applicant anywhere within the City.
- E. **Conditions of Approval.** The Community Development Director may recommend, and the Planning Commission may impose, conditions on the granting of an application for a Short-Term Rental Permit to mitigate the impacts of the proposed land use.
- F. **Permit Availability.** If no Short-Term Rental Permits are available pursuant to the limitation on short-term rentals described in Section 17.22.200.D, the Community Development Director shall place interested property owners on a waiting list in the order in which they were received. If a permit becomes available, applications shall be accepted and reviewed in the order that they are listed on the waiting list subject to the local preference policy established in subsection 17.22.200.D.15.
- G. **Notice of Action, Appeals, Term of Permit, and Conditions Subsequent to Short-Term Rental Permit Approval.**
1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** Any person whose application for a short-term rental permit has been denied by the Planning Commission, or whose permit has been suspended or revoked by the Community Development Director, may appeal pursuant to Chapter 17.12, Procedures for Appeals. A third party may also file an appeal of an approval of a Short-Term Rental Permit.
 3. **Term of Permit.** Short-term rental permits shall be valid for a period of two years.
 4. **Conditions Subsequent to Approval.** Short-Term Rental Permits shall be subject to any changes to this Section approved by the City Council and conditions that the Council may impose subsequent to the issuance of the permit.
- H. **Renewals Procedure.**
1. The permit holder shall submit a short-term rental permit renewal application and pay applicable fees to the City a minimum of 30 days prior to the expiration of a current Short-Term Rental Permit.

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2. Upon receipt of a renewal application, the Community Development Director will confirm with the Finance Department that the applicant's business license is current and that all required Transient Occupancy Taxes (TOT) have been reported and paid (see Chapter 5.08, Business License Generally, for the requirements related to business licenses).
3. The Community Development Director will refer the application to the St. Helena Police Department to request all police calls for services and complaints lodged against the property over the course of the two-year permit.
4. If the permit holder has a current business license, has rented their property on a short-term basis for an average of 60 days per year (as applicable), has been properly reporting and paying TOT, and has fewer than three confirmed violations of the Code or of state or federal law over the prior two years, the Community Development Director may administratively approve the renewal which shall be valid for an additional two years. If all of these provisions are not met, the renewal shall be referred to the Planning Commission for action at a public hearing. The Community Development Director also has the discretion to refer the renewal application to the Planning Commission for a decision pursuant to the process and standards set forth in subsections C. and D.
5. No renewal shall be approved without written verification of tax payments by the permit holder, and no permit shall be approved if the operation of the short-term rental has created adverse impacts on the neighborhood as specified in Section 17.05.100.K, in which it is situated or has otherwise caused the loss of the character of that neighborhood.
6. The Community Development Director may deny the renewal if the applicant has violated any provision of this Section.
7. *Notice of Action, Appeals, Term of Permit, and Conditions Subsequent to Approval of a Short-Term Rental Permit Renewal.*
 - a. *Notice of Action.* Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 - b. *Appeals.* Any person whose application for a short-term rental permit renewal has been denied by the Community Development Director may appeal to the Planning Commission pursuant to Chapter 17.12, Procedures for Appeals. A third party may also file an appeal of an approval of a short-term rental permit renewal.
 - c. *Conditions Subsequent to Approval.* Short-Term Rental Permit Renewals shall be subject to any changes to this Section approved by the Planning Commission and conditions that the Commission may impose subsequent to the issuance of the permit.

I. Inspections.

1. The Community Development Director has the right to enter upon any property at any reasonable time to make inspections and examinations for the purpose of

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enforcement of this Section, subject to the provisions of Code of Civil Procedure § 1822.50 et seq.

2. The Fire Department shall annually inspect the dwelling used as a short-term rental and submit the inspection report to the Community Development Department.
3. The Community Development Director shall have the right to inspect any records related to the use and occupancy of the short-term rental to determine that the objectives and conditions of this Section are being fulfilled.

J. Revocation.

1. The Community Development Director may revoke a Short-Term Rental Permit pursuant to Chapter 17.13, Enforcement, if the Community Development Director determines that:
 - a. The owner-applicant gave false or misleading information during the application process;
 - b. There has been a violation of any of the terms, conditions and restrictions on the use of the dwelling unit for short-term rental use;
 - c. The owner-applicant has violated any provision of this Section; or
 - d. The owner-applicant has failed to timely pay the transient occupancy tax as required by this Code.
2. If an owner-applicant's short-term rental permit is revoked, the owner-applicant may not reapply for another permit for two years after the date of revocation. If there is a waiting list to receive a permit, the owner-applicant will be added to the list.

K. Violations, Enforcement, and Civil Penalties.

1. Any property owner or responsible person who uses, or allows the use of, or advertises or causes to be printed, published, advertised, or disseminated in any way, the availability of residential property in violation of this Section is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this Section. Such violation shall be punishable pursuant to Chapter 1.20, General Penalty. For purposes of this Section, "responsible person" shall mean and include any manager or other person responsible for allowing property to be used for short-term rental in violation of this Section.
2. Short-term rental use, and advertisement for use, of a residential property in violation of this Section is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, Enforcement Procedures, except that the civil penalty for a violation shall be \$1,000.00. Each day the violation occurs shall constitute a separate offense.
3. Any property owner or responsible person who violates this Section shall be liable and responsible for a civil penalty of \$1,000.00 per violation per day such violation occurs. The City may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the City, including without limitation the City's staff time, investigation expenses and attorney's fees.

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- a. Where the City proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this Section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this Section. In any such civil action the City also may abate or enjoin any violation of this Section.
- b. Where the City proceeds by administrative citation, the City shall provide the property owner or responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.
 - i. The property owner or responsible person has the right to request an administrative hearing within 45 days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the property owner or responsible person shall notify the City Clerk in writing within 45 days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances, and arguments upon which the appeal is based.
 - ii. The City Manager is authorized to designate a hearing officer to hear such appeal. The City Hearing Officer shall conduct a hearing on the appeal within 90 days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall only consider those facts, circumstances, or arguments that the property owner or responsible person has presented in the appeal notification.
 - iii. The hearing officer shall render a decision in writing within 30 days of the conclusion of the hearing. The hearing officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability or inability to pay. Provided, however, that in exercising its discretion the hearing officer should consider the purpose of this Section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this Section.
 - iv. Any aggrieved party to the hearing officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County superior court in accordance with the timelines and provisions set forth in California Government Code § 53069.4.

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- v. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this Section, such penalty, if unpaid within 45 days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to Chapter 1.12, Enforcement Procedures. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.
- 4. Any violation of this Section may also be abated or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, Enforcement Procedures except that the civil penalty under Chapter 1.12 for a violation shall be \$1,000.00.
- 5. Each day the violation of this Section occurs shall constitute a separate offense.
- 6. Any property owner who uses, or allows the use of, residential property as a short-term rental without a permit shall be liable for the transit occupancy tax that would have been owed under Chapter 3.28, Transient Occupancy Tax had the use been legal, including the penalty and interest provisions of Section 3.28.070, Penalties and Interest.
- 7. The remedies under this Section are cumulative and in addition to any and all other remedies available at law and equity.

17.05.110 Temporary Use Permit

- A. **Purpose.** This Section establishes the procedures for granting of administrative Temporary Use Permits for short-term activities and uses (not to exceed two years) on privately or publicly owned property with appropriate regulations so that such activities will be compatible with surrounding areas.
- B. **Applicability.** A Temporary Use Permit allows for the short-term activities described in Section 17.22.250, Temporary Uses, that may not comply with the normal development or use standards of the applicable zoning district but may otherwise be acceptable because of their temporary nature. Temporary Use Permits are not subject to design review or the standard parking requirements otherwise required by this Code.
- C. **Application Requirements.**
 - 1. **Application Requirements.** A Temporary Use Permit application submittal shall include information identified in Section 17.04.020, Application Process.
 - 2. **Responsibility.** It is the responsibility of the applicant to provide information on the proposed use that supports the considerations described in subsection D and findings listed in subsection F.
- D. **Considerations.** In the review a Temporary Use Permit application, the Community Development Director shall consider the type and duration of the proposed temporary activity; input from other City departments (Police, Fire, Public Works, etc.); the requirements

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and development criteria of the applicable zoning district and use standards established in Chapter 17.24, General Site Standards; and the following considerations:

1. Floor areas, heights, hours of operation, nuisance controls, off-street parking, setbacks, and other structure and property development features;
 2. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code;
 3. The project's compliance with the requirements of Chapter 17.27, Signs;
 4. The applicable zoning standards pertaining to the outdoor storage, display and sale of merchandise; and
 5. Limitation on duration of proposed temporary structures to a maximum of two years to ensure that the structure does not become permanent or long-term.
- E. **Conditions.** In reviewing the Temporary Use Permit, the Community Development Director may attach any conditions governing access, hours of operation, parking, and circulation, fencing and other temporary structures, drainage, dust control, trash/litter control, public safety, and other items as necessary to assure compatibility with surrounding uses and minimize potential adverse effects.
- F. **Findings.** The Community Development Director may approve the Temporary Use Permit only after finding that:
1. The temporary activity complies with applicable standards identified in Section 17.22.250, Temporary Uses; and
 2. Maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed temporary activity.
- G. **Notice of Action, Appeals, Expiration, and Modifications.**
1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.
 3. **Modifications.** Temporary Use Permits may only be modified as provided for in Section 17.04.150, Modifications to an Approval.
- H. **Post Approval Procedures.** Procedures specific to temporary use Permits include the following:
1. **Condition of the Site Following Temporary Activity.** Each site occupied by a temporary activity shall be cleaned of debris, litter, or any other evidence of the temporary activity upon completion or removal of the activity and shall thereafter be used in compliance with the provisions of this Zoning Code. A performance security (including a bond or financial deposit) in a form and amount acceptable to the Community Development Director may be required before initiation of the activity to ensure cleanup after the activity is finished.

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2. ***Performance Security for Temporary Structures.*** Before issuance of Temporary Use Permit the applicant shall provide performance security in a form and amount acceptable to the Community Development Director to guarantee removal of all temporary structures within 30 days following the expiration of the Temporary Use Permit.
3. ***Extensions of Temporary Use Permits Prohibited.*** The term of a Temporary Use Permit may not be extended. Applicants for activities that would exceed the allowed terms identified in Section 17.22.250.D, shall file for a Conditional Use Permit, rather than a Temporary Use Permit, in compliance with Section 17.05.020, Conditional Use Permit, and all other applicable zoning standards.
4. ***Required Lapse of Time for Temporary Use Permits.*** Except for seasonal sales lots, a minimum of 30 days shall pass between the expiration of a Temporary Use Permit and the issuance of a new and similar Temporary Use Permit for the same property, or the actual removal of the materials and structures associated with the former activity, whichever last occurs.

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Chapter 17.06 Amendments to the General Plan

17.06.010 Purpose

The City Council finds that the community is best served by having a General Plan that is stable, widely understood, and accepted; and that such stability, understanding, and acceptance is jeopardized by too-frequent amendment of the General Plan. While recognizing that the General Plan evolves over time, the City Council intends to limit the rate and manner of amendment to the General Plan so that the community, individually and collectively, may make its own plans in reliance on a reasonable constancy of the General Plan. The purpose of this Chapter is to establish the procedures required for the adoption or amendment of the City's General Plan, including the General Plan land use map and Specific Plan(s).

17.06.020 Initiation of Amendment

- A. A General Plan amendment may be initiated by:
 - 1. A majority vote of the Planning Commission or of the City Council. Generally, initiation by the City Council shall be a direction to the Planning Commission to initiate such an action;
 - 2. The Community Development Director; and
 - 3. An application filed by a property owner or the owner's authorized agent. All General Plan amendments initiated by property owners must be processed for preliminary review pursuant to the provisions of Section 17.06.030, Applications.
- B. Individuals or groups seeking to change the General Plan land use classification independent of an application should contact the City Council.

17.06.030 Applications

- A. **Application.** A completed application for a General Plan amendment shall be submitted on a form provided by the Community Development Department accompanied by the required fee at least 30 days prior to the scheduled review date.
- B. **Application Review.** Complete applications received for a General Plan amendment shall be presented to the City Council for preliminary review at the Council's first regularly scheduled meetings in March and September of each year. Following the review, the City Council, at its discretion, may order the application to be further processed or may direct staff to cease processing the application. Any authorization to proceed does not imply in any way ultimate approval or disapproval of an application.
 - 1. If the City Council authorizes the application to be processed, it shall refer the matter to the Planning Commission, which shall hold public hearings pursuant to state law after the necessary environmental review process and staff analysis have been completed.
 - 2. In the event the City Council directs staff to cease processing an application pursuant to the provisions of this Section, a new application for a General Plan amendment

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involving substantially the same request for a parcel or area shall not be reviewed by the City Council for at least one year after such direction.

3. **Exemptions.** Applications for General Plan amendments shall be exempt from the provisions of this Section if:
 - a. The application proposes only residential development and at least 60 percent of the planned residential units shall be affordable as defined in Chapter 17.32, Definitions of Terms; or
 - b. The City Council finds for reasons documented in writing that it is in interest of the public health, safety, or welfare to allow the processing of the General Plan Amendment to proceed.

17.06.040 Public Hearing

The Planning Commission shall hold a properly noticed public hearing in compliance with Section 17.04.080, Public Hearing Notice on all proposed amendments and make a recommendation to the City Council, where a public hearing shall also be held prior to a final decision by the City Council.. The Planning Commission may recommend the approval, modified approval or denial of the proposed amendment.

17.06.050 Considerations

In reviewing General Plan amendments, the Planning Commission and City Council shall:

- A. Allow for consideration of elements not initially considered at the time of approval of the General Plan;
- B. Reflect changes in goals, policy, physical, social, or economic conditions;
- C. Acknowledge when, due to naturally occurring physical constraints or changes, the anticipated land usage per the General Plan is no longer feasible;
- D. Take into consideration the consistency of the proposed amendment with the goals, policies and programs of the General Plan, adopted Planning Commission (where applicable) and other existing City policies;
- E. When considering the reduction of residential density, ensure compliance with California Government Code § 65863 by either finding that the remaining sites identified in the housing element are adequate to accommodate the City's share of the regional housing need or by identifying sufficient additional, adequate, and available sites with an equal or greater density so that there is no net loss in residential density; and
- F. Ensure that there is no net loss of potential housing units.

17.06.060 Modifications by City Council

The following provisions shall be observed when the City Council determines to modify any proposed amendment to the General Plan:

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- A. The City Council may modify any proposed amendment by making non-substantive changes in the wording of a proposed text amendment. However, any substantive change proposed by the City Council that was not discussed by the Planning Commission shall be referred back to the Planning Commission for a report and recommendation.
- B. When the City Council has referred a matter back to the Planning Commission, it shall report back to the City Council within 30 days after the date of the City Council referral unless the City Council specifically allows for a longer period of time for the Planning Commission report and recommendation. Where action cannot be taken within 30 days by the Planning Commission, a longer period of time may be requested and the City Council may at its discretion grant such a request. Although no additional public hearing shall be required, the Planning Commission may at its discretion hold a public hearing prior to a report and recommendation on any matter referred to it by the City Council.

17.06.070 Annual review

At least once a year, generally in January, the Planning Commission shall conduct a comprehensive review of the General Plan map and text and report its findings to the City Council.

Chapter 17.07 Amendments to the Zoning Map and Text

17.07.010 Purpose

The purpose of this Section is to establish procedures to amend the Zoning Code text and to amend the City's Official Zoning Map, commonly referred to as a "rezone" or "rezoning." The purpose of text amendments is to reflect a change in policy, adopted plans such as the General Plan, or whenever the public necessity, the general community welfare, and good zoning practice warrant such amendment. All amendments to this Title or Zoning Map shall be consistent with the General Plan, any adopted Specific Plan, and other appropriate City policies.

17.07.020 General Plan Conformance Required

The Community Development Director shall make an initial determination of General Plan applicability to a specific parcel or proposal. When made verbally, such determination shall be advisory only. A formal determination in writing may be obtained upon written request of the City and payment of a fee as set forth by resolution of the City Council. Such a formal determination may be appealed in writing to the Planning Commission and ultimately the City Council pursuant to Chapter 17.12, Procedures for Appeals.

17.07.030 Pre-Zoning for Annexation

- A. **Purpose.** The purpose of pre-zoning property is to determine the zoning designation that will apply to property upon subsequent annexation to the City.
- B. **Applicability.** The pre-zoning process applies to unincorporated territory adjoining the City that is subject to a pending annexation.
 - 1. All properties that have been pre-zoned in such manner shall be annexed with the retention of their pre-zoning classifications.
 - 2. All properties that have not been pre-zoned in accordance with the provisions of this Chapter shall automatically be zoned Twenty Acre Agriculture (A-20), zoning district upon annexation.
- C. **Initiation.** Pre-zoning shall be initiated by City Council.

17.07.040 Initiation of Amendment

Amendments may be initiated by the City Council, Planning Commission, Community Development Director, or the owner or authorized agent of the owner of the property included in any proposed change. Individuals or groups seeking to change the zoning of an area independent of an application should contact the City Council.

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17.07.050 Application

- A. **Application.** An application for a zoning amendment shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
- B. **Responsibility.** It is the responsibility of the applicant to provide information regarding the findings described by Section 17.07.020, General Plan Conformance Required, and Section 17.07.070, Considerations.

17.07.060 Public Hearings

The Planning Commission shall hold a properly noticed public hearing on all proposed Zoning Map and text amendments in compliance with Section 17.04.080, Public Hearing Notice, and make a recommendation to the City Council. The Planning Commission may recommend the approval, modified approval, or denial of the proposed text or Zoning Map amendment. Following the Planning Commission hearing, the City Council shall hold a public hearing prior to a final decision.

17.07.070 Considerations

When considering an ordinance amending any of the provisions of this Title, including an amendment to the Zoning Map, the Planning Commission and City Council shall:

- A. Take into consideration the consistency of the proposed amendment with the goals, policies and programs of the General Plan, adopted Planning Commission (where applicable) and other existing City policies;
- B. When considering the reduction of residential density, ensure compliance with California Government Code § 65863 by either finding that the remaining sites identified in the housing element are adequate to accommodate the City's share of the regional housing need or by identifying sufficient additional, adequate, and available sites with an equal or greater density so that there is no net loss in residential density; and
- C. Ensure that there is no net loss of potential housing units.

17.07.080 Modifications by City Council

The following provisions shall be observed when the City Council considers a modification to a proposed amendment:

- A. The City Council may modify any proposed amendment by making non-substantive changes in the wording of a proposed text amendment; or in the case of a rezoning, by reducing the area involved, or by adopting a more restrictive zoning classification without first referring the matter to the Planning Commission for a report and recommendation. However, any substantive change proposed by the City Council that was not discussed by the Planning Commission shall be referred back to the Planning Commission for a report and recommendation.
- B. When the City Council has referred a matter back to the Planning Commission, it shall report back to the City Council within 30 days after the date of the City Council referral unless the City Council specifically allows for a longer period of time for the Planning Commission report

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and recommendation. Where action cannot be taken within 30 days by the Planning Commission, a longer period of time may be requested and the City Council may at its discretion grant such a request. Although no additional public hearing shall be required, the Planning Commission may at its discretion hold a public hearing prior to a report and recommendation on any matter referred to it by the City Council.

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Chapter 17.08 Specific Plans

17.08.010 Purpose

The purpose of this Chapter is to establish provisions for the preparation, adoption, and implementation of Specific Plans, pursuant to California Government Code §§ 65450 et seq.

- A. Specific Plans are established to implement the policies of the General Plan that call for the preparation and adoption of Specific Plans in certain areas of the City.
- B. Specific Plans can address a wide variety of situations including:
 - 1. Large-scale projects;
 - 2. Projects proposed on sites that have multiple development constraints;
 - 3. Projects that require significant coordination among a number of properties;
 - 4. Projects in that the phasing or timing is critical;
 - 5. Projects that will generate significant infrastructure needs; and
 - 6. Projects that have important and broadly based community-wide implications.

17.08.020 Applicability

The Specific Plan shall govern the use and development of any properties included in an area to which an adopted Specific Plan applies without regard for adopted zoning regulations and standards unless the Specific Plan contains specific provisions designed to rely on the Zoning Ordinance in certain situations not covered in the Specific Plan.

17.08.030 Pre-Application Review Required

The pre-application review is required prior to preparation of a Specific Plan to determine which goals, policies and programs of the General Plan are applicable and need to be reflected in the proposed Specific Plan. A Pre-Application Review consists of the following:

- A. The applicant shall submit a letter of intent and a concept plan showing the general arrangement and design of the land uses and major elements of the proposed development to the Community Development Director for review.
- B. The Community Development Director shall forward the pre-application to the City Council for a determination of which goals, policies and programs of the General Plan are applicable and need to be reflected in the proposed Specific Plan.
- C. The Public Works Director shall determine the scope of the infrastructure improvements to be analyzed in conjunction with the Specific Plan. The scope of infrastructure to be analyzed shall be based on a review of the project impacts and a nexus of improvements necessitated by the project.

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17.08.040 Application

Following the pre-application review described in Section 17.08.030, Pre-Application Review Required, the applicant shall submit an application in compliance with the provisions of Section 17.04.020, Application Process. The proposed Specific Plan and application shall:

- A. Contain enough information to clearly demonstrate how the proposed Specific Plan will implement the applicable General Plan goals, policies and programs. This includes detailed regulations, conditions, programs, and proposed legislation necessary or convenient for the systematic implementation of the General Plan.
- B. Be prepared under the supervision of the City with all costs of the planning document including the CEQA analysis paid by the property owners unless the Community Development Director determines that all or a portion of the costs will be paid by the City.

17.08.050 Public Hearing

The Planning Commission shall conduct a properly noticed public hearing in compliance with Section 17.04.080, Public Hearing Notice, and issue a recommendation to the City Council for decision.

17.08.060 Modifications by City Council

The following provisions shall be observed when the City Council considers a modification to a Specific Plan:

- A. The City Council may modify any Specific Plan by making non-substantive changes without first referring the matter to the Planning Commission for a report and recommendation. However, any substantive change proposed by the City Council that was not discussed by the Planning Commission shall be referred back to the Planning Commission for a report and recommendation.
- B. When the City Council has referred a matter back to the Planning Commission, it shall report back to the City Council within 30 days after the date of the City Council referral unless the City Council specifically allows for a longer period of time for the Planning Commission report and recommendation. Where action cannot be taken within 30 days by the Planning Commission, a longer period of time may be requested and the City Council may at its discretion grant such a request. Although no additional public hearing shall be required, the Planning Commission may at its discretion hold a public hearing prior to a report and recommendation on any matter referred to it by the City Council.

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Chapter 17.09 Nonconforming Provisions

17.09.010 Purpose

This Chapter provides regulations for nonconforming uses, lots, developments, and signs that were lawful at the time of their construction or establishment, but which no longer conform to the regulations of the Zoning Code. The intent of this Chapter is to:

- A. Encourage improvements for appearance, maintenance, and safety, while limiting the extent to which nonconforming uses and structures may continue to be used, altered, expanded, moved, or replaced. Unless specified otherwise, this Chapter is intended to be administered in a manner that encourages the eventual elimination of nonconformities.
- B. Ensure that nonconformities shall not be reestablished after abandonment or discontinuance or restored after involuntary destruction, except in compliance with this Chapter.

17.09.020 Continuation and Maintenance

- A. Any nonconforming use, building, structure, or other physical features may be continued, used, and maintained indefinitely in compliance with this Chapter.
- B. Any nonconforming lot may be used, developed, and maintained in compliance with this Chapter.
- C. A nonconforming use, lot, structure, building, or other physical feature may be transferred or sold, provided that no such use or structure, building, or other physical feature shall be enlarged or altered except as otherwise provided in this Chapter.

17.09.030 Nonconforming Uses

A nonconforming use is a legally established use of land that is not permitted in the zoning district in which it is located, or a use that is permitted with a CUP or MUP but for which no CUP or MUP has been obtained, because the use was established prior to the application of the existing zoning district due to rezoning, annexation, or a change in the regulations of the Zoning Code. Legally established nonconforming uses shall be governed by the following regulations:

- A. **Extension of Use.** A nonconforming use may not be extended to other parts of a building, or other physical feature except that on a site where existing residential uses are nonconforming, other buildings on the same site may be expanded or enlarged upon approval of a Conditional Use Permit by the Planning Commission consistent with the procedures established in Section 17.05.020, Conditional Use Permit.
- B. **Change of Use.** Consistent with the procedures of Chapter 17.04, Common Procedures and Section 17.05.020, Conditional Use Permit, the Planning Commission may grant a Conditional Use Permit for a change of use from a nonconforming use to another nonconforming use provided:
 - 1. The Planning Commission determines that the resultant use is more consistent with the uses permitted in the district than the former use.

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2. The new use is less intensive in terms of hours of operation, number of employees, occupancy capacity, energy consumption, volume of traffic or noise generated by the use, or amount of parking is required.
 3. The Planning Commission establishes an amortization schedule for the nonconforming use, by setting a date after which the nonconforming use must be discontinued or replaced with a conforming use.
- C. **Reestablishment of a Nonconforming Use.** When a nonconforming use has been changed to a conforming use, the nonconforming use shall not be reestablished thereafter.
- D. **Reestablishment of an Abandoned Nonconforming Use.**
1. A residential or non-residential nonconforming use that has been given up, closed, surrendered, interrupted, terminated or discontinued for a period of 60 continuous days, regardless of intent to surrender the nonconforming use, is considered an abandoned nonconforming use.
 2. **Public Hearing and Procedures.** The Planning Commission shall hold a public hearing, noticed in compliance with Section 17.04.080, Public Hearing Notice, on an application for the reestablishment of an abandoned nonconforming use and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the following criteria:
 - a. Abandonment with an Approved Conditional Use Permit. An abandoned nonconforming use that has been operating in conformance with a previously approved Conditional Use Permit may be resumed, reestablished, or reopened within a six-month time period from the date of abandonment in accordance with the following criteria:
 - i. The use is the same use which previously existed;
 - ii. Written notice of the date of reestablishment shall be given to the Community Development Director prior to reestablishment of the use;
 - iii. A City business license shall be obtained;
 - iv. All permits/approvals from any agency regulating the nonconforming use shall be obtained;
 - v. A fictitious business name shall be filed with Napa County if required by state regulations;
 - vi. All required information shall be filed with the State Board of Equalization; and
 - vii. If a building permit is requested to remodel the existing building, the Conditional Use Permit remains vested, provided the building permit has been issued, construction consistent with the building permit has commenced, and construction is actively pursued toward completion prior to the six-month time period defining abandonment.

When it has been determined that the use has been resumed, reestablished, or reopened consistent with the criteria above, the use is deemed vested.

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- b. *Abandonment Without an Approved Conditional Use Permit where a Conditional Use Permit is Required.* An abandoned nonconforming use that requires but has not been granted a Conditional Use Permit may be reestablished in accordance with the following criteria:
 - i. The permit application is submitted within 60 days of written notice provided by the Community Development Director of the need for reestablishment of the Conditional Use Permit;
 - ii. The Planning Commission makes findings required of a Conditional Use Permit as defined in Section 17.05.020, Conditional Use Permit (CUP); and
 - iii. If the operation is substantially changed, the new use is either a permitted use in the district or a Conditional Use Permit is first be approved by the Planning Commission to allow the change in the operation of the same type of business previously established. Change in the operation of the business shall include, but not be limited to expansion of floor area, substantial modification of the type of business, change in type of merchandise which results in a different type of business, change in hours of operation which results in a different type of business (i.e., restaurant use to nightclub use) or changes to the business which will result in increased traffic, water use, or wastewater generation impacts.
- c. *Abandonment Without an Approved Conditional Use Permit where the Use Is Not Permitted.* An abandoned nonconforming use that is not permitted and has not been granted a Conditional use Permit may not be reestablished unless the Planning Commission finds that all of the following criteria are met:
 - i. The use complies with the findings required of a Conditional Use Permit as defined in Section 17.05.020, Conditional Use Permit (CUP);
 - ii. The building or structure was specifically designed or modified for a nonconforming use;
 - iii. The structural alterations necessary to bring the building or structure into conformance with the standards of the Municipal Code are estimated by the Chief Building Official to cost more than 50 percent of the current market value of building or structure; and
 - iv. The proposed reestablishment of a nonconforming use will not be detrimental to any existing or potential permitted use in the area in which the nonconforming use is located.

If the operation is substantially changed, the new use is either a permitted use in the district or the change in operation does not increase the degree of nonconformity. Change in the operation of the business shall include, but not be limited to expansion of floor area, substantial modification of the type of business, change in type of merchandise (one type of business to another type of business), change in hours of operation which results in a different type of business (i.e., restaurant use to nightclub use) or changes to the business

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which will result in increased traffic, water use, or wastewater generation impacts.

- E. **Extension.** The reestablishment of a legal nonconforming use may be extended for one year upon the approval of the Community Development Director, for uses which have been closed because of seismic retrofit construction authorized by a City building permit.
- F. **Certificate of Present Extent of Legal Nonconformity for Uses.**
1. The owner of a legal nonconforming use:
 - a. At any time may apply for a certificate determining the present extent of a legal nonconforming use; or
 - b. Upon notification by the Community Development Director in the event of a dispute over voluntary abandonment, entitlement to issuance of a building or other permit, or the intensity and/or scope of the nonconforming use, shall apply for a certificate determining the present extent of the legal nonconforming use.
 2. The application shall be filed with the Community Development Department in the form prescribed by the Department and shall be accompanied by all required fees.
 3.

The owner has the burden of proof to establish the original legal nonconforming status of the use and the extent of any repair, maintenance, restoration, rebuilding, rehabilitation, remodeling, redesign or rearrangement which has occurred which conforms to the standards set forth in Section 17.09.030.A.
 4. The Community Development Director is authorized to render an administrative decision in writing on the request to determine the present extent of the legal nonconforming use. If necessary, the Community Development Director may request additional information to render a decision.
 5. The Community Development Director shall determine the present extent of the legal nonconforming use and issue a certificate setting forth such determination.
 6. If the certificate is approved or conditionally approved, the Community Development Director shall make a written report (which will be posted to the consent item section of the agenda) to the Planning Commission at its next regularly scheduled meeting. If the Planning Commission decides, by majority vote, to review the certificate and conditions, it shall conduct a public hearing after giving notice pursuant to Section [17.04.080](#), Public Hearing Notice. The public hearing shall be held within 30 days after the date of the request for review. The Planning Commission may add, modify, or delete conditions. Within 14 days following the conclusion of the hearing, the Planning Commission shall render its decision. If the Planning Commission does not act within with time limits set forth in this Section, the certificate shall be deemed to be approved or conditionally approved as last approved or conditionally approved by the Community Development Director insofar as it complies with all other applicable provisions of this Title and the General Plan.

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7. If the Planning Commission does not decide to review the certificate and not conduct a public hearing pursuant to subsection 6, the Community Development Director's decision shall be published once in a newspaper of general circulation in the City. In addition, the Community Development Director shall provide individual mailed notice of the decision on the certificate to owners of property as shown on the last equalized assessment roll within 300 feet of the subject property for which the certificate is requested.
8. The Community Development Director has discretion to refer the request to determine the present extent of the legal nonconforming use to the Planning Commission for a public hearing pursuant to the process and standards set forth in Chapter 17.04, Common Procedures.
9. The determination of the Community Development Director may be appealed to the Planning Commission in accordance with the procedures set forth in Chapter 17.12, Procedures for Appeals.
10. Within 30 calendar days of issuance of the certificate or, in the event of appeal, within 30 calendar days of the final decision of the Planning Commission on appeal, the Community Development Director shall file a true and correct copy of the certificate with the Napa County Assessor.
11. The procedure set forth in this Section shall also be used to determine the present extent of those certain winery and winery-related uses permitted without a Use Permit pursuant to Part III, District Regulations. For purposes of such determination, all references in this Section to "legal nonconforming" shall be replaced by the term "uses permitted pursuant to Part III, District Regulations."

17.09.040 Nonconforming Lots

A nonconforming lot is a legally established lot that does not conform to the regulations regarding area, width, frontage or other such standard for the zoning district in which it is located because of rezoning, annexation, or change in the regulations of the Zoning Code, St. Helena Municipal Code, Title 16, Subdivisions or the Subdivision Map Act. Legally created nonconforming lots shall be governed by the following regulations:

- A. **Change in Nonconforming Lots.** A nonconforming lot shall not be changed in any way that would increase the degree of nonconformity unless there is a corresponding decrease in the degree of nonconformity of an adjoining lot and no new lot(s) or additional density permitted will result.
- B. **Uses on Nonconforming Lots.** Any conforming use or conforming building, structure or other physical feature may be established on any nonconforming lot provided the use, building, structure or other physical feature conforms to the standards and regulations of the zoning district in which it is located and the provisions of this Title.
- C. **Single-family Dwellings on Nonconforming Lots.** A nonconforming lot to be used for residential purposes shall be subject to the density requirements of the zoning district and General Plan designation in which it is located. However, one single-family dwelling and customary accessory buildings may be permitted on any nonconforming lot in any zoning

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district in which a single-family dwelling is permitted, provided the single-family dwelling and accessory buildings shall conform to the design standards and regulations of the zoning district in which they are located and the provisions of this Title.

17.09.050 Nonconforming Buildings or Structures

A nonconforming building, structure or other physical feature is a legally established building, structure or other physical feature that does not meet the standards of the zoning district in which it is located. It can also be a building, structure or other physical feature for which a Conditional Use Permit, variance or other similar permit is required but for which no such permit has been obtained because the building, structure or other physical feature was established prior to the application of the existing zoning district due to rezoning, annexation or change in the regulations of the Zoning Code. Legally established nonconforming buildings, structures and physical features shall be governed by the following regulations:

- A. **Expansion and Enlargement.** A nonconforming building, structure or other physical feature shall not be reconstructed, except as provided for in subsection C of this Section, expanded, or enlarged unless the new work will be in conformance with the regulations and standards of the zoning district in which it is located and the provisions of the Zoning Code.
- B. **Remodel, Rehabilitation, and Alteration.** A nonconforming building, structure or physical feature may be remodeled, rehabilitated, or structurally altered if the new work does not increase the degree of nonconformity.
- C. **Repair, Maintenance, and Reconstruction.**
 - 1. A nonconforming building, structure or physical feature damaged or destroyed by any means except demolition or intentional removal, may be reconstructed to its original condition if the Chief Building Official determines that no more than 50 percent of the gross floor area has been lost. If more than 50 percent of the building structure, or physical feature is damaged or destroyed, then it must be rebuilt in compliance with current development standards.
 - 2. If the Chief Building Official determines that the extent of destruction exceeds 50 percent of the gross floor area, the nonconforming building, structure or physical feature may be reconstructed to its original or other nonconforming condition only upon the approval of a Conditional Use Permit pursuant to the provisions of Section 17.05.020, Conditional Use Permit (CUP) provided the application for the Conditional Use Permit is submitted within one year of the damage or destruction. The Planning Commission may require as a condition of approval that the building is thereafter devoted to a conforming use.
- D. **Seismic Retrofitting, Building and Construction Code Compliance.** Repairs, alterations, or reconstruction to improve seismic safety or necessary to comply with Building Code and Construction Code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards, and the Building Code and Construction Code, as determined by the Chief Building Official.

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17.09.060 Illegal Nonconforming Uses and Structures

Any building or structure set up, erected, built or moved and any use of property contrary to the provisions of this Title are unlawful and a public nuisance. Action shall be immediately commenced for abatement, removal and enjoinder in the manner provided by law; other steps shall be taken to apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person from setting up, erecting, building or moving any such building or using any property contrary to the provisions of this Title. All applicable remedies shall be cumulative and not exclusive.

17.09.070 Nonconforming Signs

The following provisions shall apply to all building mounted or freestanding permanent signs:

- A. **Continuance of Legally Nonconforming Sign or Billboard.** A legally nonconforming sign or billboard may be continued for up to five years after the Effective Date or seven years from date of erection, whichever is shorter.
- B. **Abandonment, Destruction, or Discontinuance.** Any nonconforming sign that is abandoned, destroyed to less than one-half of the value as determined by the Chief Building Official, or discontinued for a period of six months or more shall be removed by the owner of the property on which the sign is located. Historic signs are exempt.
- C. **Enlargement, Alteration, Reconstruction, or Replacement.** No nonconforming sign or billboard shall be enlarged, altered, reconstructed, or replaced except for reasonable repair or maintenance.
- D. Subsections A through C shall also apply to nonconforming signs. Any time limit for the suspension of a nonconforming sign shall date from the enactment of this Title or any amendment of zoning district boundaries that may make the signs nonconforming.
- E. **Sign Removal.** It shall be the duty of the owner of any nonconforming sign and the duty of the owner of any premises upon which a nonconforming sign is located, to remove the sign or to bring sign into conformance, pursuant to the provisions of this Title.
 - 1. If such owners fail to perform such duty, the City Council shall direct the Chief Building Official to notify such owners in writing, registered mail, postage prepaid, to their last known addresses, to cause such removal or conformance within 30 days after mailing of such notice.
 - 2. The owners shall have the right, upon owner's request, to a public hearing at any City Council meeting following receipt of the notice and prior to the expiration of the 30-day period on the issue of whether or not the owner is obligated to perform such duty.
 - 3. If the owners fail to perform such duty within the 30-day period as described in subsection E.2, the City Council, in addition to other available remedies, may cause the removal of such signs to be done by the City or its contractor and assess the cost and expense of the same against the property on which the sign was located. Such costs and expenses may be a lien upon such property and if not paid, payment may be enforced against the property by any appropriate action in a court.

Chapter 17.10 Historic Designation

17.10.010 Purpose

The purpose of this Chapter is to provide processes for the nomination and designation of locally significant historic resources and districts in an effort to recognize and promote the preservation of sites, structures, and areas important to the history of St. Helena. Historic designation allows for inclusion in the Historic Preservation Overlay as established in Section 17.21.040, Historic Preservation (HP) Overlay, and shown on the Historic Preservation Overlay Map.

17.10.020 Designation Process

- A. **Local Historic Resources.** Local historic resources shall be designated by the Planning Commission in the following manner:
 1. **Initiation of Designation.** Designation of a historical resource may be initiated by the Planning Commission or by the owner of the property that is proposed for designation. Applications for designation originating from outside the Planning Commission must be accompanied by such historical and architectural information prepared by a qualified architectural historian as is required by the Planning Commission to make an informed recommendation concerning the application, together with the fee set by the City Council.
 2. **Review, Notice, and Hearing.** The Planning Commission shall conduct a public hearing on a nomination for local historic resource designation. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 17.04.080, Public Hearing Notice, including mailed notice to the owners of any property proposed for such designation.
 3. **Findings and Decision.** Following a public hearing, the Planning Commission may approve or disapprove a nomination for designation as a local historic resource. The commission shall record the decision and the findings upon which the decision is based. Approved designations will be added to the City's Local Register. The Planning Commission may approve such designation only if it finds that the resource meets at least one of the following criteria:
 - a. It is associated with events that have made a significant contribution to the City's history and cultural heritage; or
 - b. It is associated with the lives of persons important in the City's past; or
 - c. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - d. It has yielded, or may be likely to yield, information important in the City's prehistory or history.
- B. **Local Historic Districts.** Local historic districts shall be designated by the City Council upon the recommendation of the Planning Commission in the following manner:

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1. **Initiation of Designation.** The designation of a local historic district may be initiated by the City Council or the Planning Commission.
2. **Requirements for Designation.** The designation of a local historic district is subject to evaluation by a qualified architectural historian and a finding by the Approval Authority that all of the following requirements are met:
 - a. The proposed district is a geographically definable area;
 - b. The proposed district possesses either a significant concentration or continuity of buildings unified by past events or aesthetically by plan or physical development;
 - c. Considered as a whole, a sufficient concentration of buildings within the proposed district demonstrates integrity of design, setting, materials, workmanship and association;
 - d. The collective historic value of the buildings and structures in the proposed district is greater than the historic value of each individual building or structure; and
 - e. The designation of the area as a historic district is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this Chapter and is not inconsistent with other goals and policies of the City.
3. **Planning Commission Hearing and Recommendation.** The Planning Commission shall conduct a public hearing on a nomination for local historic resource district. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 17.04.080, Public Hearing Notice, including mailed notice to the owners of any property proposed for such designation. Following the public hearing, the commission shall recommend approval in whole or in part or disapproval of the application for designation in writing to the City Council, setting forth the reasons for the decision. The Planning Commission may approve a recommendation for a local historic district only if it makes the findings set forth in subsection B.2 of this Section.
4. **City Council Hearing and Decision.** The City Council shall conduct a public hearing on a nomination for local historic district. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 17.04.080, Public Hearing Notice, including mailed notice to the owners of any property proposed for such designation. Following the public hearing, the City Council shall by resolution approve the recommendations in whole or in part shall by motion disapprove them in their entirety. The City Council may approve a designation as a local historic district only if it makes the findings set forth in subsection B.2 of this Section. If the City Council approves a local historic district, notice of the decision shall be sent to property owners within the district. Properties identified as contributors to a local historic district shall be added to the HP Overlay.

17.10.030 Amendment or Rescission

The Planning Commission and the City Council may amend or rescind any designation of an historical resource or historic district in the same manner and procedure as are followed for designation.

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17.10.040 Local Register

- A. The sites and structures previously designated by the City Council as having local historic significance through the adoption of Resolution 2019-54 (Specifically Appendix A, Historic Resources List of General Plan and as amended pursuant to the properties noted in the HP Overlay Map) are hereby designated as local historic resources as defined in this Chapter and hereby included in the Local Register.
- B. The Planning Commission shall maintain a register of designated local historic resources and districts (Local Register).

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Chapter 17.11 Minor Modifications and Variances

17.11.010 Minor Modifications to Development Standards

- A. **Purpose.** The purpose of this Section is to enable the Community Development Director to approve minor deviations from the Code standards when such requests constitute a reasonable use of property but are not otherwise permissible under the strict application of this Code. An authorization to approve a Minor Modification does not extend to making any changes in the uses permitted in any zoning district.
- B. **Applicability.** The Community Development Director may grant a Minor Modification Permit from the requirements of this Code for the following types of modifications:

Table 17.11.010.A: Types of Minor Modifications	
Types of Minor Modifications	Maximum Modification
An increase in lot coverage.	10%
A reduction of a designated setback.	20% or 1 foot, whichever is greater
An increase in allowable building height.	5% or 2 feet, whichever is greater
Reduction in required open space on a lot.	10%
An increase of the allowed maximum height of a fence or wall located within a designated setback area.	10% or 1 foot, whichever is greater
Where a majority of lots are developed with single-family residences with non-conforming setbacks, new buildings or structures may conform to the pattern established by the majority of the existing buildings or structures in the same block. This is most likely to occur in older historic neighborhoods.	Determined on a case-by-case basis
To encourage the development of housing units for disabled persons with limited mobility, the Community Development Director may allow deviation from the prescribed standards of Division II or IV (Zones) where necessary to install features that facilitate access and mobility for disabled persons.	Determined on a case-by-case basis
Minor deviation from objective design standards for those situations where a project is requesting an exception from objective or other design standards.	Determined on a case-by-case basis

- C. **Calculation of Modification.** For example, if a site is 5,000 square feet in area, and it is required to provide 20 percent open space of lot area, the site would be required to provide 1,000 square feet. A 10 percent deviation would equate to a reduction of 100 square feet of open space (1,000 x 10 percent = 100). As a result, the site would need to provide only 900 square feet of open space.
- D. **Precedents.** Each Minor Modification application shall be reviewed on an individual case-by-case basis and the approval of a Minor Modification in one situation is not relevant to the City's consideration of the approval of a Minor Modification in a new situation.

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- E. **Application Requirements.** An application for a Minor Modification shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
- F. **Responsibility.** It is the responsibility of the applicant to comply with the findings of subsection G.
- G. **Findings.** The Community Development Director shall approve, with or without conditions, a Minor Modification application, only after the following findings are made:
 - 1. The deviation is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances.
 - 2. The Minor Modification is the minimum departure from the requirements of this Code necessary to grant relief to the applicant and would not be detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located.
 - 3. Granting the requested deviation will not detract from the overall appearance of the neighborhood or immediate vicinity and will not impair the provision of adequate light, air, circulation, or visual openness.
 - 4. The deviation, as proposed and conditioned, will achieve the general purposes of this Code or the specific purposes of the zoning district in which the project is located.
- H. **Review and Hearing Procedures.**
 - 1. The Community Development Director shall review the projects described in subsection B for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Minor Modification review process. Each application shall be reviewed by the Community Development Director to ensure that the proposal complies with all applicable requirements of this Title.
 - 2. Prior to a decision on a Minor Modification, the City shall provide notice of a public hearing in compliance with Section 17.04.080, Public Hearing Notice.
 - a. Public Notice. The notice shall state that the Community Development Director will decide whether to approve or disapprove the Minor Modification application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person prior to the specified date for the decision.
 - b. Hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Section 17.04.080, Public Hearing Notice, and the Community Development Director shall conduct the public hearing prior to a decision on the application in compliance with Chapter 17.04, Common Procedures.

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I. **Notice of Action, Appeals, Expiration, Extensions, and Modifications.**

1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
2. **Appeals.** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.
3. **Expiration, Extensions and Modifications.** Minor Use Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

17.11.020 Variances

- A. **Purpose.** In compliance with California Government Code § 65900 et seq., this Section allows for variances from the development standards of this Code only when, because of special circumstances applicable to the property including size, shape, topography, location, or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other properties in the vicinity and under the identical zoning district.
- B. **Applicability.**
 1. The Planning Commission may grant a variance from the requirements of this Code in compliance with this Chapter and state law. The power to approve Variances does not extend to use regulations in compliance with California Government Code § 65906.
 2. A variance shall not be granted to permit a use or a density otherwise permitted in the zoning district in which the property in question is situated.
 3. Nonconforming uses or developments on adjacent properties shall not be considered grounds for issuance of a variance.
 4. If the variance pertains to a new structure or building, or an addition to a structure or building, design review of the structure or building must be approved pursuant to Section 17.05.070, Major Design Review, prior to or simultaneous to the approval of the variance.
- C. **Application Requirements.** An application for a variance shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
- D. **Public Hearing and Procedures.**
 1. **Precedents.** A previous variance shall not be considered to have set a precedent for the granting of further variances; each case must be considered on its individual merits.
 2. **Notice.** Public hearings shall be properly noticed in compliance with Section 17.04.080, Public Hearing Notice.
 3. **Public Hearing.** The Planning Commission shall hold a public hearing on the Variance application and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the requirements for conditional uses and other applicable Sections of this Code.

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- E. **Findings.** In approving a variance, the Planning Commission must make the following findings:
1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, such that the strict application of this Code deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning district;
 2. The special circumstances applicable to the property were not created by an act of the property owner (e.g., a variance shall not be granted for a self-imposed hardship;
 3. Granting the variance would not authorize a use or activity that is not otherwise expressly authorized by the zoning district governing the property;
 4. Granting the variance will not be materially detrimental to the public health, safety, or welfare and will not impair an adequate supply of light and air to adjacent properties; and will not materially impair the purpose and intent of this Title or the public interest, nor adversely affect the General Plan; and
 5. The variance is consistent with the General Plan and any applicable Specific Plan or the potentially adverse effects of the Variance in relation to the General Plan are exceeded by the individual hardship which would be relieved by granting the Variance.
- F. **Notice of Action and Appeals.**
1. **Notice of Action.** Notice of Action on a variance shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** For all decisions of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.

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Chapter 17.12 Procedures for Appeals

17.12.010 Purpose

This Chapter establishes procedures for appeals of determinations and decisions rendered by the Community Development Director and the Planning Commission.

17.12.020 Procedure

- A. **Filing An Appeal.** Any applicant or other interested person dissatisfied with any action taken under this Title may appeal such action and decision, in compliance with the following provisions:
 - 1. Appeals from the decision of the Community Development Director or any other administrative official in taking any of the actions authorized by this Title shall be made to the Planning Commission through the Community Development Director, unless otherwise indicated.
 - 2. Appeals from the decision of the Planning Commission in taking any of the actions authorized by this Title shall be made to the City Council through the City Clerk.
- B. **Fourteen-Day Appeal Period.**
 - 1. All appeals shall be made in writing and be accompanied by the appropriate fee, in accordance with the provisions of Section 17.04.030, Fees, unless otherwise indicated.
 - 2. Appeals must be received by the Community Development Director or City Clerk not later than 14 calendar days following the date of action from which such appeal is being taken. If the fourteenth calendar day is a weekend or a City holiday, the deadline will be extended to the next working day of the City.
 - 3. No appeal is allowed or shall be heard, and the decision shall be final, after the lapse of the 14-day appeal period.
 - 4. The appeal period shall commence the day following the date of action or decision.
- C. **Appeal Letter.** The letter of appeal must state:
 - 1. The specific action being appealed;
 - 2. The action which the appellant requests the Planning Commission or City Council to take;
 - 3. The reason for the appeal; and
 - 4. The name, address, and telephone number of the appellant or contact person if there are multiple appellants.
- D. **Appeal Review.** Within three working days of receipt of the appeal, the Community Development Director or City Clerk shall examine the appeal, and if it is found to be incomplete, return it by certified mail to the appellant for revision. Appellant shall have five working days to file an amended appeal. Upon failure to file an amended appeal within the five days, the appeal shall be deemed withdrawn.

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- E. **Receipt of Appeal.** The receipt of a written appeal shall stay all actions or put all permits or other discretionary approvals that may have been granted in suspension, pending the effective date of the Approval Authority hearing the appeal.
- F. **Motion for Appeal.**
1. The Planning Commission or the City Council may, by motion adopted by majority vote, initiate an appeal on that Approval Authority body's behalf. A motion for appeal must be passed within 14 days following rendering of the decision appealed; provided, however, that if no regularly scheduled meeting of the Planning Commission or City Council occurs within such 14-day time period, the time for such appeal shall be extended through the date of the next succeeding regularly scheduled meeting. No grounds for appeal need be stated nor must a letter of appeal be submitted.
 2. Appeals shall be scheduled for the earliest regular meeting of the hearing body, not less than 10 days or more than 60 days after the date of filing a complete appeal application or passing a motion for appeal, consistent with the agenda preparation procedures and schedule of the hearing body.
 3. All appeals shall be considered in a public hearing if a public hearing was required for the decision appealed, consistent with the procedures set forth in 17.04, Common Procedures. All Approval Authorities hearing appeals shall consider the project in its entirety, or de novo. The Planning Commission or the City Council may affirm, reverse, or modify the decision appealed as deemed just and equitable, provided such action is not contrary to any provisions set forth in this Title.

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Chapter 17.13 Enforcement

17.13.010 Purpose

This Chapter establishes provisions for enforcement of this Code and any conditions of a permit or approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City. This Chapter puts all persons on notice of the proceedings and penalties involved if any provision of this Code is violated.

17.13.020 Determination of Violation

The Community Development Director, Fire Chief, Chief Building Official or other Code enforcement official may conduct any investigation necessary to determine whether persons are complying with this Title, including the terms, conditions, mitigation measures, or project descriptions incorporated into any permit, approval or clearance issued pursuant to this Title.

17.13.030 Penalty

- A. **Declaration of Public Nuisance.** The following is unlawful and may be declared a public nuisance:
 - 1. Violation of, or noncompliance with, any term, condition, mitigation measure or project description incorporated into any permit, approval or clearance granted pursuant to this Title.
 - 2. Any building set up, erected, built, or moved, and any use of property contrary to the provisions of this Title.
- B. **Action.** When any building or any use of property is contrary to the provisions of this Title, the City may immediately commence any action or proceeding for the abatement, removal, and enjoinder thereof pursuant to St. Helena Municipal Code Chapter 1.12, Enforcement Procedures or state law.
- C. **Penalty.** Any persons, whether as principal, agent, employee or otherwise, violating any of the provisions of this Title shall be guilty of an infraction, and upon conviction shall be punishable by a fine not to exceed \$500.00. Such persons shall be deemed guilty of a separate offense for each and every day, considered to be any time period within a day when a violation of this Title is committed, continued, or permitted by such person.

17.13.040 Issuance of Stop Orders

- A. **Serving of Stop Order.** If the Community Development Director, Fire Chief, Chief Building Official, or other Code enforcement official determines that a violation of this Title exists, each such official is authorized to issue stop orders to prohibit further construction or use of any land, building, or premises that are in violation of this Title. The stop order shall be served by posting a copy on the premises which is the location of the violation or which is the subject of the permit or approval issued by the City. In addition, a copy of such stop order shall be personally served on the owner or responsible person or mailed to the owner or responsible

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person at the address shown on the current Community Development Department records or on the current records in the office of the Napa County Assessor. Such order shall become effective immediately upon posting.

- B. **Correction of Violation.** After service of a stop order, no person shall perform any act in violation of the terms of the stop order, except such actions as are determined by the Community Development Director, Fire Chief, Chief Building Official, or other Code Enforcement Official to be necessary to correct the violation or to render the premises safe and secure, until such violation has been corrected to the satisfaction of the person serving the stop order.
- C. **Appeal of Stop Order.** Within 10 days after the posting of a copy of the order on the premises, any person adversely affected by the terms of the stop order may appeal such order to the City Council, which shall hold a hearing and make such decisions as may be appropriate in accordance with the provisions of St. Helena Municipal Code Chapter 1.12, Enforcement Procedures.
- D. **Responsibility of Stop Order Appeal.** The property owner and responsible person shall be liable for all processing costs, including attorney fees, incurred by the City in carrying out this Section, pursuant to the procedures set forth in Chapter 17.04, Common Procedures.

17.13.050 Administrative Enforcement Proceedings

Whenever the Community Development Director or Chief Building Official determines that a violation of this Title exists or where the operation of a use is detrimental to the public health, safety or general welfare, they may refer the matter to the Planning Commission for a public hearing for the revocation or modification of any permit, approval or clearance, or such determination or enforcement as may be appropriate under the circumstances. The following provisions shall be observed in the conduct of administrative enforcement proceedings:

- A. **Public Notice.** Notice of any administrative enforcement hearing shall be given to the public in the same manner as generally provided for public hearings pursuant to Section 17.04.080, Public Hearing Notice.
- B. **Demonstration of Violation.**
 - 1. If an enforcement proceeding has been commenced by the City, the City has the burden of demonstrating that a violation has occurred or that the operation of the use is detrimental to the public health, safety, or general welfare.
 - 2. Where the party against whom the enforcement proceeding has been directed raises a defense, that party has the burden of proving the defense.
- C. **Final Decision.** If the Planning Commission determines that there has been a violation of this Title or that the use has been conducted in such a way as to be detrimental to the public's health, safety, or welfare, the Planning Commission may make any order it deems appropriate under the circumstances, including the revocation or modification of permits or approvals previously issued or the referral of the matter to the City Attorney for the initiation of any criminal or civil proceeding that may be deemed appropriate. Any action taken by the Planning Commission shall set forth the following:

Part II: Administration and Procedures

1. The Municipal Code section, permits, or approvals violated;
 2. A statement describing the detrimental effect found upon public health, safety or welfare;
 3. The ultimate facts upon which the determination or violation or detrimental effect is based;
 4. The action(s) ordered to be taken; and
 5. In the event the Planning Commission chooses to modify a permit or approval, the modifications including any new conditions to be imposed to ensure that violation or the detrimental effect will cease and will not be repeated.
- D. **Appeal.** The acts and determination of the Planning Commission or designated hearing officer shall be appealable to the City Council pursuant to the terms of Chapter 17.12, Procedures for Appeals.
- E. **Responsibility.** The property owner and responsible person shall be liable for all processing costs, including attorney fees, incurred by the City in carrying out this Section, pursuant to the procedures set forth in Chapter 17.04, Common Procedures.

17.13.060 Remedies

All remedies provided for in this Chapter shall be cumulative and not exclusive. In addition, the remedies set forth in Chapter 1.12, Enforcement Procedures are available.

Part II: Administration and Procedures

Chapter 17.14

Reserved

Part II: Administration and Procedures

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PART III: DISTRICT REGULATIONS

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Chapter 17.15 Establishment of Base Zoning Districts

17.15.010 Purpose

This Chapter establishes the zoning districts that are applied to property within the City. These zoning districts, or zones, ensure conformity with the General Plan and determine where, how, and under what conditions new or modified development is allowed. The application of zoning districts to private property is guided by, and shall be consistent with, the General Plan pursuant to Section 17.01.050, Relationship to the General Plan.

17.15.020 Establishment of Base Zoning Districts

The City shall be classified into districts or zones, the designation and regulation of which are set forth in this Title as follows:

Table 17.15.020.A: Base Zoning Districts	
Abbreviation	Name
LR-1A	Low Density Residential One Acre Minimum
LR	Low Density Residential
MR	Medium Density Residential
HR	High Density Residential
CB	Central Business
SC	Service Commercial
MU	Mixed-Use
BPO	Business and Professional Office
I	Industrial
A-20	Twenty-Acre Agriculture
W	Winery
WW	Woodlands and Watershed
PQP	Public and Quasi-Public
PR	Parks and Recreation
OS	Open Space

Chapter 17.16 Residential Zoning Districts

17.16.010 Purpose and Applicability

This Chapter regulates the development of residential dwellings that are suitable to the character of St. Helena’s residential neighborhoods. This Chapter establishes use regulations, development standards, and design standards for the Low Density One Acre Minimum, Low Density Residential, Medium Density Residential, and High Density Residential Zoning Districts as follows:

Low Density Residential One Acre Minimum (LR-1A). The LR-1A Zone provides for single-family detached homes, accessory dwelling units, limited agricultural uses, and compatible uses. Residential densities in the LR-1A Zone shall not exceed 1.0 unit per gross acre, except that greater density is allowed under state law if a site meets the standards for Two Unit Development. This Zone implements the Low Density Residential General Plan Land Use Designation.

Low Density Residential (LR). The LR Zone is intended to provide areas for single-unit dwellings and duplexes. Residential densities are from 1.0 to 5.0 units per gross acre. This Zone implements the Low-Density Residential General Plan Land Use Designation.

Medium Density Residential (MR). The MR Zone is intended to protect existing patterns of development for a range of residential development types, accessory dwelling units, and compatible uses in areas. Types of dwelling units include attached and detached single-unit dwellings, duplexes, and triplexes. Residential densities are from 5.1 to 16 dwelling units per acre. This Zone implements the Medium Density Residential General Plan Land Use Designation.

High Density Residential (HR). The HR Zone is intended to provide for multi-family residential units, group quarters and compatible uses. Residential densities are from 16.1 to 28 dwelling units per acre. This Zone implements the High Density Residential General Plan Land Use Designation.

17.16.020 Use Regulations

Table 17.16.020.A: Use Regulations – Residential Zoning Districts, lists the uses permitted (“P”), permitted with a Minor Use Permit (“MUP”) granted by staff-level review, and permitted with a Conditional Use Permit (“CUP”) granted at a public hearing. A Conditional Use Permit is also required for any business which consists of two or more permitted uses. The right-hand column provides references to other Sections of this Title where additional regulations are located. Any projects that qualify for ministerial approval under state law will be processed ministerially as required by that state law.

Part III: District Regulations

Table 17.16.020.A: Use Regulations – Residential Zoning Districts					
Use Classification	LR-1A	LR	MR	HR	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed					
Residential Uses					
Single-family dwelling	P	P	P	—	
Multi-family dwelling	—	—	P	P	
Single room occupancy	—	—	—	P	Sec. 17.22.210, Single Room Occupancy Units
New small lot development	—	CUP ¹	CUP ¹	CUP ¹	
Mobile home	CUP	CUP	CUP	CUP	Sec. 17.22.160, Mobile Homes and Sec. 17.21.020, Mobile Home Park Overlay
Commercial Uses					
Lodging					
Bed and Breakfast Inn	CUP	CUP	CUP	—	Sec. 17.22.080, Bed and Breakfast Inns
Boarding house	—	CUP	CUP	CUP	
Short-term rental	P	P	P	P	Sec. 17.22.200, Short-Term Rentals
Model Home Sales Office	MUP	MUP	MUP	MUP	
Transportation, Communications and Utilities					
Public services, major	—	CUP	CUP	CUP	
Public services, minor	MUP	MUP	MUP	MUP	
Solar energy system	Sec. 17.22.240, Solar Energy Systems				
Telecommunication Facilities	Sec. 17.22.270, Wireless Telecommunication Facilities				
Agricultural and Extractive					
Community garden	P	P	P	MUP	Sec. 17.22.100, Community Gardens

Part III: District Regulations

Table 17.16.020.A: Use Regulations – Residential Zoning Districts					
Use Classification	LR-1A	LR	MR	HR	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed					
Public/Institutional Uses					
Day care facility					
Seven or more persons	P	P	MUP	MUP	
Six or fewer persons	P	P	P	P	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses					
Accessory dwelling unit	Sec. 17.22.030, Accessory Dwelling Units				
Animal keeping	P	P	P	P	Sec. 17.22.060, Animal Keeping
Beekeeping	P	P	P	P	Sec. 17.22.070, Beekeeping
Cottage food operations	P	P	P	P	Sec. 17.22.110, Cottage Food Operations
Family day care, large	P	P	P	P	
Family day care, small	P	P	P	P	
Garage, carport, workshop, pool house, gazebo, patio cover, and other accessory structure	P ²	P ²	P ²	P ²	Sec. 17.24.020, Accessory Buildings and Structures
Home occupation	P	P	P	P	Sec. 17.22.130, Home Occupations
Swimming pool	P	P	P	P	
Notes:					
¹ A CUP is not required for new development on an existing small lot.					
² Indoor cooking facilities are not permitted. Indoor plumbing for toilets, showers, or pool equipment is allowed in pool houses or similar accessory buildings.					

Part III: District Regulations

17.16.030 Development Standards

Table 17.16.030.B: Development Standards – Residential Zoning Districts establishes the development standards for the Residential Zoning Districts. The numbers in the figure below to corresponding regulations in the table.

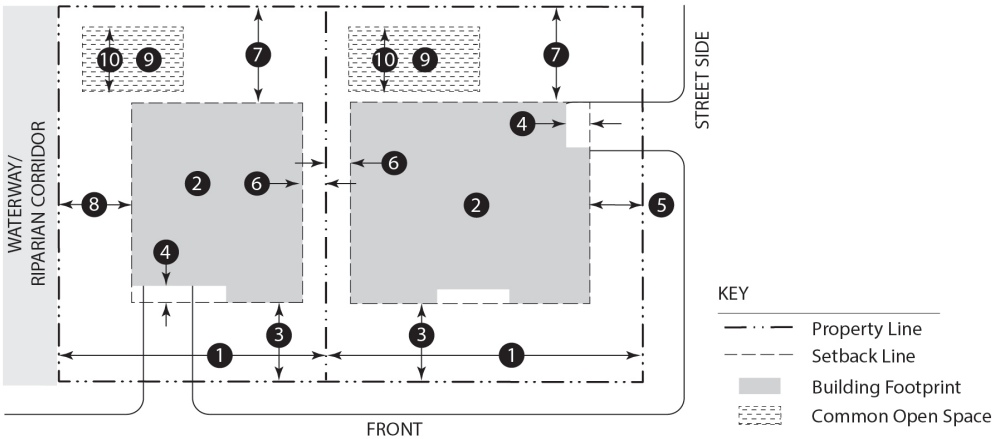


Table 17.16.030.B: Development Standards – Residential Zoning Districts					
Standard	LR-1A	LR	MR	HR	Key
Density	1 du/ac ^{1 2}	1 to 5 du/ac ²	5.1 to 16 du/ac	16.1-28 du/ac	
Lot Size					
Min. Lot Area	1.0 ac ³	7,000 sq ft; 3,000 sq ft for new small lot development	6,000 sq ft; 3,000 sq ft for new small lot development	7,000 sq ft; 3,000 sq ft for new small lot development	
Min. Lot Width	70 ft	70 ft	45 ft; 32 ft for small lot development	45 ft; 32 ft for small lot development	1
Max. Lot Coverage (includes accessory structures)	35%	35%	Lot widths ≤45 ft: Max. 35%; Lot widths >45 ft: Max. 40%	55%	
Max. Primary Building Footprint (excludes accessory structures)	None	Refer to Table 17.16.030.C	None	None; 1,400 sq ft for detached small lot detached	2

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Table 17.16.030.B: Development Standards – Residential Zoning Districts					
Standard	LR-1A	LR	MR	HR	Key
Max. Building Gross Floor Area (all floors) ⁵	Refer to Table 17.16.030.C for lots <1 acre; Max. 6,069 sq ft for lots ≥1 ac in area	Refer to Table 17.16.030.C	Refer to Note ⁴	None	
Max. Building Height					
<i>Principal Structure</i>	30 ft	30 ft/2 stories	30 ft/2 stories; ground floor max. ceiling height 15 ft	42 ft/3 stories; 30 ft/2 stories for small lot development	
<i>Accessory Structure</i> ⁶	16 ft	16 ft	16 ft	16 ft	
Setbacks					
<i>Min. Front Setback</i>	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	20 ft; 12 feet for small lot development	15 ft; 25 ft for 3rd floor and above; 10 ft for small lot development	③
<i>Min. Garage or Carport Setback from Building Façade</i>	None	None	5 ft	None	④
<i>Min. Street Side Setback</i>	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	15 ft for structures ≤25 ft in height; 20 ft for structures >25 ft in height	15 ft	⑤
<i>Min. Interior Side Setback, ground floor</i>	10 ft for structures ≤25 ft in height; 15 ft for structures >25 ft in height	10 ft for structures ≤25 ft in height; 15 ft for structures >25 ft in height	5 ft; combined interior side setbacks: 15 ft for structures ≤25 ft in height; 20 ft for structures >25 ft in height	10 ft	⑥
<i>Min. Interior Side Setback, upper floors</i>	5 ft for structures ≤25 ft in height; 10 ft for structures >25 ft in height	5 ft for structures ≤25 ft in height; 10 ft for structures >25 ft in height	10 ft when adjacent to an LR or MR district	None	⑥

Part III: District Regulations**Table 17.16.030.B: Development Standards – Residential Zoning Districts**

Standard	LR-1A	LR	MR	HR	Key
Min. Rear Setback	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	20 ft for structures ≤25 ft in height; 30 ft for structures >25 ft in height	10 ft	7
Min. Setback from Abutting Waterway	Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways.				8
Landscaping and Open Space					
Private Ground Floor Open Space for Multi-Family Development	n/a	n/a	Min. 80 sq ft/unit	Min. 60 sq ft/unit	
Min. Dimension for Private Open Space for Multi-Family Development	n/a	n/a	6 ft	6 ft	
Common Usable Open Space for Multi-Family Development	n/a	n/a	Lot widths ≤45 ft: Min. 150 sq ft/lot. Lot widths >45 ft: Min. 200 sq ft/lot	Min. 150 sq ft/lot	9
Min. Dimension for Common Usable Open Space	n/a	n/a	15 ft; 20 ft for small lot development	15 ft; 20 ft for small lot development	10
Max. Paved/ Hardscaped Area	25% of a front setback area	25% of a front setback area	30% of a front setback area	30% of a front setback area	
Min. Landscaped Area ⁷	35% of lot area; 25% for small lot development	35% of lot area; 25% for small lot development	Min. 25% of lot area.	Min. 25% of lot area.	
Required Buffer Abutting Agricultural Use	n/a	A landscaped buffer min. 15 ft width with street trees at 30 ft on center			

Part III: District Regulations

Table 17.16.030.B: Development Standards – Residential Zoning Districts					
Standard	LR-1A	LR	MR	HR	Key
Notes:					
¹ Greater residential densities are allowed under state law if a site meets the standards for two-unit development as described in Chapter 17.31, Two-Unit Projects.					
² Densities existing as of January 1, 2023, are permitted to remain.					
³ Parcels created by lot line adjustments may be less than 1 acre provided the number of parcels does not increase and that no lots are less than 7,000 square feet. ⁴ Max. building gross floor area (all floors) for single-family residences including accessory structures is as follows:					
Lots < 6,000 sf: 1,995 sf Lots 6,000 – 9,999 sf: 2,945 sf Lots 10,000 – 14,999 sf: 3,705 sf Lots 15,000 – 19,999 sf: 3,971 sf Lots ≥ 20,000 sf: 4,000 sf					
⁵ The following additional standards apply for existing development and new construction in the LR-1A, LR, MR, and HR zoning districts:					
a. The max. building gross floor area may be increased by 400 sf for construction of an ADU. b. The following buildings and areas are exempt from max. building gross floor area: i. One covered parking space with a max. floor area of 200 sf; ii. Non-habitable accessory buildings less with a max. floor area of 120 sf; iii. A non-habitable basement or attic; and iv. A balcony, porch, deck, or other structure that is unenclosed on at least three sides.					
⁶ Additional standards for accessory buildings are described in Section 17.22.020, Accessory Uses.					
⁷ Landscaped setback areas count toward this requirement.					

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Table 17.16.030.C: Primary Building Footprint Standards in the LR-1A and LR Zoning District establishes the maximum building footprint for primary buildings, excluding accessory structures.

Table 17.16.030.C: Primary Building Footprint Standards in the LR-1A and LR Zoning Districts			
LR-1A Zoning District		LR Zoning District	
Lot Size	Max. Gross Floor Area (excludes accessory structures)	Lot Size	Max. Gross Floor Area (excludes accessory structures)
≥ 7,000 – 14,999 sq ft	3,900 sq ft	< 7,000 sq ft	2,400 sq ft
≥ 15,000 – 21,999 sq ft	4,425 sq ft	≥ 7,000 – 7,999 sq ft	2,400 sq ft
≥ 22,000 – 28,999 sq ft	4,950 sq ft	≥ 8,000 – 8,999 sq ft	2,700 sq ft
≥ 29,000 – 35,999 sq ft	5,475 sq ft	≥ 9,000 – 9,999 sq ft	2,950 sq ft
≥ 36,000 – 43,559 sq ft	6,000 sq ft	≥ 10,000 – 10,999 sq ft	3,300 sq ft
		≥ 11,000 – 11,999 sq ft	3,480 sq ft
		≥ 12,000 – 12,999 sq ft	3,640 sq ft
		≥ 13,000 – 13,999 sq ft	3,780 sq ft
		≥ 14,000 – 14,999 sq ft	3,900 sq ft
		≥ 15,000 sq ft	3,900 sq ft

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17.16.040 Design Standards

The standards in this Section apply to all development within the residential zones. These design standards supplement the development standards of Table 17.16.030.B: Development Standards – Residential Zoning Districts.

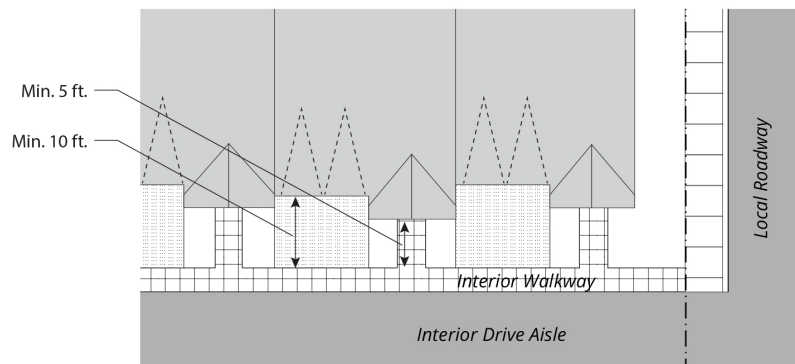
A. Design Standards for All Residential Development Types.

1. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.
2. **Required Second Story Step-backs in the LR and MR Districts.** Second stories, in both new construction and additions, must be stepped back eight feet from the ground floor front façade, unless the front elevation has a porch a minimum of six feet deep that extends 80 percent or more of the width of the front elevation, excluding a garage.
3. **Building Orientation.**
 - a. Building entrances must be oriented toward public rights-of-way or internal walkways.
 - b. Windows, balconies, and decks must be placed a minimum of 12 feet measured horizontally from the windows of existing residences (on-site or off-site).
4. **Wall Planes.** Building offsets, roof overhangs, bay windows, the use of a variety of materials, and other features as determined by the Community Development Director, shall be used to reduce building massing. The following requirements apply to walls facing a sidewalk, pedestrian walkway, or publicly accessible outdoor space:
 - a. Unbroken wall planes of 10 feet or more in width are prohibited;
 - b. Any wall plane on the front façade larger than 10 feet in width shall incorporate windows, doors, or other openings; be articulated (i.e. break up the wall plane); or incorporate design features such as bay windows, balconies or verandas, or a change in material or color; and
 - c. On corner lots, elevations oriented towards both street frontages shall include the same architectural design character on each elevation.
 - d. In the MR district, the front door of any primary single-family unit must be visible to the public street.
5. **Exterior Building Materials.**
 - a. Building materials that support and enhance the architectural vernacular of the City must be used in all new developments. There are many materials that may be used to achieve this goal, including plaster or stucco, brick, native or artificial stone finishes, form board concrete finishes, board and batten siding, and horizontal siding (except as provided in subsection 5.c)..
 - b. In addition, corrugated metal may be used as a roof material in all zoning districts, and as a siding material in the A-20, MR, and HR Zoning Districts.

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- c. Specifically prohibited materials include unplastered, unpainted, or painted concrete block, and vinyl or aluminum siding.
- d. The palette of materials and colors on a building must be applied to all sides of the building.
- 6. **Landscaping.** The entire front and street side required setbacks, exclusive of permitted driveways, walkways, or parking areas, must be landscaped with drought tolerant plant materials in compliance with Chapter 17.25, Landscaping.
- 7. **Site Circulation and Access.**
 - a. A system of pedestrian walkways must connect the primary entryways of all on-site buildings, all on-site automobile and bicycle parking areas, to any on-site open space areas or pedestrian amenities, to all shared trash enclosure areas, and to the public sidewalk on the perimeter street frontage.
 - b. Where a required walkway crosses parking areas or loading areas, it must be clearly identifiable with a raised crosswalk, a different paving material, or similar method.
 - c. New streets or drive aisles must form a continuous pedestrian network from the primary right-of-way and within the development.
 - d. Walkways must be a minimum of four feet wide, must be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
 - e. The minimum distance from the back of any drive aisle or walkway interior to a site must be 10 feet to the garage door and five feet to any living area or covered porch.

Figure 17.16.040.A: Distance to Interior Drive Aisle or Walkway

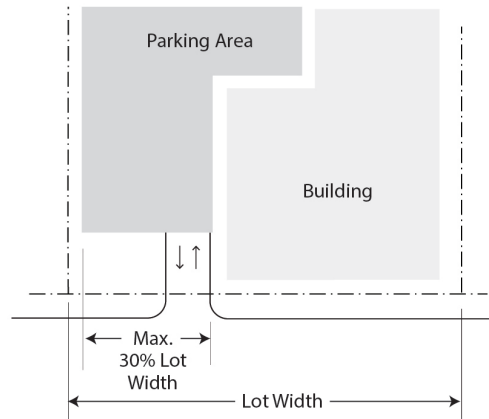


- f. Automobile and pedestrian access points into multi-family residential developments must not be gated or closed off to the public.
- g. Where individual driveways are accessed by a private or shared drive, a maximum of one driveway curb cut is allowed for each 50 feet of street frontage.

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8. **Parking Frontage.** The total width of parking areas visible from the street, including open parking, carports, and garages, but excluding parking located behind buildings, must not exceed 30 percent of any street frontage. This limitation does not apply to rowhouses or frontages along alleys.

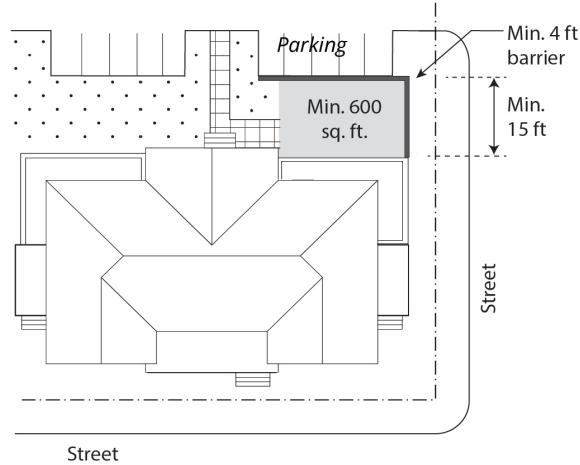
Figure 17.16.040.B: Parking Frontage



9. **Private Ground Floor Outdoor Open Space.** For multi-story dwelling units, private ground floor outdoor open space must be provided by a combination of, porches, decks, patios, or private open space such as garden areas. Refer to Table 17.16.030.B: Development Standards – Residential Zoning Districts.
10. **Required Play Areas.** Multi-family developments that include 15 or more dwelling units must include at least one play area for children. The play area must:
 - a. Have a minimum dimension of 15 feet in any direction and a minimum area of 600 square feet.
 - b. Contain play equipment, including equipment designed for children aged five years and younger.
 - c. Be visible from multiple dwelling units within the project.
 - d. Be protected from any adjacent streets or parking lots with a fence or other barrier at least four feet in height.
 - e. Include safe material under play equipment that provides protection from falls.
 - f. The play area requirement does not apply to any development that is age-restricted to senior citizens or located within 300 feet of a public park.

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Figure 17.16.040.C: Required Play Area



- B. **Design Standards Specific to Small Lot Development.** In addition to the standards listed in Section 17.16.040.A, small lot development is subject to the standards below.
1. **Small Lot Size.** Detached or attached single-unit residential development is permitted on lots less than the minimum lot size established for zoning districts allowing single-family or multi-family residential uses, in accordance with Table 17.16.030.B: Development Standards – Residential Zoning Districts.
 2. **Small Lot Configurations.** Small lot development types may include but are not limited to drive courts or cottage courts abutting a local roadway. Figures 17.16.040.D and 17.16.040.E show potential configurations of small lot development within a perimeter lot line. Interior lot line placement varies by development and is not regulated by this Title.

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Figure 17.16.040.D: Cottage Court with Alley Access (Example Configuration)

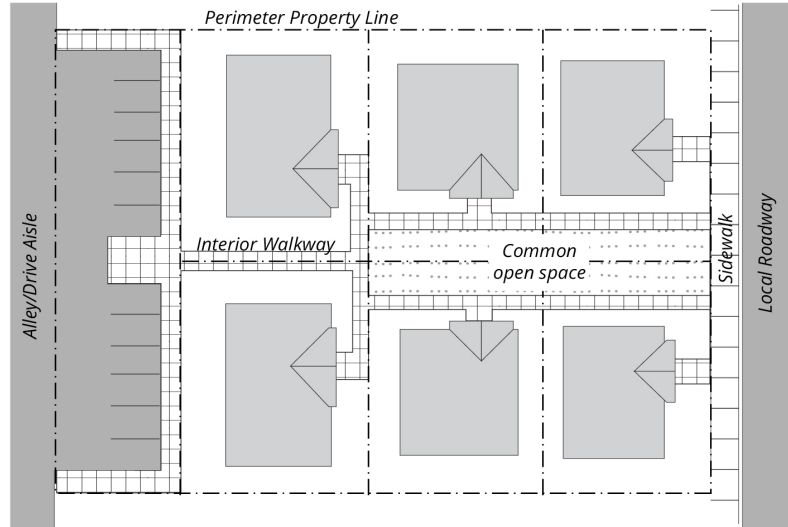
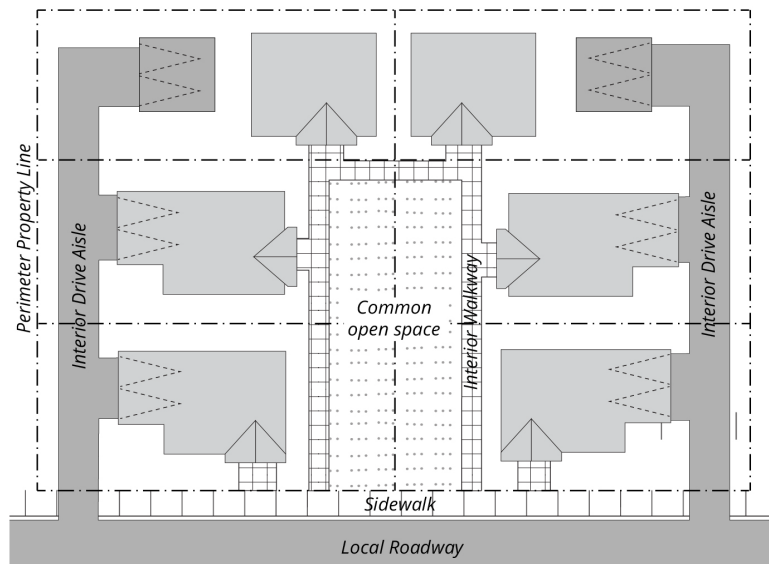


Figure 17.16.040.E: Cottage Court with Perimeter Drive Aisle and Detached or Attached Garages (Example Configuration)

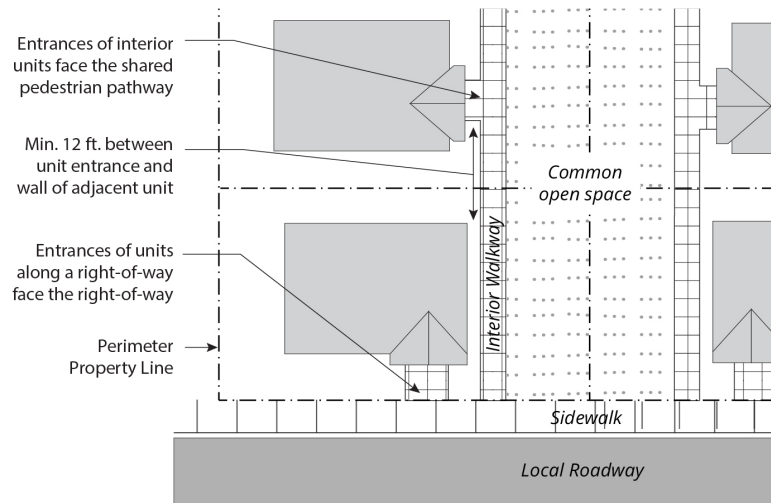


3. **Small Lot Perimeter Setbacks.** The minimum setbacks for the primary structures from the perimeter property lines of small lot single unit development are the same as the required setbacks of the underlying zoning district.

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4. ***Small Lot Entrances.***
 - a. The primary entry of units located in the interior of the development must be oriented towards and visible from a pedestrian pathway that is connected to a public right-of-way or private street.
 - b. Each unit must have a primary covered or recessed entry that is oriented to the common central open space.
 - c. The primary entry of units located along the right-of-way must be oriented toward the right-of-way.
 - d. A minimum 12-foot separation is required between the primary entryway of a unit and the adjacent building wall of a neighboring unit.
 - e. Each primary entrance must incorporate a front porch that provides a minimum five-foot clear depth and that faces either the common open space or abutting right-of-way.

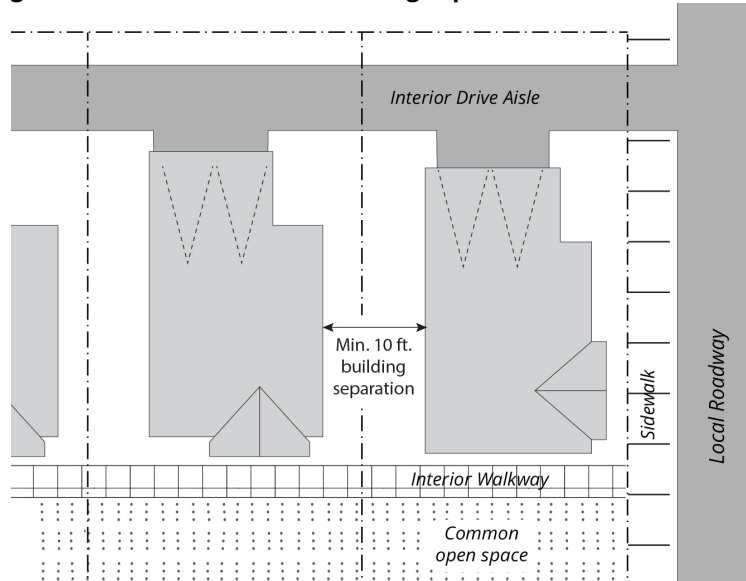
Figure 17.16.040.F: Small Lot Entrance Orientation Adjacent to Right-of-Way



5. ***Small Lot Interior Setbacks for Detached Units.*** The interior building separation for detached units is a minimum 10 feet.

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Figure 17.16.040.G: Small Lot Building Separation for Detached Units



6. **Small Lot Parking and Access.**
 - a. Garages may not be oriented to face perimeter streets.
 - b. Required parking must be provided on each small lot, within a common parking area, or in a combination of the two.
 - c. Parking must be designed and located such that it is not visible from public rights-of-way.
7. **Small Lot Landscaping.**
 - a. Landscaping with drought tolerant plant materials must be provided consistent with the requirements of Chapter 17.25, Landscaping.
 - b. Lots with units facing a common open space must have at least five feet of landscaping between the entrance and any interior walkway.
8. **Small Lot Private Open Space.**
 - a. A minimum of 100 square feet of ground-level private open space must be provided for each small lot unit. This space may take the form of a porch, deck, patio, or garden.
 - b. The minimum allowed dimensions for required private open space is six feet.

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- C. **Design Standards Specific to Multi-Family Development.** In addition to the standards listed in Section 17.16.040.A, multi-family development is subject to the standards below.

1. **Design.**

- a. The roof line on the longest building elevations shall include a vertical offset of at least 18 inches for each unit or for each pair of units on that elevation.

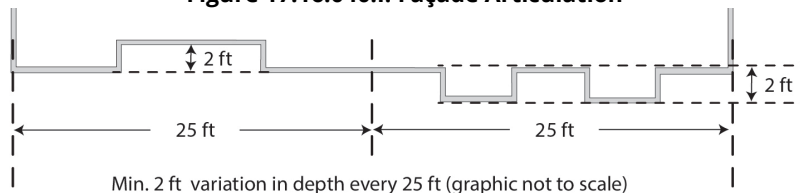
Figure 17.16.040.H: Roofline, Attached Single Unit and Multi-Unit Development



The roof line for each elevation shall be offset at least 18 inches for each one to three units exposed on that elevation.

- b. Exterior building walls must vary in depth through a pattern of offsets, recesses, or projections a minimum of two feet every 25 horizontal feet. Patterns may be established through changes in plane, balconies, bay windows, dormers, or other façade features.

Figure 17.16.040.I: Façade Articulation

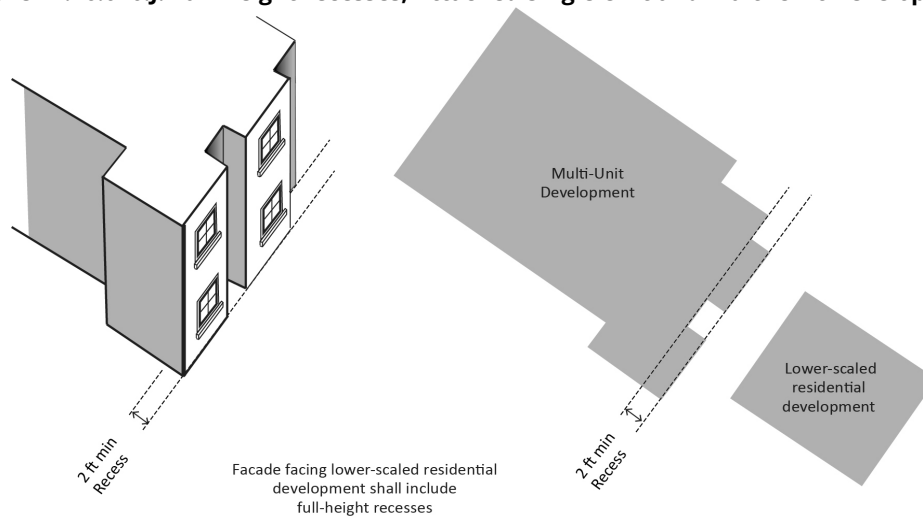


- c. All visible building facades shall incorporate details, such as window and door trim, window recesses, cornices, changes in materials, or other design elements. Each side of a building that is visible from a public right-of-way shall be designed with a consistent level of detailing and quality of materials.
- d. A minimum of two features such as balconies, cantilevers, dormers, bay windows, awnings, patios, individualized entries, and accent materials shall be incorporated into each project building.
- e. At least two materials shall be used on any building frontage, in addition to glazing and railings. Any one material must comprise at least 20 percent of the building frontage.
- f. Buildings over two stories must provide a ground floor elevation that is distinguished from the upper stories through a material or color change along

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- at least 75 percent of building façades facing rights-of-way or public open space.
- g. Dwelling units facing common open space areas must include a minimum of one window providing a direct view onto the common area.
- h. Where a new multi-family development is built adjacent to existing lower-scaled residential development, the façade opposite the existing lower-scaled residential development shall incorporate at least one full-height recess a minimum two feet in depth.

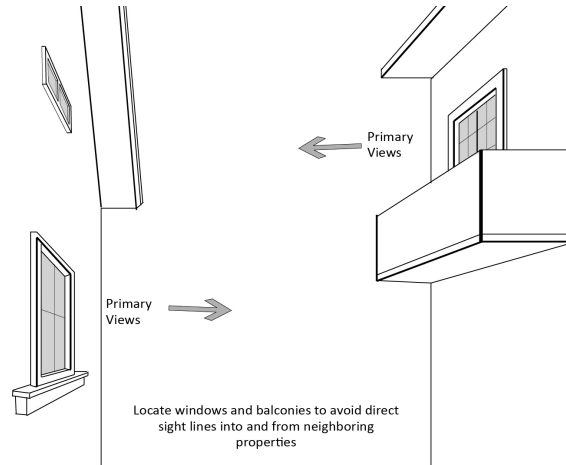
Figure 17.16.040.J: Full-Height recesses, Attached Single Unit and Multi-Unit Development



- i. For buildings 12 feet or less apart, windows, balconies, and other private open spaces shall be offset to avoid direct sightlines into and from neighboring properties.

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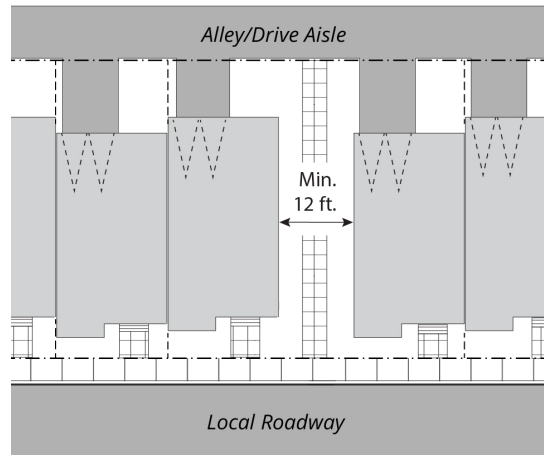
Figure 17.16.040.K: Window and Balcony Placement, Attached Single Unit and Multi-Unit Development



- j. Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet. The required private storage space may be located within a building or outside of the building, and may be used for bicycle parking.
 - k. Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.
2. **Attached Rowhouse Design.**
- a. Attached rowhouse development may be configured with vehicular access provided via an on-site drive aisle, from an abutting alley, or from the primary building frontage.
 - b. Blocks of attached rowhouses must be a minimum of three units and a maximum of eight units.
 - c. For attached rowhouse units, a minimum separation of 12 feet must be provided between blocks of units.

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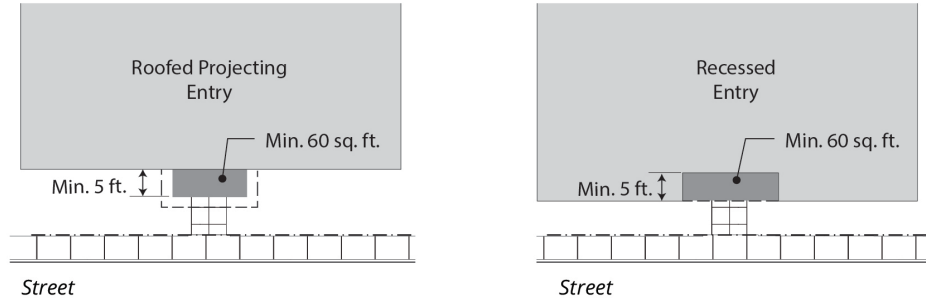
Figure 17.16.040.L: Separation at End of Row



3. **Entry Design.**
 - a. Shared entrances to multi-family developments must be visible from the right-of-way or shared walkways. Direct pedestrian access must be provided between the public sidewalk and all shared entrances.
 - b. Individual ground floor entrances to units within a multi-family development must:
 - i. Be visible and directly accessible from the right-of-way or a shared pathway; and
 - ii. Incorporate usable outdoors areas such as patios, porches, stoops, terraces, or forecourts.
 - c. Exterior entrances to units in multi-family developments may be either individual or shared. Exterior entrances to individual units on upper floors are permitted; however, shared exterior access corridors located above the ground floor and visible from the street may provide access to a maximum of four units.
 - d. Duplexes, triplexes, and fourplexes abutting any LR-1-A, LR, or MR district shall include individual front doors and interior stairs (when stairs are needed).
 - e. Exterior entrances serving multiple units must have a roofed projection or recess with a minimum depth of five feet and a minimum horizontal area of 60 square feet.

Part III: District Regulations

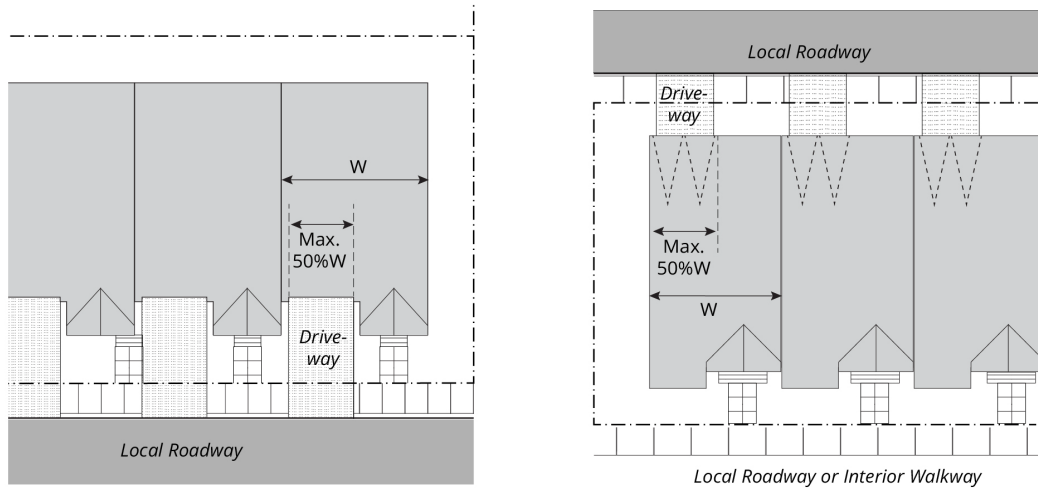
Figure 17.16.040.M: Entrances Serving Multiple Units



- f. Exterior entrances serving a single unit must have a roofed projection or recess with a minimum depth of at least five feet and a minimum horizontal area of at least 25 feet.
4. **Common Outdoor Recreation Space.** Common open space must meet the following requirements:
 - a. *Use.* Common outdoor recreation space must be available for passive and active outdoor recreational purposes for the enjoyment of all residents of each project. Outdoor recreation space types include but is not limited to picnic areas, tot lots, sports courts, swimming pools, and community gardens.
 - b. *Slope.* The slope of the common outdoor recreational space must not exceed a slope of 10 percent and must be easily accessible for all residents.
 - c. *Visibility.* Common outdoor recreation spaces must be visible from the primary living spaces of a minimum of 50 percent of units and be visible to the residents of the project for which the space is provided.
 - d. *Precluded Areas.* Common outdoor recreation space must not include driveways, public or private streets, or utility easements where the ground surface may not be appropriate for recreational space.
5. **Parking.**
 - a. *Location for All Multi-Family Residential.* Off-street parking serving multi-family residential development must be located in one of the following facilities:
 - i. Surface parking lots, garages, or carports located to the side or rear of residential buildings in relation to adjacent streets. If a site fronts on two or more streets, this standard applies to the front of the lot.
 - ii. Garages with side entries, in which the face of the garage door is generally perpendicular to the street.
 - iii. Attached individually secured garages.
 - b. *Rowhouse Garages Frontage.* Rowhouse garages with doors that face the street must be recessed from the primary façade and may not occupy more than 50 percent of the width of any street-facing building façade.

Part III: District Regulations

Figure 17.16.040.N: Rowhouses Garages



Chapter 17.17 Commercial and Mixed-Use Zoning Districts

17.17.010 Purpose and Applicability

This Chapter enables commercial and mixed-use development that is suitable to the character of St. Helena and that supports the daily needs of residents. The commercial and mixed-use districts, which are located generally along the SR29 corridor, serve tourists, City residents, and residents of the unincorporated agricultural areas who have traditionally traveled to St. Helena to shop for goods and services. In the downtown, the zoning districts support higher-density, mixed-use development that expand housing options while supporting retail and commercial services. Included in this Chapter are use regulations, development standards, and design standards for the following commercial and mixed-use districts:

Central Business (CB). The CB Zone is intended to provide for retail, personal service uses, offices, restaurants, hotels/motels, service stations, public and quasi-public uses, and similar and compatible uses that serve local residents’ day-to-day needs, as well as the needs of the surrounding area and tourists. Emphasis is on pedestrian-oriented retail and service uses on the ground floor level, with office and residential uses on the upper levels. This Zone implements the Central Business General Plan Land Use Designation.

Service Commercial (SC). The SC Zone is intended to provide for service and retail uses, restaurants, service stations, hotels, motels, public and quasi-public uses and similar and compatible uses. The designation is intended primarily for service and retail uses that are automobile-oriented or whose operational characteristics and space needs are not considered appropriate for the Central Business District. The intent is for the SC Zone to be primarily local resident-serving in character. Strictly tourist-serving retail uses are prohibited within this designation. This Zone implements the Service Commercial General Plan Land Use Designation.

Mixed-Use (MU). The MU Zone is intended to provide areas for a mix of medium- and high-density residential unit types and commercial retail, office, restaurant, and open space uses. The Zone supports both vertical and horizontal residential mixed-use development. Residential densities are from 12 to 20 dwelling units per acre. This Zone implements the Mixed-Use General Plan Land Use Designation.

17.17.020 Use Regulations

Table 17.17.020.A: Use Regulations – Commercial and Mixed-Use Zoning Districts, lists the uses permitted (“P”), permitted with a Minor Use Permit (“MUP”) granted by staff-level review, and permitted with a Conditional Use Permit (“CUP”) granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zoning district development and design standards. Any projects that qualify for ministerial approval under state law will be processed ministerially as required by that state law.

Part III: District Regulations

Table 17.17.020.A: Use Regulations – Commercial and Mixed-Use Zoning Districts				
Use Classification	CB	SC	MU	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Residential Uses				
Live/work	CUP	—	MUP	Sec. 17.22.140, Live/Work Units
Multi-family dwelling	CUP ¹	—	CUP ^{2 3}	
Single room occupancy	CUP ¹	—	P ²	Sec. 17.22.210, Single-Room Occupancy Units
Commercial Uses				
Adult entertainment	—	CUP	—	Sec. 17.22.040, Adult-Oriented Businesses
Agricultural supply sales	—	P	—	
Animal boarding facility/kennel	—	CUP	—	
Automobile/Vehicle sales and services				
<i>Auto rental</i>	—	CUP	CUP	
<i>Auto sales</i>	—	CUP	—	
<i>Auto service and repair</i>	—	CUP	—	
<i>Car wash</i>	—	CUP	—	
<i>Service station</i>	CUP	CUP	—	Sec. 17.22.190, Service Stations
Banks and financial institution	P ⁴	P	P	
Business services				
<i>Cleaning and janitorial services</i>	—	P	P	
<i>Equipment rental and leasing</i>	—	CUP	CUP	
<i>General business service</i>	P	P	P	
<i>Printing and copy service</i>	P	P	P	
<i>Security service</i>	—	P	P	
Cinema/Theater	CUP	CUP	CUP	
Eating and drinking establishments				
<i>Bar</i> ^{5 6}	CUP	CUP	CUP	Sec. 17.22.050, Alcoholic Beverage Sales
<i>Brewpub</i>	P	P	P	Sec. 17.22.050, Alcoholic Beverage Sales
<i>Micro-brewery</i>	CUP	CUP	CUP	Sec. 17.22.050, Alcoholic Beverage Sales

Part III: District Regulations

Table 17.17.020.A: Use Regulations – Commercial and Mixed-Use Zoning Districts				
Use Classification	CB	SC	MU	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
<i>Micro-distillery</i>	CUP	CUP	CUP	Sec. 17.22.050, Alcoholic Beverage Sales
<i>Mobile food vendor</i>	CUP	CUP	P	Sec. 17.22.150, Mobile Food Vendor
<i>Restaurant, full service</i> ^{5 7}	MUP	MUP	MUP	Sec. 17.22.050, Alcoholic Beverage Sales
<i>Restaurant, limited counter service</i>	P	P	P	
Food and beverage sales				
<i>Farmers' market</i>	MUP	MUP	MUP	
<i>Fruit and vegetable market</i>	P	P	P	
<i>Grocery store</i>	MUP ⁸	MUP ⁹	MUP ⁹	
<i>Liquor store</i>	CUP	CUP	CUP	
<i>Public market</i>	CUP	CUP	CUP	
<i>Winery tasting room</i>	CUP	CUP	CUP	Sec. 17.22.050, Alcoholic Beverage Sales
<i>Wine shop</i>	MUP	MUP	MUP	
Food preparation	—	P	CUP	
Formula business	CUP ¹⁰	P	CUP ¹⁰	Sec. 17.22.120, Formula Businesses
Funeral home and mortuary	—	MUP	MUP	
Health club and fitness center	—	MUP	MUP	
Indoor recreation	CUP	CUP	CUP	
Lodging				
<i>Bed and breakfast</i>	MUP	—	MUP	Sec. 17.22.080, Bed and Breakfast Inns
<i>Boarding house</i>	—	—	CUP ⁴	
<i>Hotel</i>	CUP ¹¹	CUP	CUP	
<i>Short-term rental</i>	—	—	P	Sec. 17.22.200, Short-Term Rentals
<i>Time share</i>	CUP	CUP	—	
Maker's space				
<i>Candle-making</i>	P	P	P	

Part III: District Regulations

Table 17.17.020.A: Use Regulations – Commercial and Mixed-Use Zoning Districts				
Use Classification	CB	SC	MU	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
<i>Ceramics/pottery</i>	MUP	MUP	MUP	
<i>Glass blowing</i>	MUP	MUP	MUP	
<i>Jewelry</i>	P	P	P	
<i>Multi-media</i>	P	P	P	
Model Home Sales Office	—	—	MUP	
Offices				
<i>Business, professional, and technology</i>	P ²	P	P	
<i>Medical and dental</i>	P ²	P	P	
<i>Walk-in clientele</i>	P ⁴	P	P	
<i>Winery offices (off-site)</i>	—	P/CUP ¹²	P/CUP ¹²	
Personal services				
<i>Hair salon/nail salon/spa</i>	P ⁴	P	P	
<i>Dry cleaners, drop-off and pick-up</i>	P ⁴	P	P	
<i>Laundromat, self-service</i>	—	P	P	
<i>Massage establishment</i>	MUP ²	MUP	MUP	
<i>Tanning salon</i>	—	P ²	P ²	
<i>Tattoo and piercing</i>	CUP	—	P	
Retail				
<i>Art gallery</i>	CUP	CUP	CUP	
<i>Building materials and supply</i>	—	P	—	
<i>Firearm sales</i>	—	MUP	—	
<i>Furniture store</i>	P	P	P	
<i>General retail and merchandise</i>	P	P	P	
<i>Health care equipment</i>	—	P	P	
<i>Nursery, lawn, and garden supply store</i>	—	CUP	CUP	
<i>Saddle and equestrian store and repair</i>	—	P	P	
<i>Tobacco/smoke shop</i>	CUP	CUP	CUP	
<i>Used merchandise store</i>	P	P	—	

Part III: District Regulations

Table 17.17.020.A: Use Regulations – Commercial and Mixed-Use Zoning Districts				
Use Classification	CB	SC	MU	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
Reupholstery and furniture repair	—	P	P	
Veterinary clinic	—	P	—	
Industrial Uses				
Contractor's yard	—	CUP	—	
Contractor's shop	—	P	—	
Custom and artisan manufacturing	—	MUP	MUP	
Food and beverage manufacturing/brewery	CUP	CUP	CUP	
Transportation, Communications, and Utilities				
Communication facilities				
<i>Audio/video recording studio</i>	—	P	P	
<i>Telecommunication facility</i>	Sec. 17.22.270, Wireless Telecommunication Facilities			
Emergency services	—	CUP	—	
Public services, major		CUP	CUP	
Public services, minor	—	MUP	MUP	
Solar energy system	Sec. 17.22.240, Solar Energy Systems			
Transit station and terminal	CUP	CUP	CUP	
Agricultural and Extractive Uses				
Community garden	—	MUP	MUP	Sec. 17.22.100, Community Gardens
Winery, large	—	CUP	—	
Public/Institutional Uses				
Amphitheater	CUP	CUP	CUP	
Colleges and trade schools	—	MUP	MUP	
Community assembly	MUP	MUP	MUP	
Church	—	P	—	
Cultural institution and museum	CUP	MUP	MUP	
Day care facility				
<i>Seven or more persons</i>	—	P	MUP	
<i>Six or fewer persons</i>	—	P	P	

Part III: District Regulations

Table 17.17.020.A: Use Regulations – Commercial and Mixed-Use Zoning Districts				
Use Classification	CB	SC	MU	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
Government office	P	P	P	
Instructional services	CUP	P	P	
Low barrier navigation center	p	—	P	
Parking facilities	CUP ⁴	CUP	CUP	
Senior center	P ⁴	P	—	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses				
Accessory dwelling unit	Sec. 17.22.030, Accessory Dwelling Units			
Catering	P	P	P	
Cottage food operations	P	P	P	Sec. 17.22.110, Cottage Food Operations
Family day care, large	—	—	MUP	
Family day care, small	—	—	P	
Music/entertainment, live or amplified	P/CUP ¹³	P	P/CUP ¹³	
On-site storage facilities	—	CUP	—	
Outdoor dining	MUP	MUP	MUP	Sec. 17.22.170, Outdoor Dining and Seating
Outdoor display and sales	Sec. 17.22.180, Outdoor Display and Sales			
Small recycling facility	—	MUP	MUP	Sec. 17.22.220, Small Recycling Facilities

Notes:¹ Permitted on upper floors only.² Permitted on upper floors only for properties fronting onto Main Street.³ Must be part of a mixed-use development.⁴ Not permitted on Main Street.⁵ The following are not permitted:

- Establishments serving customers within their vehicles on the premises or preparing beverages or food intended for consumption within their vehicles on the premises.
- Music or entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music or entertainment is being performed.

Drive-in for take-out service.⁶ Roof top bars are only allowed in the CB and MU zoning districts.⁷ Formula and drive-through restaurant establishments are not permitted.⁸ Seating is not permitted.⁹ Limited to 10,000 gross square feet.¹⁰ A maximum of four formula retail businesses are permitted in any one zoning district.¹¹ Rental of rooms limited to upper floors only for properties fronting onto Main Street.¹² A CUP is required for non-public wine tasting, offered to wine distributors and wine merchants only.¹³ A CUP is required for live or amplified music/entertainment outdoors.

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17.17.030 Development Standards

Table 17.17.030.B: Development Standards – Commercial and Mixed-Use Zoning Districts, establishes the development standards for the Commercial Business, Service Commercial and Mixed-Use Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

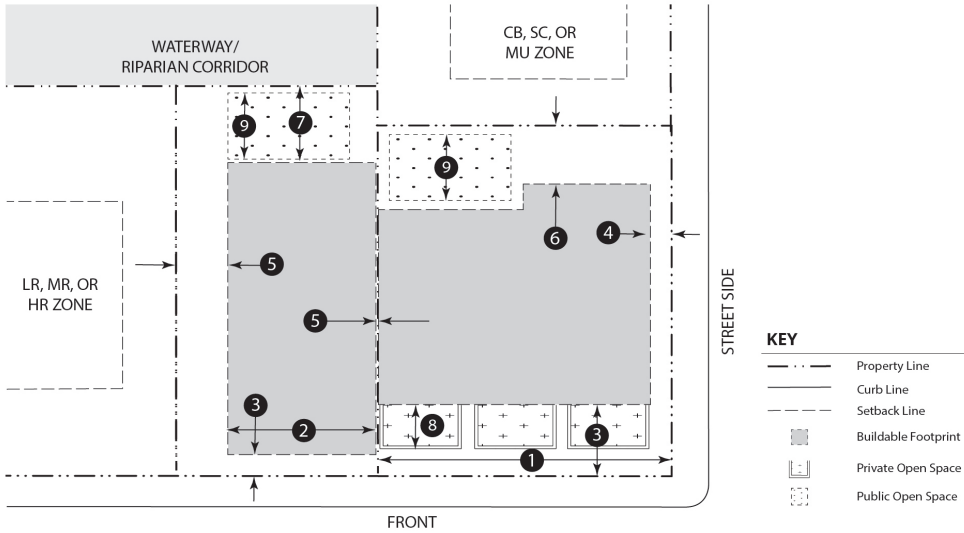


Table 17.17.030.B: Development Standards– Commercial and Mixed-Use Zoning Districts				
Standard	CB	SC	MU	Key
Density/Intensity				
Density	n/a	n/a	Up to 20 du/ac	
FAR	Max. 2.0 (inclusive of residential uses)	Max. 0.50	Max. 1.0 (inclusive of residential uses)	
Lot Size				
Min. Lot Area	5,000 sq ft	10,000 sq ft	5,000 sq ft	
Min. Lot Width	None	None	45 ft	1
Floor Area for Individual Buildings	Max. 10,000 sq ft	Max. 15,000 sq ft	Max. 15,000 sq ft	
Floor Area per Use	Min. 200 sq ft; Max. 10,000 sq ft	Min. 200 sq ft; Max. 10,000 sq ft	None	
Building Frontage	Main Street: 100% between Spring Street and Adams Street alignment; 85%	Min. 60% of lot width	Min. 50% of lot width	2

Part III: District Regulations

Table 17.17.030.B: Development Standards– Commercial and Mixed-Use Zoning Districts				
Standard	CB	SC	MU	Key
	elsewhere on Main Street; All other streets: 60%			
Max. Height				
<i>Principal Structure</i>	35 ft; 30 ft within 25 feet of a residential district and facing Oak Street	35 ft	Pitched roof: 45 ft/3 stories; 30 ft/2 stories within 20 ft of a residential district. Flat roof: 40 ft/3 stories; 26 ft/2 stories within 20 ft of a residential district	
<i>Accessory Structure</i>	16 ft	16 ft	16 ft	
<i>Ground Floor Finished Floor Elevation</i>	Max. 2 ft above adjacent right-of-way	Max. 2 ft above adjacent right-of-way	Nonresidential: Max. 2 ft above adjacent right-of-way; Residential: Min. 2.5 ft above adjacent right-of-way.	
<i>Ground Floor Ceiling Height</i>	Min. 12 ft	Min. 12 ft	Nonresidential: Min. 12 ft; Residential: Min. 10 ft.	
Setbacks				
<i>Front Setback</i>	Main Street: Max. 5 ft, Max 8 ft where active frontage is provided Adams Street and Oak Street: Max. 8 ft	Min. 25 ft	Nonresidential: Max. 10 ft; Residential: No setback allowed north of Mitchell Dr.; 5-15 ft everywhere else	③
<i>Min. Street Side Setback</i>	0 ft	25 ft ¹	0 ft	④
<i>Min. Interior Side Setback</i>	0 ft; 10 ft abutting a residential district	10 ft per floor ¹	0 ft; 10 ft. abutting a residential district	⑤
<i>Min. Rear Setback</i>	0 ft; 10 ft. abutting a residential district	15 ft; yards abutting a residential property must have a minimum of 20 ft ¹	0 ft; 10 ft. abutting a residential district	⑥
<i>Min. Setback from Abutting Waterway</i>	Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways.			⑦

Part III: District Regulations**Table 17.17.030.B: Development Standards– Commercial and Mixed-Use Zoning Districts**

Standard	CB	SC	MU	Key
Landscaping and Open Space				
<i>Private Open Space for Multi-Family Development</i> ²	Min. 80 sq ft per unit	n/a	Min. 120 sq ft per unit	
<i>Min. Dimension for Private Open Space</i>	6 ft	n/a	6 ft	8
<i>Common Usable Open Space for Multi-Family Development</i> ²	Min. 150 sq ft per lot	n/a	Min. 150 sq ft per lot.	
<i>Min. Dimension for Common Usable Open Space</i>	8 ft	n/a	15 ft	9
<i>Paved/Hardscaped Area</i>	n/a	n/a	Max. 30% of front setback area	
<i>Landscaped Area</i> ³	Min 5% of lot area	Min. 15% of lot area	Min. 10% of lot area	
<i>Required Buffer Abutting Agricultural Use</i>	A landscaped buffer min. 15 ft width with min. 15-gallon street trees at 30 ft on center			

Notes:

¹ Properties within the Highway 29 Specific Plan must comply with any additional required interior side and rear setbacks established in the Highway 29 Specific Plan EIR.

² May not include pedestrian access, required landscaped areas, on-site parking or driveway areas, and may not have a slope greater than 10 percent.

³ Landscaped setbacks areas count toward this requirement.

17.17.040 Design Standards

The design standards in this Section apply to all development within the commercial and mixed-use zoning districts. These design standards supplement the development standards of Table 17.17.030.B: Development Standards – Commercial and Mixed-Use Zoning Districts.

- A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.
- B. **Highway 29 Specific Plan Applicability.** Properties within the Highway 29 Specific Plan area shall meet the requirements of the Highway 29 Specific Plan as well as the design standards of this Section 17.17.040, Design Standards.
- C. **Residential Development in the Mixed-Use Zoning District.** Buildings where a minimum of two-thirds of the floor area of the building is residential must meet the requirements of Section 17.16.040, Design Standards, as well as those of this Section 17.17.040, Design Standards.

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D. Building Orientation.

1. Building entrances must be oriented toward public rights-of-way or internal walkways.
2. Building design must prevent direct visual access into adjacent residential properties. Where a new or existing primary interior residential space has an uninterrupted line of sight to windows of a primary interior space at the same floor level within 20 horizontal feet, the glazing of the new windows shall be offset horizontally from the existing glazing by a minimum of 24 inches.

- E. Building Articulation.** Any building over 125 feet in width shall be broken down to read as a series of buildings no wider than 75 feet each.

Figure 17.17.040.A: Building Articulation

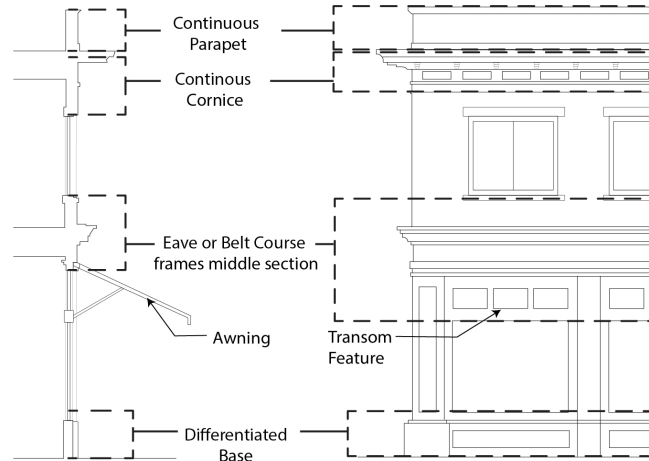


F. Building Facades Visible from a Public Street.

1. Horizontal articulation must include a differentiated base, a roof cornice line or parapet, and an eave, awning, overhang, transom feature, belt course, or other architectural element that frames the middle section of the building.
2. Buildings or portions of buildings over two stories must include articulation for the top story of the building. This may be accomplished through a change in color, change in material, a cornice/belt course at the bottom of the uppermost floor, change in roof pitch (such as a gable), or an upper-story step-back.

Part III: District Regulations

Figure 17.17.040.B: Building Façade Visible from Public Street

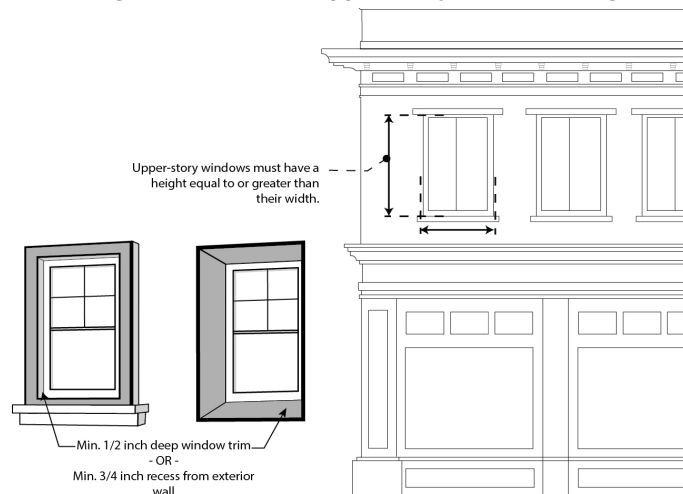


3. Awnings must be of a durable, commercial grade fabric, canvas, or similar material with a matte finish.
4. Canopies must be constructed of wood or other natural materials in keeping with materials used historically in the City.

G. Upper-Story Window Design.

1. Upper-story windows must have a height equal to or greater than their width.
2. Trim at least one-half inch in depth must be provided around all windows, or windows must be recessed at least three-quarter inches from the plane of the surrounding exterior wall. Foam is not a permitted trim material.

Figure 17.17.040.C: Upper-Story Window Design



Part III: District Regulations

H. **Exterior Building Materials and Colors.**

1. Building materials that support and enhance the architectural vernacular of the City must be used in all new developments. There are many materials that may be used to achieve this goal, including plaster or stucco, brick, native or artificial stone finishes, form board concrete finishes, board and batten siding, and horizontal siding (except as provided in subsection 1.c..
2. In addition, corrugated metal may be used as a roof or siding material in all commercial and mixed-use zoning districts..
3. Specifically prohibited materials include unplastered, unpainted, or painted concrete block, and vinyl or aluminum siding.
4. The palette of materials and colors on a building must be applied to all sides of the building..
5. A palette of contrasting colors is required along Main Street within the CB and MU Districts.

I. **Front and Street Side Setback Improvements.** Where front or street side setbacks are required, these areas must be improved with planters, paving, low walls, climbing vines, outdoor dining/seating areas, or other features that:

1. Visually distinguish parking areas from pedestrian areas;
2. Emphasize the building entrance and any on-site open space; and
3. Frame required building transparency.

J. **Refuse and Recycling Area Enclosures.**

1. **Container Materials.** Containers used for the collection and storage of refuse and recyclable materials shall be constructed of a durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected between collection schedules.
2. **Enclosure Materials.** Unless specifically waived by the design review processes described in Chapter 17.05, Planning Permits and Approvals, all development projects shall have a refuse enclosure constructed of such materials as to be opaque and of sufficient size to permit the storage, removal, and replacement of standard commercial size refuse containers. No collection, storage or stacking of refuse is permitted outside the refuse enclosure.
3. **Drainage.** The floor of the enclosure shall have a drain that connects to the sanitary sewer system.

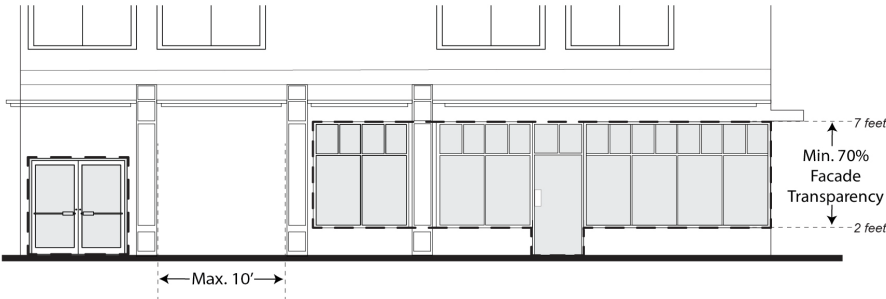
K. **Design Standards in the CB and MU Districts Only.**

1. **Building Transparency/Required Openings on Main Street in the CB and MU Districts.** Exterior walls facing and within 40 feet of a street facing lot line or pedestrian walkway must include windows, doors, or other openings for at least 70 percent of the building wall area and located between two and seven feet above the level of the sidewalk or

Part III: District Regulations

walkway. These walls may run in a continuous plane for no more than 10 feet without transparency or an opening.

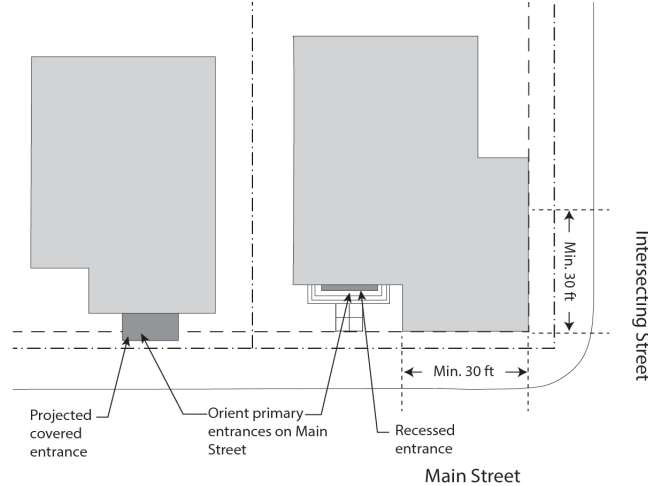
Figure 17.17.040.D: Façade Transparency on Main Street in the CB and MU District



- a. **Design of Openings.** Openings fulfilling this requirement must have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
 - b. **Exceptions for Parking Garages.** Multi-level garages are not required to meet the ground-floor transparency requirement.
 - c. **Reductions.** The building transparency requirement may be reduced or waived upon finding that:
 - i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible; and
 - ii. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
2. **Buildings with Main Street Frontage in the CB and MU Districts.**
- a. Buildings must be oriented to face Main Street with the primary entrance on Main Street.
 - b. Building entrances must be either covered or recessed a minimum of four feet from the building façade.
 - c. Buildings on corner parcels must be placed at the intersection of the front and side setback lines for a minimum of 30 feet along both setback lines.

Part III: District Regulations

Figure 17.17.040.E: Buildings with Main Street Frontage



3. **Off-Street Parking in the MU District.**
 - a. Off-street parking spaces may not be accessed from the front of the lot.
 - b. Off-street parking spaces may not be located within 40 feet of a street-facing property line. Exceptions may be granted through Design Review upon finding that:
 - i. The design incorporates habitable space built close to the street frontage to the maximum extent feasible;
 - ii. The site is small and constrained such that underground parking or surface parking located more than 40 feet from the street frontage is not feasible; and
 - iii. A screen wall designed to match the building materials of the primary building or a row of landscaping screens any off-street parking located within 40 feet of the street frontage.

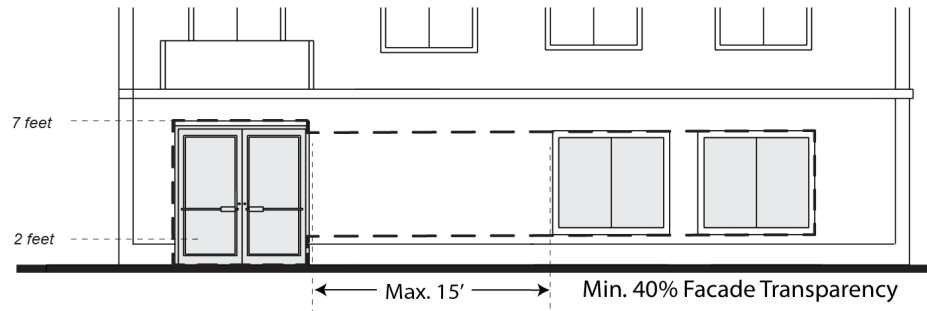
L. Design Standards in the SC District Only.

1. **Frontages.**
 - a. Building design must emphasize active frontages and establish a connection to the right-of-way street.
 - b. Frontages must feature at least one entry.
 - c. Buildings more than 50 feet in length along a right-of-way must incorporate at least one recessed entry with a minimum depth of six feet from the front façade.
 - d. The width of the recessed entry must be appropriate relative to the size of the building, with the maximum ratio of building height to entry recess 2.5:1 (height less than 2.5 x width).

Part III: District Regulations

2. **Building Transparency/Required Openings.** Exterior walls facing and within 40 feet of a street facing lot line or pedestrian walkway must include windows, doors, or other openings for at least 40 percent of the building wall area and located between two and seven feet above the level of the sidewalk or walkway. These walls may run in a continuous plane for no more than 15 feet without transparency or an opening.

Figure 17.17.040.F: Building Transparency for SC District



- a. **Design of Openings.** Openings fulfilling this requirement must have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces.
 - b. **Reductions.** The building transparency requirement may be reduced or waived upon finding that:
 - i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible; and
 - ii. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
3. **Off-Street Parking Areas in the SC District.**
- a. Off-street parking spaces may not be located within 10 feet of a street-facing property line. For properties within the Highway 29 Specific Plan area, refer to that Plan for the location and design of proposed parking areas.
 - b. Curb cuts are limited to one per 80 linear feet of any one street-facing frontage.

Part III: District Regulations

Chapter 17.18 Business and Industrial Zoning Districts

17.18.010 Purpose and Applicability

This Chapter encourages business and industrial uses by providing areas exclusively for development subject to regulations necessary to ensure the protection of adjoining uses. This Chapter establishes use regulations, development standards, and design standards for the Business and Professional Office and Industrial Zoning Districts as follows:

Business and Professional Office (BPO). The BPO Zone is intended to provide for professional and administrative offices, medical and dental offices, research and development uses, financial institutions, public and quasi-public uses, and similar and compatible uses. Residential uses in this designation can be considered for a building's upper floors. This Zone implements the Office General Plan Land Use Designation.

Industrial (I). The I Zone is intended to provide for industrial parks, warehouses, light manufacturing, auto and farm-related equipment sales and repairs, viticulture, and winery support services and similar and compatible uses. This Zone implements the Industrial General Plan Land Use Designation.

17.18.020 Use Regulations

Table 17.18.020.A: Use Regulations – Business and Industrial Zoning Districts lists the uses permitted ("P"), permitted with a Minor Use Permit ("MUP") granted by staff-level review, and permitted with a Conditional Use Permit ("CUP") granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zoning district development and design standards. Any projects that qualify for ministerial approval under state law will be processed ministerially as required by that state law.

Table 17.18.020.A: Use Regulations – Business and Industrial Zoning Districts			
Use Classification	BPO	I	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed			
Residential Uses			
Emergency shelters	P	—	
Live/Work	MUP	CUP	Sec. 17.22.140, Live/Work Units
Multi-family dwellings	CUP ¹	—	
Single room occupancy (SRO)	CUP ¹	—	Sec. 17.22.210, Single Room Occupancy Units
Commercial Uses			
Agricultural supply sales	—	P	
Animal care and service			
Animal boarding facility/kennel	—	CUP	
Veterinary clinic	—	P	

Part III: District Regulations

Table 17.18.020.A: Use Regulations – Business and Industrial Zoning Districts			
Use Classification	BPO	I	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed			
Automobile/Vehicle sales and services			
<i>Farm/Agricultural equipment sales, service, and rental</i>	—	P	
<i>Towing and impound yard</i>	—	CUP	
Banks and financial institutions	P	—	
Business services			
<i>Equipment rental and leasing</i>	—	P	
<i>General business services</i>	P	P	
<i>Printing and copy services</i>	P	P	
<i>Security services</i>	—	P	
Eating and Drinking Establishments			
<i>Brewpub</i>	—	CUP	See Sec. 17.22.050, Alcoholic Beverage Sales
Maker's space			
<i>Candle-making</i>	MUP	P	
<i>Ceramics/pottery</i>	MUP	P	
<i>Glass blowing</i>	MUP	P	
<i>Jewelry</i>	P	P	
<i>Multi-media</i>	MUP	P	
Mobile food vendor	CUP	CUP	Sec. 17.22.150, Mobile Food Vendors
Food preparation	—	P	
Funeral homes and mortuaries	—	P	
Health clubs and fitness centers	MUP	P	
Heavy equipment repair	—	P	
Indoor recreation	—	CUP	
Offices			
<i>Business, professional, and technology</i>	P	—	
<i>Medical and dental</i>	P	—	
<i>Walk-in clientele</i>	P	—	
<i>Wholesale offices</i>	P ²	—	

Part III: District Regulations

Table 17.18.020.A: Use Regulations – Business and Industrial Zoning Districts			
Use Classification	BPO	I	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed			
<i>Winery offices (off-site)</i>	P/CUP ³	—	
Personal services			
<i>Massage establishment</i>	P	—	
Retail			
<i>Building materials and supply</i>		P	
<i>Firearm sales</i>	—	MUP	
<i>Health care equipment</i>	P	—	
<i>Saddle and equestrian store and repair</i>	—	P	
Reupholstery and furniture repair	—	P	
Industrial Uses			
Commercial laundry	—	P	
Construction and material yard	—	P ⁴	
Contractor shop	—	P	
Contractors' office and showroom, excluding storage yard	P	—	
Contractors' yard	—	P	
Crop service	—	P	
Custom and artisan manufacturing	MUP	MUP	
Dry cleaning facility	—	P	
Fuel storage	—	CUP	
Industrial, general	—	MUP ⁴	
Manufacturing, packaging, and processing	—	CUP	
Micro-brewery	—	CUP	See Sec. 17.22.050, Alcoholic Beverage Sales
Micro-distillery	—	CUP	Sec. 17.22.050, Alcoholic Beverage Sales
Research and development	CUP	P/CUP ⁵	
Storage, personal	—	CUP	
Tanks for storage	—	CUP	
Warehousing, wholesale, and distribution	—	P ⁴	

Part III: District Regulations

Table 17.18.020.A: Use Regulations – Business and Industrial Zoning Districts			
Use Classification	BPO	I	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed			
Wine warehousing	—	CUP	
Transportation, Communications, and Utilities			
Communication facilities			
<i>Audio/video recording studio</i>	—	P	
<i>Telecommunications</i>	Sec. 17.22.270, Wireless Telecommunications Facilities		
Emergency services	—	CUP ⁶	
Public services, major (City facilities only)	P	P	
Public services, major	CUP	CUP	
Public services, minor (City facilities only)	P	P	
Public services, minor	MUP	MUP	
Solar energy systems	Sec. 17.22.250, Solar Energy Systems		
Transit stations and terminals	—	CUP	
Agriculture and Extractive Uses			
Mining and quarrying of nonmetallic minerals	—	CUP ⁷	
Wineries, large	—	CUP ⁸	
Public/Institutional Uses			
Colleges and trade schools	CUP	—	
Community assembly	CUP	—	
Day care facility			
<i>Seven or more persons</i>	CUP	—	
<i>Six or fewer persons</i>	MUP	—	
Government offices	CUP	CUP	
Hospitals and clinics	P	—	
Instructional Services	—	P	
Low barrier navigation center	P	—	
Parking facilities	CUP	—	
Schools	CUP	—	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses			
Accessory dwelling unit	Sec. 17.22.040, Accessory Dwelling Units		

Part III: District Regulations

Table 17.18.020.A: Use Regulations – Business and Industrial Zoning Districts			
Use Classification	BPO	I	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed			
Beekeeping		P	Sec. 17.22.070, Beekeeping
Caretaker residence ⁹	—	MUP	
Cottage food operations	P	—	Sec. 17.22.110, Cottage Food Operations
Family day care, large	CUP	—	
Family day care, small	P	—	
On-site storage facilities	CUP	CUP	
Small recycling facility	MUP	MUP	Sec. 17.22.220, Small Recycling Facilities

Notes:

¹ Permitted on upper floors only.

² Storage or on-site shipping and receiving of products not permitted.

³ CUP required for nonpublic wine tasting, offered to wine distributors and wine merchants only. No public sales or tasting allowed.

⁴ CUP required where adjacent to property zoned residential or an existing residential use.

⁵ A CUP is required when uses involve the use of hazardous substances.

⁶ May include cooking and sleeping facilities for employees on duty only.

⁷ Subject to the provisions of the Surface Mining and Reclamation Act of 1975 (§§ 2710 et seq. of the Public Resources Code).

⁸ Retail sales and tasting not permitted.

⁹ Residence must be occupied by employees and their immediate families, employed for the purpose of on-site management, maintenance, or upkeep. Temporary business guests and employees on temporary assignment are also allowed to reside in the unit.

Part III: District Regulations

17.18.030 Development Standards

Table 17.18.030.B: Development Standards – Business and Industrial Zoning Districts establishes the development standards for the Business and Professional Office and the Industrial Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

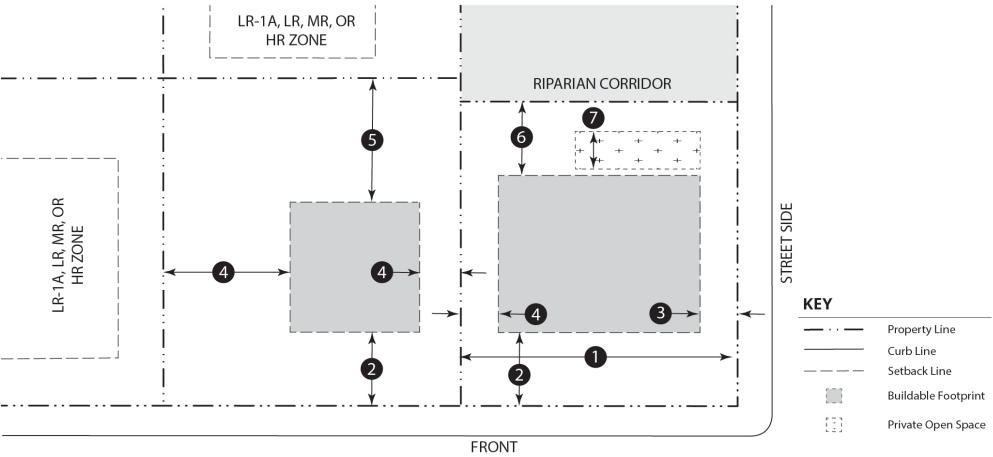


Table 17.18.030.B: Development Standards – Business and Industrial Zoning Districts			
Standard	BPO	I	Key
Density/Intensity			
Density	Max. 20 du/ac	n/a	
FAR	Max. 0.50	Max. 0.50 for uses including < 90% warehousing; Max. 0.60 for uses including ≥90% warehousing.	
Lot Size			
Min. Lot Area	7,000 sq ft	20,000 sq ft	
Min. Lot Width	none	100 ft	1
Height			
Principal Structure	30 ft; no roof pitch must be less than 4:12	45 ft; 35 ft within 100 feet of a residential, A-20, or W district	
Setbacks			
Min. Front Setback	20 ft	25 ft from any street or public right-of-way;	2
Min. Street Side Setback	10 ft	35 ft from a residential, A-20, or W district	3
Min. Interior Side Setback	10 ft		4

Part III: District Regulations

Table 17.18.030.B: Development Standards – Business and Industrial Zoning Districts			
Standard	BPO	I	Key
Min. Rear Setback	15 ft		5
Min. Setback from Abutting Waterway	Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways.		6
Landscaping and Open Space			
Private Open Space for Multi-Family Development	Min. 80 sq ft per unit	n/a	
Min. Dimension for Private Open Space	6 ft	n/a	7
Landscaped Area ¹	Min. 15% of lot area.	Min. 10% of lot area.	
Required Buffer Abutting Agricultural Use and Residential Uses	A landscaped buffer min. 15 ft width with street trees at 30 ft on center		
Notes:			
¹ Landscaped setback areas count toward this requirement.			

17.18.040 Design Standards

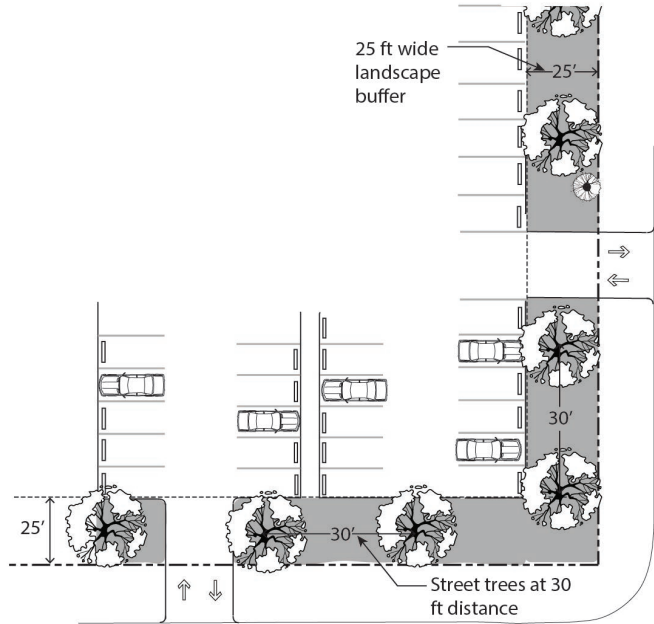
- A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards).
- B. **Residential-Mixed-Use Buildings.** Buildings where a minimum of two-thirds of the floor area of the building is residential must meet the requirements of Section 17.16.040, Design Standards, as well as those in this Section 17.18.040, Design Standards. In the event of a conflict between the standards of these two Sections, the most restrictive shall apply.
- C. **Design Standards in the BPO District.**
1. **Building Design.** Building design must emphasize active frontages and establish a connection to the right-of-way street.
 - a. Frontages must feature at least one entry.
 - b. Buildings more than 50 feet in length along a right-of-way must incorporate at least one recessed entry with a minimum depth of six feet from the front façade.
 2. **Building Facades Visible from a Public Street.** Horizontal articulation must include an eave, awning, overhang, a differentiated building base, or other architectural element that articulated the building facade.
 3. **Front and Street Side Setback Improvements.** Where front or street side setbacks are provided, these areas must be improved with planters, paving, low walls, climbing vines, outdoor dining/seating areas, or other features that:
 - a. Visually distinguish parking areas from pedestrian areas;
 - b. Emphasize the building entrance and any on-site open space; and
 - c. Frame the buildings ground-level windows.

Part III: District Regulations

4. **Fencing.** No fence in the front setback may exceed three feet in height. All other fencing outside the front setback may not exceed six feet in height.
 5. **Trash Enclosures.** Unless specifically waived by the design review processes described in Chapter 17.05, Planning Permits and Approvals, all development projects shall have a refuse enclosure constructed of such materials as to be opaque and of sufficient size to permit the storage, removal, and replacement of standard commercial size refuse containers. No collection, storage or stacking of refuse is permitted outside the refuse enclosure. Trash enclosures must be illuminated for nighttime security and use.
 6. **Parking.** Parking spaces may be paved with all-weather pervious materials, but travelways must be of concrete or asphalt.
- D. **Design Standards in the I District.**
1. **Building Design.** Buildings more than 50 feet in length along a right-of-way must incorporate at least one recessed entry with a minimum depth of six feet from the front façade.
 2. **Building Facades Visible from a Public Street.** Horizontal articulation must include an eave, awning, overhang, a differentiated building base, or other architectural element that articulated the building facade.
 3. **Front and Street Side Setback Improvements.** Where front or street side setbacks are provided, these areas must:
 - a. Visually distinguish parking areas from pedestrian areas;
 - b. Emphasize the building entrance and any on-site open space; and
 - c. Frame the building's ground-level windows.
 4. **Required Screening abutting a Non-Industrial District.**
 - a. **Abutting all Residential Districts.** Where abutting a residential district, an eight-foot opaque, landscaped, soundproofed wall is required.
 - b. **Abutting all Non-Industrial and Non-Residential Districts.** Where abutting a non-industrial or non-residential district, an eight-foot opaque landscaped fence or wall is required. The eight-foot screening element need not be located on the property line.
 5. **Landscaped Buffer.** In addition to the requirements of Table 17.18.030.B: Development Standards – Business and Industrial Zoning Districts, landscape requirements for buffer areas are as follows:
 - a. A landscaped buffer at least 25 feet in width with street trees at 30 ft on center is required along all street frontages;
 - b. Trees shall be at least 15-gallon size at time of planting; and
 - c. Ground cover must be installed under trees and maintained in accordance with approved plans.

Part III: District Regulations

Figure 17.18.040.A, Landscape Buffer



6. **Fencing.** No fence in the front setback may exceed three feet in height. All other fencing outside front setback may not exceed eight feet in height.
 - a. An eight-foot opaque landscaped fence or wall (side/rear setback) is required where abutting a non-industrial zone. If a residential zone abuts the property, subsection 6.b applies;
 - b. An eight-foot opaque, landscaped, and soundproofed wall is required where abutting a residential zone.
7. **Parking and Loading.**
 - a. Off-street parking is not permitted in the required front setback. If a property is located in the Highway 29 Specific Plan area, the parking site design must comply with the standards of the Specific Plan if more restrictive.
 - b. Parking spaces may be paved with all-weather dust-free pervious materials; however, travelways must be of concrete or asphalt.
 - c. No loading/unloading may be conducted in a public right-of-way.
 - d. There must be at least one off-street loading space per use. Additional loading dock and truck standing requirements must be based on proposed uses and must ensure that trucks will not block traffic or obstruct on-street parking spaces. Additional requirements may be specified as a condition of a Conditional Use Permit.

Part III: District Regulations

8. **Other Standards.**

- a. An interior fire sprinkler system approved by the Chief Building Official must be installed in all buildings.
- b. One-hour minimum fire-resistant construction on all exterior walls within 10 feet of all property lines must be installed. Fire resistant construction of interior walls shall be determined by type of occupancy and approved by the Chief Building Official.
- c. Low flow (water restricting) plumbing devices shall be installed.

Part III: District Regulations

Chapter 17.19 Community Agricultural and Natural Resource Zoning Districts

17.19.010 Purpose and Applicability

This Chapter protects existing resources while providing for a range of agricultural, residential, and community uses within the City's agricultural and natural resource areas. This Chapter establishes use regulations, development standards, and design standards for the Twenty-Acre Agriculture, Winery, and Woodlands and Watershed Zoning Districts as follows:

Twenty-Acre Agriculture (A-20). The A-20 Zone is intended to provide for agricultural and residential uses. The purpose of the A-20 District is to preserve agricultural land uses and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth. This Zone restricts the density of residential use and stipulates the location and area of residential development to promote preservation of agricultural land use and reduce impacts to the provision of infrastructure as the urban area of the City expands. This Zone implements the Agriculture General Plan Land Use Designation.

Winery (W). The W Zone is intended to provide for winery and winery-related uses within the agriculture general plan land use designation. This Zone implements the Agriculture General Plan Land Use Designation.

Woodlands and Watershed (WW). The WW Zone is intended to allow residential development that is sensitive to the land and its varying capability for development. Development in the WW Zone carefully considers the community-wide implications of natural conditions and minimizes impacts on natural conditions. This Zone implements the Woodlands and Watershed General Plan Land Use Designation.

17.19.020 Use Regulations

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts lists the uses permitted ("P"), permitted with a Minor Use Permit ("MUP"), and permitted with a Conditional Use Permit ("CUP") granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zoning district development and design standards. Any projects that qualify for ministerial approval under state law will be processed ministerially as required by that state law.

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
Residential Uses				
Agricultural employee housing	P/CUP ¹	P/CUP ¹	—	
Single-family dwelling	P ²	P ²	P ²	

Part III: District Regulations

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Commercial Uses				
Animal care and service				
Animal boarding facility/kennel	CUP	—	—	
Veterinary clinic	CUP	—	—	
Industrial Uses				
Manufacturing, packaging and processing	—	CUP	—	
Tanks associated with winery uses	—	CUP ³	—	
Warehousing, Wholesale, and Distribution	—	CUP	—	
Wine warehousing	—	CUP	—	
Transportation, Communications, and Utilities				
Public services, minor	MUP	MUP	MUP	
Solar energy systems	Sec. 17.22.240, Solar Energy Systems			
Telecommunication	Sec. 17.22.270, Wireless Telecommunications Facilities			
Agricultural and Extractive Uses				
Animal husbandry	P/CUP ⁴	—	P ⁵	
Community garden	P	P	P	Sec. 17.22.100, Community Garden
Cultivated agriculture	P/CUP ⁶	P/CUP ⁶	P/CUP ⁶	
Processing of agricultural products primarily produced on the premises	CUP	CUP	—	
Wineries, large	—	CUP	—	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses				
Accessory dwelling unit	Sec. 17.22.030, Accessory Dwelling Units			
Animal keeping	P	P	P	Sec. 17.22.060, Animal Keeping
Beekeeping	P	P	P	Sec. 17.22.070, Beekeeping
Cottage food operations	P	P	P	Sec. 17.22.110, Cottage Food Operations

Part III: District Regulations

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Garages, carports, workshops, pool houses, gazebos, patio covers, and other accessory buildings and structures	P ⁷	P	CUP	Sec. 17.24.030, Accessory Buildings and Structures
Family day care, large	P	P	P	
Family day care, small	P	P	P	
Home occupations	P	—	CUP	Sec. 17.22.130, Home Occupations
Roadside stands	CUP	P/CUP ⁸	—	
Swimming pools	P	P	P	
Tasting room affiliated with small winery	CUP	CUP	CUP	
Winery event center	—	CUP	—	
Winery, small	CUP	CUP	—	Sec. 17.22.230, Small Wineries
Winery visitor center	—	CUP	—	
Uses accessory to a winery enclosed within a building (e.g., offices, laboratories, equipment maintenance shops, employees' eating facilities, cooperage repair shops, wine storage tanks, scales, and boiler rooms)	—	P	—	
Uses and equipment accessory to a winery located outdoors	—	CUP ⁹	—	

Notes:

¹ Up to 36 beds in group quarters or 12 units or spaces designed for use by a single-family or household pursuant to California Health and Safety Code §§ 17021.6 are permitted. Otherwise, a CUP is required.

² On parcels over two acres in size, the single-family dwelling must be accessory to an agricultural use.

³ If the new tanks increase wine production volume beyond what is established in an existing CUP or Certificate of Legal Non-Conforming Use, a new CUP is required. If there is no increase in wine production as a result of the proposed new tanks, no CUP is required. Design review is not required for new tanks placed indoors.

⁴ Hog farms, dairies, commercial poultry farms, and egg ranches require a CUP.

⁵ Horses and cattle are not permitted.

⁶ CUP required for new uses within 30 feet of Napa River, York Creek, Sulphur Springs Creek and for new uses within Flood Plain Overlay (see Sec. 17.21.010, Flood Plain Overlay).

⁷ Plumbing and cooking facilities are not permitted.

⁸ CUP is required where the roadside stand exceeds 200 square feet.

Part III: District Regulations

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts

Use Classification	A-20	W	WW	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
⁹ Any outdoor winery equipment or improvements proposed to be located within 400 feet of any R Zone or within 200 feet of State Highway 29, the Silverado Trail or Deer Park Road requires a CUP.				

17.19.030 Development Standards

Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts establishes the development standards for the Twenty-Acre Agriculture, Winery, and Woodlands and Watershed Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

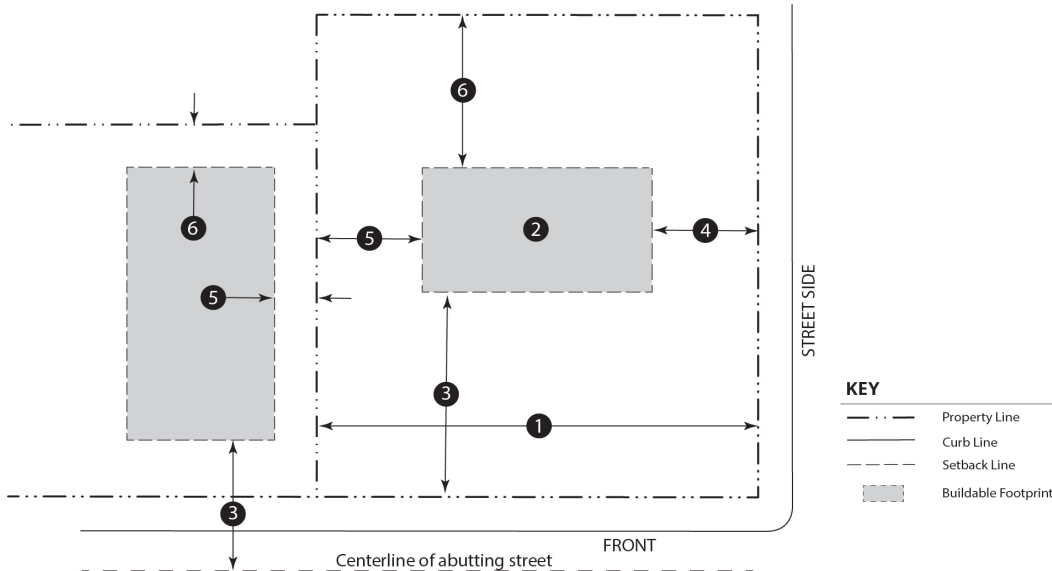


Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts

Standard	A-20 lots 2 - ≤ 5 acres ¹	A-20 lots > 5 acres	W	WW	Key
Density	Max. 1 unit/5 acres ²	Max. 1 unit/5 acres ²	Max. 1 unit per parcel ²	Max. 1 unit per parcel ²	
Lot Size					
Lot Area	Min. 20 acres	Min. 20 acres	Min. 20 acres	5 – 40 acres	
Lot Width	No min.	No min.	Min. 300 ft	20 – 200 ft	1

Part III: District Regulations

Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots 2 - ≤ 5 acres ¹	A-20 lots > 5 acres	W	WW	Key
Max. Lot Coverage (includes accessory structures)	0.5 acre ³	1 acre ³	50%	10% or 20,000 sq ft, whichever is less	
Max. Ground Level Floor Area (excludes accessory structures)	4,500 sq ft	5,000 sq ft	none	none	2
Max. Second Story Floor Area	35% of the ground floor area	20% of the ground floor area	none	none	
Height					
Principal Structure	Max. 30 ft	Max. 30 ft	Max. 45 ft	Max. 35 ft above natural grade	
Accessory Structure ⁴	Max. 20 ft; except for ADUs, refer to Section 17.22.030.E.9.	Max. 20 ft; except for ADUs, refer to Section 17.22.030.E.9.	none	none	
Setbacks					
Front Setback	Min. 50 ft, measured from the centerline of abutting street	Min. 50 ft, measured from the centerline of abutting street	Min. 100 ft	20-50 ft or 10% of lot depth, whichever is lesser	3
Street Side Setback	Min. 50 ft, measured from the centerline of abutting street	Min. 50 ft, measured from the centerline of abutting street	Min. 50 ft	20-50 ft or 10% of lot width, whichever is lesser	4
Interior Side Setback	Min. 20 ft	Min. 20 ft	Min. 50 ft	20-50 ft or 10% of lot width, whichever is lesser	5
Rear Setback	Min. 20 ft	Min. 20 ft	Min. 75 ft	20-50 ft or 10% of lot depth, whichever is lesser	6
Min. Setback from Abutting Waterway	Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways.				
Landscape and Open Space					
Max. Paved/ Hardscaped Area	0.25 acre	0.5 acre	none	none	

Part III: District Regulations

Notes:

¹ For all lots less than 2 acres in area refer to the development standards for the LR-1A zoning district in Table 17.16.030.B: Development Standards – Residential Zoning Districts.

² Density excludes agriculture employee housing.

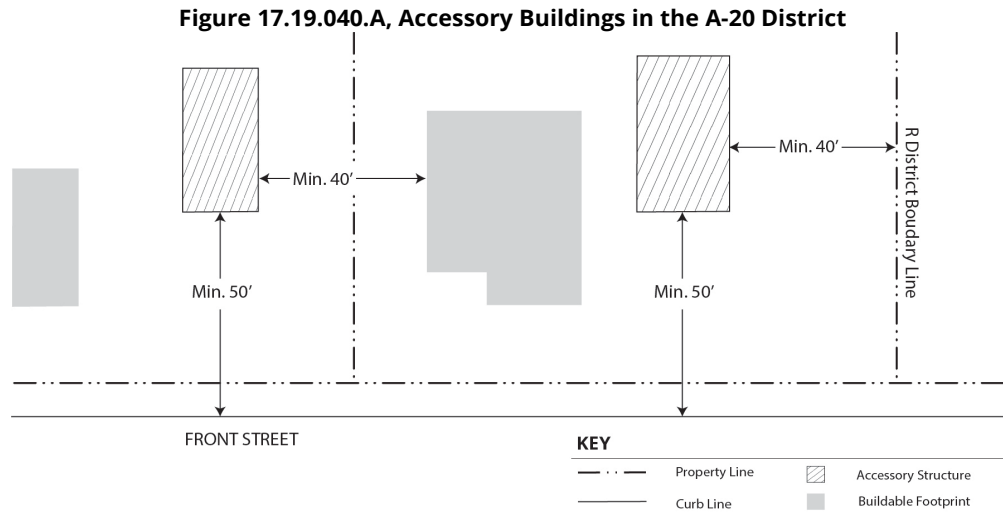
³ No more than 0.25 acres of any one parcel $\leq$ 5 acres (or 0.5 acres for parcels $\geq$ 5 acres) may be removed from potential, historical, or active agricultural use. All structures, driveways (except for a 16-foot wide driveway no greater than 2/3 the length of the parcel), parking areas, patios, pools, lawn areas, or other nonagricultural uses are included in the 0.25 acre or 0.5 acre respectively, maximum standard per parcel.

⁴ The habitable space in accessory structures may not exceed 50% of the gross floor area of the primary structure.

17.19.040 Supplemental Standards

- A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.
- B. **Design in the A-20 Districts.**
 - 1. **Residential Design Standards.** All residential development is subject to the standards of Section 17.16.040.A.
 - 2. **Accessory Buildings in the A-20 District.** Barns, stables, chicken houses and similar accessory buildings must be placed not less than 50 feet from a street, nor less than 50 feet from any dwelling on an adjacent parcel or R District boundary line.

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C. Development in the W District.

1. All wine storage tanks and surface winery waste treatment facilities shall be subject to the standards in Table 17.19.030.B, Development Standards – Community Agriculture and Natural Resource Zoning Districts.
2. No use authorized under the provisions of this Chapter shall be permitted where use, occupancy or patronage will exceed the capability of the site to provide off-street parking, waste disposal system and reasonable provisions for public safety.
3. Retail sales and food and drink facilities must be integrated with a visitor center, and no advertising or other exterior evidence of such use shall be visible from any public right-of-way.
4. Winery operations shall generate sound levels no greater than 55 decibels at any property line more than 10 percent of the time (L 10). "L 10" is the noise level at the property line that is exceeded 10 percent of the operating time.
5. Winery operations shall generate no discernible odors of sewerage or putrefying organic material origin, other than normal fermentation odors, at the property lines.
6. Bottling, warehousing and retail sales activities shall be conducted within structures specifically designated for such uses.

D. Development in the WW District.

1. All clearing and earthmoving must be conducted in compliance with an erosion control plan as prepared by a registered Civil Engineer and approved by the City Engineer.
2. No disturbance of definite or suspected landslides or soil creep areas is permitted, as identified on maps produced by United States Geological Survey (USGS) or on any other more detailed study prepared by properly credentialed professionals and reviewed by the City's Geotechnical Consultant.

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3. No disturbance of, or development within, riparian areas within 100 feet of intermittent or perennial streams noted on USGS maps is permitted.
4. No earth movement on slopes in excess of 30 percent is permitted. An exception may be granted by the City Engineer for minor trenching and backfilling for the installation of utilities and for temporary, nongraded access for construction purposes where no trees or substantial vegetation will be removed and where the surface will be recontoured to previous condition and revegetated according to the erosion control plan. Applications for an exception must include submittal of a construction plan for the equipment to be installed, a plan for the maintenance of that equipment, a soils and slope stability analysis prepared by a Geotechnical Engineer, an erosion control plan pursuant to subsection D.1, and a revegetation plan, utilizing native plant species, for the area that will be disturbed by the earth movement. Prior to granting an exception, the City Engineer must find that the project does not have potential for creating significant erosion problems. A performance bond must be required and held by the City for one year after completion of the project to ensure that the recontouring and revegetation were properly installed.
5. No buildings (other than water tanks, which must be screened) may be constructed within 100 feet of the primary ridgeline on any parcel. The intent of this Section is to reduce the visual impact of buildings that would obscure public views of the most prominent ridgeline on each property, without precluding the opportunity of the property owner to site a building that could attain a view. In implementing this Section, the Planning Commission must adopt a finding that the approved plan balances the owner's interest in attaining a view against the City's interest in preventing the obstruction of scenic views.
6. Water and sewer systems will be constructed and maintained, at the applicant's expense, to meet such standard as may be adopted by ordinance of the City Council, or in the absence of such to the satisfaction of the City Engineer. If individual and/or private water and/or sewage systems are proposed, prior approval must be obtained from the Napa County department of environmental management.
7. The fuel loading within 50 feet of the building or building envelope must be maintained at a level not to exceed such standard as may be adopted by the City Council.
8. New roads/common drives/driveways must be maintained so as to guarantee all of the following:
 - a. Safe two-way year-round passage of emergency vehicles, as defined in St. Helena Access Road Standards, as adopted by the City Council.
 - b. Erosion from road cuts/fills must not exceed such standard as specified in an erosion control plan approved by Napa County Resource Conservation District, pursuant to ordinance adopted by the City Council, or in the absence of such, to the satisfaction of the City Engineer.
 - c. Dust creation must be minimized and must not exceed such standard as may be adopted by ordinance of the City Council.

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- d. Earth movement must not obstruct or obliterate circulation improvements.
 - e. Grading must occur between April 1st and October 15th unless approved otherwise by the City Engineer.
9. Emergency vehicle access must be constructed and maintained, at the applicant's expense, to allow interconnection with nearby roads.
10. Roofing materials must be noncombustible. See the Fire Code for sprinkler and water supply requirements.

Chapter 17.20 Public and Open Space Zoning Districts

17.20.010 Purpose and Applicability

This Chapter provides civic spaces throughout the City to properly serve the needs of residents and provide open space for reaction to and conserve natural habitats. This Chapter establishes use regulations, development standards, and design standards for the Public and Quasi-Public, Parks and Recreation, and Open Space Zoning Districts as follows:

Public and Quasi-Public (PQP). The PQP Zone is intended to provide for government-owned facilities, public and private schools and quasi-public uses such as churches and cemeteries, government buildings, utilities, libraries, public schools, cemeteries and emergency transportation service. This Zone implements the Public/Quasi-Public General Plan Land Use Designation.

Parks and Recreation (PR). The PR Zone is intended to provide for public parklands primarily designed for public recreation. It is applied to existing public parks, as well as passive open spaces. This Zone implements the Parks and Recreation General Plan Land Use Designation.

Open Space (OS). The OS Zone is intended to provide for natural open space areas that are devoted to the preservation of natural resources, the managed production of resources, outdoor recreation or public health and safety. Areas designated for open space are all associated with stream corridors that pass through or adjacent to the City including the Napa River, Sulphur Springs Creek, York Creek and Spring Creek. This Zone implements the Open Space General Plan Land Use Designation.

17.20.020 Use Regulations

Table 17.20.020.A: Use Regulations – Public and Open Space Zoning Districts lists the uses permitted (“P”), permitted with a Minor Use Permit (“MUP”) granted by a staff-level review, and permitted with a Conditional Use Permit (“CUP”) granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zoning district development and design standards.

Table 17.20.020.A: Use Regulations – Public and Open Space Zoning Districts				
Use Classification	PQP	PR	OS	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Residential Uses				
Caretaker residence	—	MUP ¹	—	
Commercial Uses				
Funeral homes and mortuaries	CUP	—	—	
Transportation, Communications and Utilities				
Helipad	CUP	—	—	
Public services, major	CUP	—	—	
Public services, minor	MUP	MUP	MUP	

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Table 17.20.020.A: Use Regulations – Public and Open Space Zoning Districts				
Use Classification	PQP	PR	OS	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Solar energy systems	Sec. 17.22.240, Solar Energy Systems			
Telecommunication	Sec. 17.22.270, Wireless Telecommunications Facilities			
Agricultural and Extractive Uses				
Community garden	CUP	CUP	—	Sec. 17.22.100, Community Garden
Gravel mining operations ²	—	—	CUP	
Public/Institutional Uses				
Amphitheater	CUP	CUP	—	
Cemeteries	CUP	—	—	
Colleges and trade schools	CUP	—	—	
Community assembly	CUP	—	—	
Cultural institution and museum	CUP	CUP	—	
Government offices	CUP		—	
Recreational facilities, active	—	CUP	—	
Recreational facilities, passive	—	P	CUP	
Schools	CUP	CUP	—	
Wildlife sanctuaries	—	P	P	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses				
Beekeeping	P	P	P	Sec. 17.22.070, Beekeeping

Notes:

¹ The residence must be occupied by employees and their immediate families, employed for the purpose of on-site management, maintenance, or upkeep. Temporary business guests and employees on temporary assignment are also allowed to reside in the unit.

² Provided such operations were approved by the City prior to October 1, 1993 and are productive and economically viable.

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17.20.030 Development Standards

Table 17.20.030.B: Development Standards – Public and Open Space Zoning Districts establishes the development standards for the Public and Open Space Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

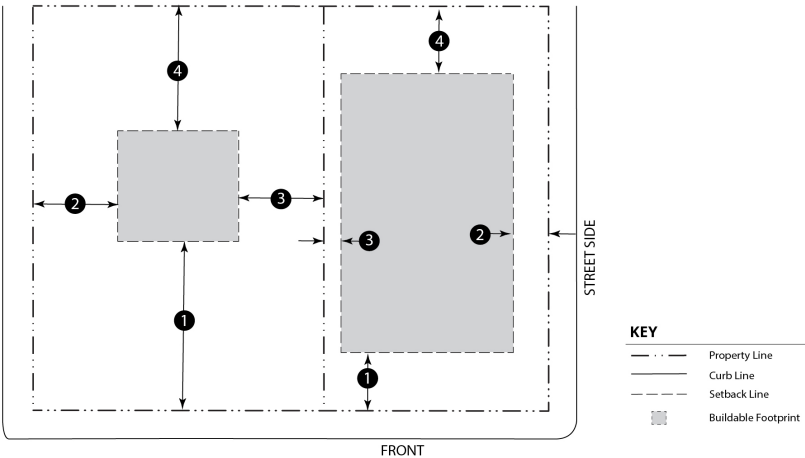


Table 17.20.030.B: DEVELOPMENT STANDARDS –Public and Open Space Zoning Districts				
Standard	PQP	PR	OS	Key
Floor Area Ratio	0.15-0.5	None	None	
Max. Lot Coverage	50%	50%	10% or 20,000 sq ft, whichever is less	
Max. Building Height	30 ft	30 ft	30 ft	
Setbacks				
Front Setback	15 ft	75 ft	35 ft	1
Min. Street Side Setback	10 ft	50 ft	20 ft	2
Min. Interior Side Setback	10 ft	50 ft	10 ft	3
Min. Rear Setback	15 ft	75 ft	40 ft	4
Min. Setback from Abutting Waterway	Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways.			

17.20.040 Supplemental Standards

- A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.
- B. **Trash Enclosures.** Unless specifically waived by the design review process described in Chapter 17.05, Planning Permits and Approvals, all projects must have a trash enclosure

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constructed of opaque materials and sufficiently sized to permit the storage, removal and replacement of standard commercial-size trash bins. No collection, storage or stacking of garbage, trash and refuse is permitted outside the trash enclosure. This requirement does not preclude the placement of individual trash containers on the parcel.

- C. **Development in the OS District.** Limited development is permitted on open space-designated parcels along Sulphur Springs Creek west of the Crane Avenue Bridge. The development potential of open space-designated parcels will be determined in accordance with standards governing parcels designated agriculture in the general plan and Zoned A-20. All development must be outside the stream corridor and structures must be setback from the creek's edge consistent with the base standards, the Flood Plain Overlay District, and the California Department of Fish and Game standards.

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Chapter 17.21 Overlay Zoning Districts

Overlay zoning districts are intended to provide for the regulation of properties with special or unique conditions and establish regulations which shall be in addition to those of the base zoning district. The Overlay designations set forth in this Title are as follows:

Table 17.21.A: Overlay Zoning Districts	
Abbreviation	Name
FP	Flood Plain Overlay
MHP	Mobile Home Park Overlay
PED	Parking Exemption District
HP	Historic Preservation Overlay
PD	Planned Development Overlay

17.21.010 Flood Plain Overlay (FP)

- A. **Purpose.** This Section identifies and designates areas subject to flooding and to provide protection against flood damage for uses and service facilities in these areas by requiring proper design at the time of initial construction. In any zoning district which is combined with an FP Overlay District, the regulations of this Section must apply in addition to those specified for the underlying zoning district. If any conflict in these regulations occurs with other provisions of this Title or any other ordinance or resolution of the City, the regulations of this Section govern.
- B. **Applicability.** The provisions of this Section apply within any area designated as within the 100-year Flood Plain Overlay area as shown on Federal Emergency Management Agency (FEMA) maps and the General Plan Safety Element on file with the City's Community Development Department.
- C. **Prohibited Uses.** The following uses are prohibited within the Flood Plain Overlay District:
 - 1. Hospitals;
 - 2. Health care facilities;
 - 3. Emergency shelters;
 - 4. Fire stations;
 - 5. Telecommunication facilities;
 - 6. Emergency command centers; and
 - 7. Emergency communications facilities.
- D. **Buildings and Construction Requirements.** New construction or replacement of existing construction is subject to the standards of St. Helena Municipal Code Chapter 15.52, Flood Damage Prevention.

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- E. **Setback Standards:** No development, grading, or agricultural planting shall encroach within the setback standards noted below, as measured from the top of the bank:
1. Napa River: 50 feet
 2. Sulphur Springs Creek: 20 feet
- F. **Design Standards.** The following standards apply to development within the Flood Plain Overlay District.
1. **Utilities.** New or replacement water supply systems and/or sanitary sewer systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems must be located to avoid impairment of water supply systems and/or sanitary sewer systems or contamination from them during flooding.
 2. **Riparian Area Protection.** To minimize disturbance to the waterway and vegetation, on the edge of the applicable waterway setback the project applicant shall erect a minimum four-foot-high construction fence prior to the issuance of a grading permit. The fence shall stay in place until a certificate of occupancy is issued.
- G. **Building Permits.**
1. No person must commence, authorize, or cause to be commenced any erecting, constructing, enlarging, altering, repairing, improvising, moving or demolishing of any building or structure without first obtaining a separate building permit for each building or structure from the Chief Building Official.
 2. All building permit applications for major repairs must be reviewed by the Chief Building Official to determine that the proposed repair:
 - a. Uses construction materials and utility equipment that are resistant to flood damage; and
 - b. Uses construction methods and practices that will minimize flood damage.
 3. All building permit applications for new construction or substantial improvements must be reviewed by the Chief Building Official to assure that the proposed construction (including prefabricated and mobile homes):
 - a. Is protected against flood damage;
 - b. Is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;
 - c. Uses construction materials and utility equipment that are resistant to flood damage; and
 - d. Uses construction methods and practices that will minimize flood damage.
 4. **Exemption.** Building height within the Flood Plain Overlay District must be measured from the flood elevation rather than natural grade.
- H. **Subdivisions.** All subdivision proposals and other proposed new developments must be reviewed by the City Engineer to assure that:

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1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

17.21.020 Mobile Home Park Overlay (MHP)

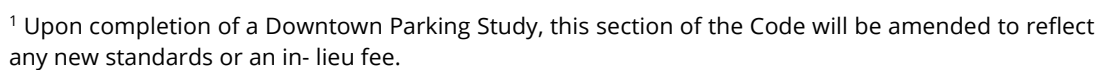
- A. **Purpose.** The Mobile Home Park Overlay District provides, when combined with an underlying Residential Zoning District, for the establishment and operation of mobile homes.
- B. **Zone Change and Conditional Use Permit Approval.**
 1. An application for a Zoning Map amendment or rezoning to combine the MHP Overlay and a Residential Zoning District and for Conditional Use Permit approval for a mobile home park must be filed simultaneously with the Community Development Department. The Zoning Map amendment and the Conditional Use Permit will be considered simultaneously by the Approval Authority.
 2. The application for the Conditional Use Permit must include, in addition to the requirements of Chapter 17.05, Planning Permits and Approvals, the following:
 - a. A site sketch indicating the location of the proposed park in relation to the surrounding area or region.
 - b. The park name, date, north point, scale, and sufficient boundaries to define the proposed acreage of the site.
 - c. The number of proposed mobile home spaces.
 - d. Names and addresses of record owner, engineer, or surveyor.
 - e. Location, names, and present width and grades of adjacent or abutting streets.
 - f. Existing topography and proposed changes, including trees, rock formations and other unusual features of the site, and at least one 100 feet beyond its boundaries. Individual trees with a diameter of more than eight inches, measured 24 inches above existing grade, must be identified by type, circumference, and dripline. Any trees proposed for removal must also be indicated. Contour lines must have the following intervals:
 - i. One-foot contour intervals for a ground slope less than 5 percent;
 - ii. Two-foot contour intervals for a ground slope between 5 and 10 percent; and
 - iii. Five-foot contour intervals for a ground slope greater than 10 percent.
 - g. Approximate location of all areas subject to inundation of storm water overflow, and location, width, and direction of flow of all watercourses.
 - h. Approximate width and location of all existing easements.
 - i. Approximate dimensions of all mobile home spaces, radii of all curves and central angles.

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- j. Location of all existing structures identified by type and indicating which are proposed to be removed and which will remain.
 - k. Location of building setback line from each stream or river on the site, if applicable.
 - l. Location of existing overhead utility lines and poles on site and on peripheral streets.
- C. **Uses Permitted.** The following uses are permitted in the Mobile Home Park Overlay district:
 - 1. The installation of mobile homes that meet all applicable federal and State regulations.
 - 2. Accessory structures in accordance with California Code of Regulations, Title 25, Division 1, Chapter 2, Article 9.
- D. **Conditional Uses.** Changes to approved uses within mobile home parks require a Conditional Use Permit approval subject to Section 17.05.020, Conditional Use Permit .
- E. **Development Standards.**
 - 1. Mobile home park development within the City must comply with all applicable federal and State regulations.
 - 2. Screening must enclose the mobile home park at its street side setback lines and must be located along all other property lines.
 - 3. Vehicle parking and access must be consistent with Chapter 17.26, Parking and Loading.
 - 4. All setbacks must be landscaped with plant materials, equipped with sprinklers and adequately maintained in accordance with Chapter 17.25, Landscaping.
 - 5. All mobile homes must be on a permanent foundation.
- F. **Enforcement.**
 - 1. The Mobile Home Park Overlay regulations are intended to complement and be subordinate to state law. The state law governing manufactures home parks is entitled the "Mobilehome Parks Act" and may be found in Division 13, Parts 2.1 and 2.3 of the California Health and Safety Code. Mobile home park regulations are contained in the California Code of Regulations, Title 25, Division 1, Chapters 2 and 2.2. The City does not assume responsibility for the enforcement of the regulations contained therein and all mobile home parks within the City remain subject to the jurisdiction of the California Housing and Community Development Department in its role as the enforcement agency for the above described state laws. Nothing contained in this Section must be construed to abrogate, void or minimize such other pertinent regulations and all pertinent State and City regulations concerning the development and operation of mobile home parks must be observed.
 - 2. Mobile homes located within areas of special flood hazard are required to be in compliance with St. Helena Municipal Code Chapter 15.52, Flood Damage Prevention.

A. **Purpose.** The Parking Exemption District (PED) establishes an area without on-site parking requirements or an in-lieu fee. The Parking Exemption District, generally within the CB District, is an area found to be impacted by insufficient off-street parking due to the age of the buildings. The PED is intended to preserve the unique character of the District.

B. **Standards.** All existing on-site parking within the Parking Exemption District¹ must be maintained.¹



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17.21.040 Historic Preservation Overlay (HP)

- A. **Purpose.** This Section is intended to safeguard the historic and architectural character of St. Helena by recognizing and preserving significant historic and cultural resources in the Historic Preservation (HP) Overlay district. It establishes design standards for the preservation and rehabilitation of historically and culturally significant resources as well as standards to ensure new development in the Historic Preservation Overlay zone is architecturally compatible.
- B. **Applicability.** The provisions of this Section apply to parcels included in the Historic Preservation (HP) Overlay Map on file with the City, including those properties on the City's Historic Resources List (Local Register), properties designated as a local historic district, and properties designated as an historic resource.
- C. **Review for Compliance.** All infill development proposals in the Historic Preservation Overlay District are subject to Design Review approval by the Planning Commission.
- D. **Standards for Preservation.** This Section establishes standards for the preservation of historic structures within the City.
 - 1. **Purpose.** These standards implement the General Plan's policies related to the preservation and adaptive reuse of officially designated historic resources throughout the City and of structures having potential historical value within the City's Historic Preservation Overlay zone.
 - 2. **Applicability.** These standards must be utilized during the development/design review process as criteria against which to review exterior modifications within the Historic Preservation Overlay district requiring administrative or discretionary approval. The Secretary of Interior's Standards for Rehabilitation in subsection E provide further detail on the treatment of historic properties.
 - 3. **Preservation and Rehabilitation of Existing Structures.** In general, preservation and rehabilitation efforts must aim toward protecting the essential architectural features of a structure that help to identify its individual style and thereby further its contribution to the historic character of the surrounding neighborhood.
 - a. *General Rehabilitation Principles.*
 - i. Historic structures should be recognized for their own time and style. Rehabilitation should not try to create a preconceived concept of history, but should reuse existing or appropriate features.
 - ii. Rehabilitation of historic structures should retain and restore original elements first. If damage or deterioration is too severe, the element should be recreated using original materials to match the color, design, texture, and any other important design features.
 - iii. When replacement is necessary and original material cannot be obtained, substitution material should incorporate the color, design, and texture that conveys the visual appearance of the original material.
 - iv. The proposed alteration must reflect the original building exterior and site design features as determined from an early photograph, original

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building plans, or other evidence of original building features. This includes building and site design materials and colors, including walls, fences and roofing.

- b. *Doors.*
 - i. The front door of a historic structure must fit the particular style of the structure. The shape, size, and style of doors are important features of all historical architectural styles and the original design/type must be maintained.
 - ii. Repair rather than replace original doors whenever possible. When replacement is necessary, the replacement door must match the original design and materials as close as possible.
 - iii. If the original door is missing, appropriate design and materials must be selected by studying the doors of similar structures in the surrounding neighborhood or consulting books on architectural styles.
- c. *Exterior Materials.*
 - i. The original exterior building materials must be retained whenever possible. It is not desirable to use mismatched materials of different finishes, shapes, sizes, or textures.
 - ii. Structures with original wood siding must not be stuccoed in an attempt to modernize their appearance. Likewise, plastic shingles must not be used to replace wood siding or shingles.
 - iii. Original siding materials must not be covered over, cladded, or replaced with a different material.
 - iv. Brick surfaces must not be sandblasted in an attempt to remove old paint. Sandblasting damages the natural fired surface of the brick, and causes it to lose its water repellent qualities. Also, mechanical grinders must not be used to remove mortar as this can damage the brick surrounding the joint.
 - v. Nondurable contemporary substitute materials, such as vinyl siding and foam trim are not acceptable.
- d. *Ornamentation and Trim.*
 - i. Authentic decoration and trim on a structure provides the character defining features and identifies the structure with its particular architectural style. Original architectural elements such as cornices, moldings, and trim must not be removed.
 - ii. Deteriorated architectural features shall be repaired rather than replaced wherever possible. If replacement is necessary, new materials shall match the original in design, color, texture, and other visual qualities. If the original was painted, the substitute materials shall be painted as well.

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- e. *Porches and Stairs.* During rehabilitation efforts, the design integrity of the front porch must not be compromised. Front porches must not be enclosed with walls or windows.
 - f. *Roofs.*
 - i. Roofing must be watertight and utilize roofing materials that are compatible with the original style of the structure. When replacement is necessary roofing materials must be selected that are appropriate to the structure's architectural style.
 - ii. Roof form and eave details, such as rafter tails, vents, parapets, dormers, and other architectural features, must be preserved. When repairing or altering a roof, the original roof pitch and orientation to the street must be maintained.
 - iii. It should be recognized that fire safety requirements may preclude reroofing a structure in its original material. The determination of what material to use for the replacement of wood shingles or shakes in historic structures must be based on compatibility with the colors and materials used elsewhere on the structure.
 - g. *Windows.*
 - i. The shape, size, and style of windows are an important feature of architectural styles and the original type window must be maintained.
 - ii. When window replacement is necessary, it is recommended that the new window be an exact match of the original.
 - iii. Proportions of existing window openings and the pattern of existing window sashes must be maintained in replacement work.
 - iv. Aluminum or plastic frame windows must not be used as replacements on any part of an historic structure without justification. The use of such materials is highly visible and the contrast of materials and styles can permanently affect the architectural integrity of the structure. The use of traditional materials is preferred treatment.
 - v. Where the original structure includes transom windows in the St. Helena Historic Commercial District, this traditional storefront must be retained. If the ceiling inside the structure has been lowered, the ceiling must be stepped up to meet the transom so that light will penetrate the building interior.
4. **Additions to Existing Structures.** Additions to historic structures may be necessary to ensure their continued use. Modifications (e.g., additions, new entrances and exits, parking facilities, handicap facilities, and seismic strengthening) must be made with care so as not to compromise a structure's character defining features, finishes, or materials.
- a. *Site Plan Considerations.* Additions must be carefully placed to minimize changes in the appearance of the structure from the public right-of-way.

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Whenever possible, additions must be placed to the side or rear of the structure and must not obstruct the appearance of the structure from the public right-of-way.

- b. *Architectural Compatibility.*
 - i. Additions to historically valuable structures should incorporate the architectural features of the original structures including:
 - (a) Door and window shape, size, and type;
 - (b) Exterior materials;
 - (c) Finished floor height; and
 - (d) Roof material, pitch, and style.
 - ii. Refer to the rehabilitation standards, subsection D.3, for discussion of appropriate exterior doors, porches, wall materials, windows, etc.
- c. *Roof Pitch and Style.*
 - i. The roof of a structure, especially its pitch and style, is an important architectural element that must be taken into consideration when planning an addition.
 - ii. Whenever possible, the pitch and style on the addition must match the original.
 - iii. Roof materials must be compatible to the existing building.
- d. *Second-Story Additions.*
 - i. Because adding an additional story to an existing structure will always change the structure's proportions, such additions must be carefully designed to follow similar two-story examples of the particular style that may be found in the surrounding neighborhood.
 - ii. To minimize the visibility of the second story addition from the public right-of-way, the addition must be stepped back behind the existing roof ridge.

5. ***Review for Compliance.***

- a. Rehabilitation projects that do not expand the existing building or structure and which are consistent with the standards of the Historic Preservation Overlay may be approved administratively by the Community Development Department.
- b. Rehabilitation projects which are inconsistent with the standards of the Historic Preservation Overlay require Design Review by the Planning Commission, as established in Section 17.05.070, Major Design Review.
- c. All new construction or additions that are visible from the public right-of-way or more than a 25 percent increase of the existing floor area of the primary

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structure require Major Design Review by the Planning Commission, as established in Section 17.05.070, Major Design Review.

- E. **Secretary of Interior's Standards.** The Secretary of the Interior's Standards for Rehabilitation are 10 basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable changes to meet new needs. These standards are mandatory for listed buildings.
1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 2. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.
 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic material shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- F. **Standards for New Construction/Infill Development.** This Section establishes standards to be used in review of new and infill development within the Historic Preservation Overlay zoning district for which a discretionary permit is required.

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1. **Purpose.** These standards are intended to encourage new infill development in the Historic Preservation Overlay district to be compatible in scale and treatment with the existing, older development and to maintain the overall historic character and integrity of the community. At the same time, these standards are intended to promote the visual variety that is characteristic of St. Helena, to allow for contemporary architectural designs, and to provide reasonable flexibility in accommodating the tastes, preferences and creativity of applicants proposing new development, especially individual single-family homes.
2. **Standards for Compatibility.** New construction within the Historic Preservation Overlay must be designed to maintain any unifying development patterns such as setbacks, building coverage, building height, degree of transparency, eave depth, and orientation to the street. When new structures are developed adjacent to older single-family residences, there are concerns that the bulk and height of the infill structures may have a negative impact on the adjoining smaller-scale structures. The following standards are intended to address this concern:
 - a. *Site Plan Considerations.*
 - i. New development must continue the functional, on-site relationships of the surrounding neighborhood or district. For example, common patterns that must be continued are entries facing the public right-of-way, front porches, and garages/parking areas located at the rear of the parcel.
 - ii. Front setbacks for new infill development must follow either of the following criteria:
 - (a) Equal to the average front setback of all residences on both sides of the street within 100 feet of the property lines of the new project; or
 - (b) Equal to the average front setback of the two immediately adjoining structures on each side of the new project.
 - iii. In cases where averaging between two adjoining existing structures is chosen, the new structure may be averaged in a stepping pattern. This method can work especially well where it is desirable to provide a large front porch along a portion of the front facade.
 - b. *Architectural Considerations.*
 - i. New infill structures must support the distinctive architectural characteristics of development in the surrounding neighborhood or district, including building mass, scale, proportion, decoration/detail, door and window spacing/rhythm, exterior materials, finished-floor height, porches, and roof pitch and style.
 - ii. Because new infill structures are likely to be taller than one story, their bulk and height can impose on smaller-scale adjoining structures. The height of new structures must be considered within the context of their surroundings. Structures with greater height should consider

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providing greater setbacks at the second-story level, to reduce impacts (e.g., blocking or screening of air and light, privacy, etc.) on adjoining single-story structures.

- iii. The incorporation of balconies and porches is encouraged for both practical and aesthetic reasons. These elements must be integrated to break up large front facades and add human scale to the structures.
 - iv. The proper use of building materials can enhance desired neighborhood qualities (e.g., compatibility, continuity, harmony, etc.). The design of infill structures must incorporate an appropriate mixture of the predominant materials in the surrounding neighborhood whenever possible. Common materials are brick, horizontal siding, shingles, stone, stucco, and wood.
 - v. Color schemes for infill structures must consider the color schemes of existing structures in the surrounding neighborhood or district in order to maintain compatibility and harmony. Avoid sharp contrasts with existing building colors.
 - vi. New structures which are wider than the traditional width must be designed to read as smaller modules reflecting the traditional building widths.
 - vii. Building heights must remain within 20 percent of the average height of adjacent buildings.
 - viii. Design of new development must reflect the horizontal elements of adjacent buildings. Horizontal elements may include an alignment of window frames, roof lines, facades and clear distinction between first floors and upper floors.
- c. *Single-Family Residences.*
- i. Use materials and building components in sizes that are typical of the historic building stock. This may include wood siding, vertical siding, or natural stone foundations no taller than 12 inches.
 - ii. Foundation and floor-to-ceiling heights must be aligned within one foot of floor to ceiling heights on adjacent buildings if the adjacent parcels also have an Historic Preservation Overlay designation.
 - iii. Historic architectural styles (e.g., craftsman, Victorian, bungalow, etc.) are not mandated. However, contemporary architectural treatments proposed for new residences must complement and not detract from the qualities of the historic overlay district and the neighborhood setting of the proposed development.
 - iv. To the extent that a proposed residence is not readily visible from a public street, other public vantage point, or a significant historic resource, greater design flexibility must be allowed.

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- d. *Sustainable Construction Techniques.*
 - i. Building forms that reduce energy use may be radically different than traditional architectural types. Careful and sensitive design is required in order to produce a contrast that is pleasing rather than jarring. The use of appropriate colors and textures on exterior materials is one method of linking a contemporary building design to a traditional neighborhood context.
 - ii. Roof gardens, solar panels, and other sustainable construction features must be fully integrated into the design of new construction, rather than applied at the conclusion of the design process.
 - e. *Accessory Structures.*
 - i. New accessory structures (e.g., garages, second units, sheds, etc.) that are visible from the public right-of-way must incorporate the similar architectural features (e.g., color, materials, roof pitch and style, etc.) of the main structure, but can be less elaborate than the main structure.
 - ii. Design features must be applied with less detail on the accessory structure so that it does not compete with the main structure and is clearly subordinate to it.
- G. **Use of California Historic Building Code.** The property owner of a property within the Historic Preservation Overlay District may elect to use the California Historic Building Code for alterations, restorations, new construction, removal, relocation, or demolition of a designated historic resource provided the building official determines that such use of the Code does not endanger the public health or safety, and such action is necessary for the continued preservation of an historic resource.

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17.21.050 Planned Development Overlay (PD)

- A. **Purpose.** The Planned Development Overlay (PD) district recognizes the advantage that integrated community planning offers over conventional zoning techniques in implementing the General Plan goals. The PD Overlay district is specifically envisioned as a mechanism to preserve and/or create distinctive, high-quality single or mixed-use developments that meet or exceed the goals of the General Plan. The provisions of the PD Overlay district are intended to:
1. Implement the goals, objectives, and policies of the General Plan and the Zoning Code;
 2. Provide for greater flexibility in the design of the developments than is otherwise possible through the strict application of zone regulations;
 3. Encourage preservation of existing amenities and creation of new amenities;
 4. Provide for a variety of housing types and densities;
 5. Reduce environmental impacts;
 6. Achieve superior relationships among uses, both within and surrounding the district;
 7. Promote innovation, creativity and design excellence in building design and development concepts; and
 8. Promote the development of a cohesive, high-quality and aesthetically pleasing urban structure.
- B. **Standards and Requirements.** The following regulations shall apply within PD Overlay districts, which shall also be subject to other provisions of this article, except that where a conflict in regulation occurs, the requirements specified in the approved PD Overlay district shall apply.
1. **Area.** The minimum area on which a PD Overlay district may be established is one acre of contiguous land. However, a PD Overlay district may be established for an area of less than one contiguous acre upon a finding that the property is suitable as a PD Overlay district by virtue of its relationship to adjacent parcels and their development plans (existing or proposed), unique historical character, topography, landscaping features, or by virtue of being a unique or isolated problem area.
 2. **Land Use.** A single land use or multiple land uses permitted in any other district may be permitted in the proposed PD Overlay district, provided the use or uses are compatible with each other and serve to fulfill the purpose of the proposed development while complying with the General Plan.
 3. **Development Standards.** Standards for lot area, building coverage, building height, setback requirements, minimum open space area, sign placement and design, off-street parking, landscaping, and screening for the proposed development shall be established for the PD Overlay district and shall prevail over the development standards of the base district zoning of the property. No structure or improvement shall be constructed within the PD Overlay district except in compliance with all provisions of the adopted PD Overlay district. Each structure or improvement shall be

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- constructed and maintained in strict compliance with all conditions of the PD Overlay district.
4. **Parks and Open Space.** Land designated as parks and/or open space shall be conveyed, at the option of the City, to one of the following:
 - a. Trustees provided in an indenture establishing an association of property owners or similar organization, subject to covenants running with the land, satisfactory to the City Attorney, which restrict the open space in a manner that assures its continuing use for its intended purpose, and which provide a legal means for the City to enforce these provisions; or
 - b. The City in a manner satisfactory to the City Council.
 5. **Rights-of-Way.** The streets, bike paths, and pedestrian ways within and bordering a PD Overlay district shall be offered for dedication to the City. Standards for public improvements shall be governed by applicable regulations and laws of the City or shall be as established by the Public Works Department for the development under consideration.
 6. **Other Standards.** Where the PD Overlay district is silent regarding particular development standards, the development standards of the applicable base zoning district shall apply.
 7. Departures from standards ordinarily required in other districts and permitted in the initial approval of a PD Overlay district shall not be considered as precedent-setting in terms of other applications that may be brought before the City.
- C. **Initiation.** An application for a PD Overlay designation may be initiated the City Council, Planning Commission, Community Development Director, or the owner or authorized agent of the owner of the property in compliance with Chapter 17.07, Amendments to the Zoning Map and Text.
- D. **Application Requirements.** An application for a PD Overlay designation shall be accompanied by:
1. A written and/or diagrammatic project description that provides sufficient information to evaluate the merits of the proposed zoning. Application requirements shall be in accordance with the project application submittal requirements as determined by the Community Development Director. In addition, an application for a PD Overlay district shall include the following items:
 - a. A site features map depicting the existing topography, structures, and natural features, including areas of significant vegetation. Properties within 300 feet of the site shall be included on the site features map.
 - b. The description of the infrastructure necessary for each phase of the proposed project.
 - c. A statement as to how a proposed residential project will comply with the City's inclusionary housing requirements.
 - d. Any other information that the Community Development Director determines to be necessary to properly evaluate the project.

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2. A Policy Statement which sets forth the following items within each land use proposed in the Development Plan:
 - a. Principal permitted uses.
 - b. Accessory uses.
 - c. Uses permitted by Conditional Use Permit.
 - d. A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures, hillside areas (if such exist) and open spaces.
 - e. District regulations including:
 - i. Minimum lot sizes;
 - ii. Minimum lot widths;
 - iii. Maximum density (residential) and FAR (non-residential);
 - iv. Minimum setbacks, including yard setbacks from adjacent properties and between differing uses;
 - v. Maximum building heights;
 - vi. Maximum lot coverage for structures (structures include paved areas except for those on single-family detached residential lots);
 - vii. Accessory building requirements, including setbacks, height limits and location;
 - viii. Parking requirements;
 - ix. Design guidelines; and
 - x. A listing of district regulations or standards to be adopted by ordinance at the time of final approval.
3. A Development Plan which identifies the following items:
 - a. Proposed land use by type, acreage, residential densities and nonresidential uses, expressed in gross square footage of floor area;
 - b. The proposed circulation pattern within the development and connections to the surrounding circulation patterns, including public and private vehicular, bicycle, and pedestrian ways; transit stop locations; preliminary locations and widths of streets and alleys; and estimated traffic generation as it affects public streets within and adjacent to the project;
 - c. Site features that influence the development of the site;
 - d. A preliminary grading and drainage plan;
 - e. Recreational and open space amenities and public plazas where applicable for non-residential development;
 - f. Preliminary sketch evaluations of all proposed buildings and structures from all major vantage points; and

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- g. If a phased development, each phase shall be indicated including location, structures, infrastructure and timing.
- 4. The Approval Authority may waive any of the above required information items if it is determined they are unnecessary or unreasonable under the circumstances.
- E. **Preliminary Review and Application.**
 - 1. **Preliminary Review by Community Development Director.** Before the City will accept an application for a PD Overlay district designation, the applicant shall submit a statement of intent and preliminary development plan for preliminary review and comment by the Community Development Director. The statement of intent and preliminary development plan must:
 - a. Include sufficient information to assist in the review of the application and to ensure that the application meets all the required findings provided in subsection G.
 - b. Demonstrate that the proposed development would result in a more desirable development than would otherwise be permitted under the applicable base zoning district standards.
 - c. Include the information and materials specified in the Department handout for a Planned Development Overlay application, together with the required fee.

The Community Development Director may waive the requirements for any of the information required above if it is determined that the information is unnecessary in order to complete a review of the PD Overlay application.
 - 2. **Application.** An application for a PD Overlay district designation shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
- F. **Review Procedures.**
 - 1. **Zoning Map Amendment.** An application for a PD Overlay district designation shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 17.07, Amendments to the Zoning Map and Text.
 - 2. **Tentative Subdivision Map.** When a PD Overlay district designation requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application for the PD district.
 - 3. **Major Design Review.** Prior to issuance of a building permit, development within a PD Overlay district shall be subject to the requirements of Section 17.05.050, Major Design Review.
- G. **Required Findings.** An application for a PD Overlay district designation shall be approved only if all the following findings are made:
 - 1. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
 - 2. The subject site is physically suitable for the type and intensity of the land use being proposed;

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3. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
 4. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
 5. Any exception from standard zoning development requirements is warranted by the design and amenities incorporated into the Development Plan in accord with adopted policies of the Planning Commission and City Council; and
 6. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base zoning district, and will achieve superior community design, environmental preservation, and/or substantial public benefit.
 7. The existing or proposed utility services are adequate for the population densities and nonresidential components of the Development Plan.
- H. **Conditions.** In addition to the provisions in Section 17.04.110, Authority to Apply Conditions of Approval, when approving an application for a PD Overlay district, the Approval Authority may impose conditions deemed necessary to:
1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
 2. Achieve the general purposes of this Title or the specific purpose of the zoning district in which the project is located;
 3. Achieve the findings listed above; or
 4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.
- I. **Termination and Extension.**
1. **Termination of a PD Overlay District.** If within two years after the approval of a PD Overlay district application by the City Council, the required Design Review approvals (refer to Section 17.05.050, Major Design Review, and Section 17.05.080, Minor Design Review) have not been obtained and the construction specified in the development plan has not commenced, the Planning Commission shall review with the applicant(s) the reasons for not initiating the project development. The Planning Commission may initiate consideration of reclassification, hold public hearings, and make recommendation to the City Council to remove the PD Overlay district designation over all or part of the area.
 2. **Extension.** Procedures for the extension of an approved PD Overlay district application are established in Section 17.04.140, Extension of Permits and Approvals. Upon granting of an extension, changes to a previously approved conditional Zoning Map amendment applications may be subject to the following:

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- a. Modification of previously required conditions of approval as warranted by interim changes in the area and/or to ensure continued compatibility with any improvements within the context area; or
- b. Site plan revisions as necessary to comply with any ordinance or Zoning Code amendments that may have taken effect since the time of the original approval.

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Chapter 17.22 Specific to Uses

17.22.010 Purpose and Applicability

- A. **Purpose.** This Chapter establishes standards for specific uses and activities that are permitted (P), permitted with a Minor Use Permit (MUP), or permitted with a Conditional Use Permit (CUP) in the zoning districts established in Chapter 17.15, Establishment of Base Zoning Districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the public.
- B. **Applicability.** Each land use and activity covered by this Chapter must comply with the requirements of the Section applicable to the specific use or activity, in addition to any applicable standard this Title requires in the zoning district where the use or activity is proposed and all other applicable provisions of this Title.

17.22.020 Accessory Uses

- A. **All Accessory Uses.** An accessory use must be secondary to a primary use and must be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any zone. These regulations are found in the land use regulation tables in Part III, District Regulations, and may be subject to specific standards found in this Chapter or within each zoning district, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Part IV, Citywide Standards.
- B. **Commercial Accessory Uses.** Clearly subordinate commercial accessory uses shall encompass no more than 15 percent of the business floor area and shall generate no more than 15 percent of the gross revenue receipts. Any expansion of the building footprint or business floor area to accommodate an accessory use shall require a use permit and/or design review as appropriate. A business may have more than one accessory use, but each accessory use must comply with the limitations on floor space and gross receipts, and the total combined area of accessory uses shall not exceed 30 percent of the business floor area and the total combined revenue from the accessory uses shall not exceed 30 percent of the gross receipts.

17.22.030 Accessory Dwelling Units

- A. **Purpose.** The purpose of this Section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code §§ 65852.2 and 65852.22.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this Section will not be:
 - 1. Deemed to be inconsistent with the City's General Plan and zoning designation for the lot on which the ADU or JADU is located.

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2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 4. Required to correct a nonconforming zoning condition as defined in subsection C.8. This does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code § 17980.12.
- C. **Definitions.** As used in this Section, terms are defined as follows:
1. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by § 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by § 18007 of the California Health and Safety Code.
 2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 3. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. All such facilities are to be separate and distinct from those included in and provided for any other dwelling unit or accessory structure on the parcel, except as otherwise specifically provided (e.g., utility connections may be shared as provided in subsection G.2; a junior accessory dwelling unit may share sanitation facilities).
 4. "Cooking facility" means a stove with at least two burners, a sink and permanent refrigeration.
 5. "Efficiency kitchen" means a kitchen that includes each of the following:
 - a. A cooking facility.
 - b. A food preparation counter or counters that total at least 15 square feet in area.
 - c. Food storage cabinets that total at least 30 square feet of shelf space.
 6. "Junior accessory dwelling unit" or "JADU" means a residential unit that:
 - a. It is no more than 500 square feet in size;
 - b. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be part of and contained within the single-family structure;
 - c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure;

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- d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling;
 - e. It includes an efficiency kitchen, as defined in subsection C.5 above; and
 - f. It includes a separate entrance from the main entrance to the structure.
 - 7. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
 - 8. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
 - 9. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
 - 10. "Primary residence" means a single-family dwelling or multi-family residential dwelling that either exists on or is proposed for a lot zoned for single-family or multi-family residential use.
 - 11. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
 - 12. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 - 13. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- D. **Approvals.** The following approvals apply to ADUs and JADUs under this Section:
- 1. **Generally.** Except as described in subsection D.2, an ADU is allowed with only a building permit if it complies with each of the requirements in subsections E, F, and G.
 - 2. **Partial Exemption for Certain ADUs and JADUs.** An ADU or JADU in any of the four scenarios that are described in subsections D.2.a through D.2.d is exempt from the design and development standards in subsection F and is allowed with only a building permit if it complies with each of the requirements in subsections E and G.
 - a. *Converted on single-family lot:* Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - i. 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. For purposes of this subsection, "within the existing space" includes a structure that is constructed in the same location and to the same dimensions.
 - ii. Has exterior access that is independent of that for the single-family dwelling.

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- iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable Building and Fire Codes.
 - iv. The JADU complies with requirements of California Government Code § 65852.22.
 - b. *Detached on single-family lot:* One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection D.2.a), if the detached ADU satisfies the following limitations:
 - i. The side and rear yard setbacks are at least four feet.
 - ii. The total floor area is 800 square feet or smaller.
 - iii. The peak height above grade does not exceed the applicable height limit in subsection E.9 below.
 - c. *Converted on multi-family lot:* Multiple ADUs within portions of existing multi-family 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. At least one converted ADU under this subsection is allowed within an existing multi-family dwelling, up to a quantity equal to 25 percent of the existing multi-family dwelling units.
 - d. *Detached on multi-family lot:* No more than two detached ADUs on a lot that has an existing multi-family dwelling if each detached ADU satisfies the following limitations:
 - i. 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.
 - ii. The peak height above grade does not exceed the applicable height limit in subsection E.9 below.
- 3. **Process and Timing.**
 - a. An application for an ADU or JADU is considered and approved ministerially, without discretionary review or a hearing.
 - b. 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 completed application. If the City has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
 - ii. In the case of a JADU, when the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, the City

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may delay acting on the permit application for the JADU until the City acts on the permit application to create the new single-family or multi-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

- c. 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 subsection D.3.b. above.
 - d. 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.
- E. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs:
- 1. **Zoning.** An ADU or JADU may be created on any lot that is zoned to allow single-family dwelling residential use or multi-family dwelling residential use (i.e., residential, mixed-use, and agriculturally zoned parcels).
 - 2. **Fire Sprinklers.**
 - a. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
 - b. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
 - 3. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days.
 - 4. **No Separate Conveyance.** An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the primary residence.
 - 5. **Septic System.** If the ADU or JADU will connect to an on-site water-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. Refer to the County of Napa's Environmental Health Department regulations.
 - 6. **Owner Occupancy.**
 - a. An ADU that is created after January 1, 2020, but before January 1, 2025, is not subject to any owner-occupancy requirement.
 - b. Unless applicable law requires otherwise, all ADUs that are created on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
 - c. As required by state law, all JADUs are 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. However, the owner-occupancy

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requirement of this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

7. **Deed Restriction.** Prior to issuance of a building permit for an ADU or 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:
 - a. The ADU or JADU may not be sold separately from the primary dwelling.
 - b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this Section.
 - c. The deed restriction runs with the land and may be enforced against future property owners.
 - d. The deed restriction may be removed if the owner eliminates the ADU or 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 Community Development Director, providing evidence that the ADU or JADU has in fact been eliminated. The Community Development Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Community Development Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
 - e. The deed restriction is enforceable by the Community Development 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 ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
8. **Income Reporting.** In order to facilitate the City's obligation to identify adequate sites for housing in accordance with California Government Code §§ 65583.1 and 65852.2, the following requirements must be satisfied:
 - a. With the building permit application, the applicant must provide the Community Development Director with an estimate of the projected annualized rent that will be charged for the ADU or JADU.
 - b. Within 90 days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the Community Development Director does not receive the report within the 90-day period, the Community Development Director may send the owner a notice of violation and allow the owner another

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30 days to submit the report. If the owner fails to submit the report within the 30-day period, the Community Development Director may enforce this provision in accordance with applicable law.

9. **Height.**

- a. Except as otherwise provided by subsections E.9.b., E.9.c., and E.9.d. below, a detached ADU created on a lot with an existing or proposed single-family or multi-family dwelling unit may not exceed 16 feet in height.
- b. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multi-family dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Public Resources Code § 21155, and 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.
- c. A detached ADU created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed 18 feet in height.
- d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zoning district that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection E.9.d may not exceed two stories.
- e. For purposes of this subsection E.9, height is measured above existing legal grade to the peak of the structure.

10. **Building and Safety.**

- a. *Must comply with Building Code:* Subject to subsection E.10.b below, all ADUs and JADUs must comply with all local Building Code requirements.
- b. *No change of occupancy:* Construction of an ADU does not constitute a Group R occupancy change under the local Building Code, as described in California Building Code § 310, unless the Chief Building Official 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 E.10.b 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.

F. **Specific ADU Requirements.** The following requirements apply only to ADUs that are approved under subsection D.1.

1. **Maximum Size.**

- a. The maximum size of a detached or attached ADU subject to this subsection F is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.

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- b. 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.

Application of other development standards in this subsection F, such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, front setback, or open-space requirements may require the ADU to be less than 800 square feet.
- 2. **Lot Coverage.** No ADU subject to this subsection F may cause the total lot coverage of the lot to exceed the maximum lot coverage for the zoning district in which the ADU is proposed as established in Table 17.16.030.B, Development Standards – Residential Zone.
- 3. **Setbacks.**
 - a. No part of any ADU may be located within 20 feet of the front and corner lot property lines.
 - b. No part of any ADU may be located within four feet of a side or rear yard property line.
- 4. **Passageway.** No passageway, as defined by subsection C.9, is required for an ADU.
- 5. **Parking.**
 - a. *Generally.* One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection C.13.
 - b. *Exceptions.* No parking under subsection F.7.a is required in the following situations:
 - i. The ADU is located within one-half mile walking distance of public transit, as defined by subsection C.12.
 - ii. The ADU is within an architecturally and historically significant historic district.
 - iii. The ADU is part of the proposed or existing primary residence or an accessory structure under subsection D.2.a.
 - iv. When on-street parking permits are required but not offered to the occupant of the ADU.
 - v. When there is an established car share vehicle stop located within one block of the ADU.
 - c. *No Replacement.* When a garage, carport, or covered parking structure 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.

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G. Fees.**1. Impact Fees.**

- a. Impact fees shall not be imposed for an ADU that is less than 750 square feet in size.
- b. Any impact fee that is required for an ADU that is 750 square feet or larger in size 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). An impact fee does not include any connection fee or capacity charge for water or sewer service.

2. Utility Fees.

- a. 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.
- b. Except as described in subsection G.2.a, converted ADUs and JADUs on a single-family lot that are created under subsection D.2.a are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required.
- c. Except as described in subsection G.2.a, all ADUs and JADUs that are not covered by subsection G.2.b require a new, separate utility connection directly between the ADU or JADU and the utility.
 - i. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, 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.
 - ii. The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

- H. **Nonconforming ADUs and Discretionary Approval.** Any proposed ADU or JADU that does not conform to the objective standards established in subsections A through G.2 may be allowed by the City with a Conditional Use Permit, in accordance with the other provisions of this Title.

I. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

- 1. 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.
- 2. Unpermitted ADUs constructed before 2018.

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- a. *Permit to Legalize.* As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:
 - i. The ADU violates applicable building standards, or
 - ii. The ADU does not comply with the state ADU law (California Government Code Section 65852.2 or this Section 17.22.030, Accessory Dwelling Units).
- b. Exemptions:
 - i. Notwithstanding subsection I.2.a. above, the City may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the City makes a finding that correcting a violation is necessary to protect the health and safety of the public or occupants of the structure.
 - ii. Subsection I.2.a above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code § 17920.3.

17.22.040 Adult-Oriented Businesses

- A. **Purpose.** It is recognized that the operation of the adult entertainment facilities specific in this Section are among those certain land uses which, because of their nature, may have serious operational characteristics and deleterious effects upon their surroundings, as a result of their location and concentration within the City. Special regulations pertaining to these uses are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood nor otherwise adversely affect the public health, safety, morals, comfort, convenience, and general welfare. More specifically, it is recognized that development and proliferation without regulation as to location and concentration may result in the deterioration of residential and business neighborhoods, the attraction of large numbers of transients, an increase in crime, and, in the case of placement near schools and other youth-related facilities, an adverse effect upon the welfare and morals of minors residing within the City.
- B. **Location of adult entertainment facilities.** The following provisions apply to the location of adult entertainment facilities:
 - 1. No adult entertainment facilities are permitted within 500 feet of any area zoned for residential use.
 - 2. No adult entertainment facility is permitted within 1,000 feet of any other such facility.
 - 3. No adult entertainment facility is permitted within 500 feet of any parcel or real property on which is located any of the following facilities:
 - a. A school primarily attended by minors;
 - b. A church which conducts religious education classes for minors;
 - c. A public park or public recreation facility frequented by minors.

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4. No adult entertainment facility is permitted with direct frontage or visible frontage from Highway 29.
- C. **Public display of certain matter prohibited.** Materials offered for sale from adult news racks must not be displayed or exhibited in a manner which exposes to public view any pictures or illustrations depicting any specified sexual activity or any specified anatomical area. Materials offered for sale or viewing at any adult bookstore or any adult motion picture theater must not be displayed or exhibited in a manner which exposes any depiction of any specified sexual activity or any specified anatomical area to the view of persons outside the building or off the premises on which such store or theater is located.
- D. **Restrictions cumulative.** The restrictions provided in this Section are in addition to any other applicable provision of this Code. In the event of any conflict between any such provisions, the more restrictive must apply.

17.22.050 Alcoholic Beverage Sales

- A. **Purpose.** Establishments that serve alcoholic beverages receive special attention from the City because of their potential to create problems, such as littering, loitering, public intoxication and disturbances. All establishments selling alcoholic beverages are reviewed by the City.
- B. **Permits Required.**
 1. **Conditional Use Permit.** A Conditional Use Permit must be obtained for all bars, brewpubs, micro-breweries, micro-distilleries, and wine-tasting rooms.
 2. **Minor Use Permit.** A Minor Use Permit must be obtained for full-service restaurants.
- C. **Hours of Operation.** Hours of operation shall be limited to the time period between 6:00 AM and 2:00 AM.
- D. **Location.** The establishment shall not be located within 1,000 feet of the following:
 1. A public park, playground, recreational area that is immediately adjacent to a public park, or youth facility, including a nursery school, preschool, or day care facility;
 2. A public or private State-licensed or accredited school; or
 3. An alcohol or other drug abuse recovery or treatment facility.
- E. **Lighting.** The exterior of the establishment, including adjacent public sidewalks and parking areas, shall be illuminated during all hours of darkness during which the establishment is open such that:
 1. Persons standing in those areas at night are identifiable; and
 2. Required illumination is placed and shielded in a way that minimizes interference with the neighboring residences.
- F. **Findings.** In evaluating a use permit application for any commercial establishment where liquor is served, the Review Approval Authority shall take into consideration the following:
 1. Comments from the Police Department;
 2. Appropriateness of automobile and/or bicycle parking;

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3. Potential for loitering;
4. Distance of the proposed establishment from other establishments;
5. Distance from areas used and zoned for residential use; and
6. Appropriateness of annual review of use permit.

This list does not represent an exclusive listing of those items which may be considered by the Planning Commission in evaluating a Conditional Use Permit application for a commercial amusement use.

17.22.060 Animal Keeping

- A. **Purpose.** These regulations address the raising and keeping of animals and the areas in which domestic and farm animals are kept on private property. It is the intent of this Section to protect the agricultural economic base of St. Helena, to preserve the existing lifestyle in residential areas, and to minimize potential adverse effects on adjoining property from the establishment of incompatible uses related to the raising and keeping of animals.
- B. **Applicability.** Animal keeping is allowed as an accessory to a primary residential use. Animals may be kept in compliance with St. Helena Municipal Code Title 6, Animals, and the standards established in this Section.
- C. **Domestic Animals.**
 1. **Small Domestic Animals.** Small domestic animals may be kept as an accessory to a residential use in accordance with the following. Small domestic animals include dog, cats, rabbits, and pigeons, and all animals recognized by regulation promulgated by the California Department of Fish and Wildlife as domestic animals except large domestic animals. Does not include roosters, quacking ducks, geese, pea fowl, goats, sheep, hogs, kennels or the presence of animals for commercial purposes.
 - a. **Maximum Number.** The following limits do not apply to small animals primarily kept in indoor enclosures such as fish, hamsters, and birds.
 - i. Parcels One Half Acre or Less in Size. Up to four adult small domestic animals per unit may be kept on parcels of up to one-half acre in size.
 - ii. Parcels Greater than One Half Acre in Size. Eight adult small domestic animals per acre.
 - b. **Nonconforming Small Domestic Animal Keeping.** Residents having more than four adult small domestic animals at the time of the effective date of this Title may continue to keep them provided that the animals:
 - i. Are licensed in compliance with the St. Helena Municipal Code Title 6, Animals;
 - ii. Are kept in a safe and sanitary environment; and
 - iii. Do not generate nuisance complaints that require abatement.
 2. **Potbellied Pigs.** Potbellied pigs are permitted in the LR-1A, LR, and A-20 districts only and are subject to all standards of subsection C.1.

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3. **Hen Chickens.** Hen chickens are permitted in the A-20 district only on lots greater than one acre and are subject to all standards of subsection C.1.
4. **Large Domestic Animals.** Large domestic animals including horses, burros, mules, domestic swine (excluding potbellied pigs), domestic cattle, sheep and goats may be kept as an accessory to a residential use in accordance with the following.
 - a. *Minimum Lot Size.* Two acres.
 - b. *Maximum Number.* Not more than one large domestic animal per acre.
5. **Fencing and Enclosure Regulations.**
 - a. *Fencing.*
 - i. Fenced Area Required. All animals, except small domestic animals kept indoors, must be kept in an area which is fenced to prevent the animals from roaming.
 - ii. Fenced Area Location. The fenced area must be wholly located within the rear yard of the residence where the animals are kept.
 - b. *Enclosure.*
 - i. Enclosure Required. Within the fenced area, an enclosure or shed must be provided of sufficient size to provide cover for the animals kept on the parcel. An enclosure is not required for cats or dogs.
 - ii. Enclosure Location. No part of the animal enclosure may be located within 50 feet of any neighboring dwelling, within a required side or front setback, or within 300 feet of a community assembly facility, school or institution licensed by the state for the care or treatment of humans.
 - c. Animal fecal matter more than which can be safely and sanitarily utilized on the premises must be removed and must not be allowed to accumulate.

17.22.070 Beekeeping

- A. **Purpose.** These regulations allow beekeeping in a manner that is respectful of the safety of persons that may be in close proximity to the apiary. Beekeeping can contribute to pollination and better harvests in gardens. By contributing to pollination, urban beekeeping is an important complement to urban food production and to the City's sustainability goals stated in the General Plan.
- B. **Standards.**
 1. It shall be the duty of every person on whose property bees are kept to adhere to good management practices and maintain bees in a condition that will reasonably prevent swarming and aggressive behavior.
 2. It shall be the responsibility of the person on whose property the bees are kept to provide adequate water for the bees to prevent bees from seeking water in neighboring swimming pools, birdbaths, ponds or other community bodies of water.

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3. A maximum of two beehives per lot on a parcel of land less than 10,000 square feet.
 4. A maximum of four beehives per lot on a parcel of land with an area over 10,000 square feet.
 5. Beehives are restricted to rear yards.
 6. In order to ensure the appropriate height of the honeybee flight path:
 - a. The beehive entrance will be directed away from the neighboring property and situated behind a solid fence or hedge that is six feet in height running parallel to the property line; or
 - b. A beehive will be located a minimum of 25 feet away from the neighboring property line.
- C. **Beekeeping registration.** Beekeeping registration is required prior to establishment of an apiary, as follows:
1. The applicant must submit and the Community Development Director must review plans demonstrating compliance with the standards of this Section.
 2. The applicant must register the apiary with the County of Napa Agricultural Commissioner to receive notification of pesticide applications, pursuant to § 29101 of the California Food and Agricultural Code.
 3. The applicant must submit plans and a signed statement showing and agreeing to compliance with all obligations imposed by this Section and holding the City harmless if the owner does not so comply.
- D. **Nuisance.** Bees or hives shall be considered a public nuisance and subject to Chapter 17.13, Enforcement, when any of the following occurs:
1. Colonies of bees exhibit defensive or objectionable behavior or interfere with the normal use of neighboring properties.
 2. Colonies of bees swarm.
 3. Bees or hives do not conform to this Section.
 4. Hives become abandoned by resident bees or by the owner.

17.22.080 Bed and Breakfast Inns

- A. **Purpose.** The purpose of this Section is to:
1. Establish regulations for the operation and bed and breakfast inns; and
 2. Establish findings for the processing of applications to operate bed and breakfast inns.
- B. **Establishment of Bed and Breakfast Inns.** Bed and breakfast inns are subject to the following:
1. The use must be located in an existing residential dwelling.
 2. The use must be conducted only by the property owner or manager living on the site of the bed and breakfast inn;

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3. No meals must be served to persons other than to guests and residents of the bed and breakfast inn;
 4. Bed and breakfast inns must be rented for periods of less than 30 days;
 5. A bed and breakfast inn must include no more than four guest rooms;
 6. On-site parking for the underlying residential use must be provided on-site or in perpetuity on an adjacent parcel in accord with the provisions of Chapter 17.26, Parking and Loading. In addition, one on-site parking space must be provided for each guest room. On-site parking must be designed and located so as not to detract from the residential character of the neighborhood and the buildings and structures of the bed and breakfast inn;
 7. The use must, at all times, maintain City business licenses and pay all transient occupancy taxes required; and
 8. The use must be contained entirely within the existing structure;
- C. **Findings Required.** In approving a Minor Use Permit for a bed and breakfast inn, the Planning Commission shall make the following findings in addition to the Minor Use Permit findings contained in Chapter 17.05, Planning Permits and Approval.
1. The establishment of a bed and breakfast inn is consistent with the purpose of the General Plan.
 2. The establishment of a bed and breakfast inn will not be detrimental to a building, structure, or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature.
 3. The establishment of a bed and breakfast inn is compatible with, and will not be detrimental to, the character of the neighborhood and surrounding land uses.

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17.22.090 Cannabis Uses

- A. **Purpose.** The intent of this Section is to prohibit marijuana cultivation facilities, medical marijuana dispensaries, medical marijuana deliveries, and commercial cannabis activities, as defined below, subject to limited and specified exceptions, within the City limits. It is recognized that it is a federal violation under the Controlled Substances Act to possess or distribute marijuana even if it is for medical purposes. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with marijuana cultivation facilities and medical marijuana dispensaries and in connection with medical marijuana deliveries, which is contrary to policies that are intended to promote and maintain the public's health, safety, and welfare.
- B. **Applicability.** This Section applies to the following activities:
1. The opening or commencement of the operation of a marijuana cultivation facility, medical marijuana dispensary, or commercial cannabis activity;
 2. The conversion of an existing business, facility, use, establishment, or location to a marijuana cultivation facility, medical marijuana dispensary, or commercial cannabis activity; and
 3. The addition of a marijuana cultivation facility, medical marijuana dispensary, or commercial cannabis activity to any other existing business, facility, use, establishment or location.
- C. **Prohibitions and Limited Exceptions.**
1. Medical marijuana dispensaries are prohibited in all zoning districts in the City and must not be established or operated anywhere in the City. The City must not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a medical marijuana dispensary. No person may be the lessor of property where a medical marijuana dispensary is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any medical marijuana dispensary in the City.
 2. Marijuana cultivation facilities are prohibited in all zoning districts in the City and must not be established or operated anywhere in the City. The City must not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a marijuana cultivation facility. No person may be the lessor of property where a marijuana cultivation facility is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any marijuana cultivation facility in the City.
 3. The prohibition against cultivation facilities established in subsection 2, however, must not apply to a qualified patient cultivating marijuana/cannabis pursuant to § 11362.5 and the Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use promulgated by the California Attorney General or to any individual cultivating marijuana for non-medical use under the following circumstances:
 - a. The individual and/or patient maintains no more than six mature or 12 immature marijuana/cannabis plants at a single private residence, or upon the grounds of that residence; and

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- b. The individual, patient or primary caregiver cultivates marijuana/cannabis for a patient's or individual's personal use and does not sell, distribute, donate, transmit, or provide marijuana/cannabis to any other person or entity; and
- c. The location of all cultivation activities is located indoors, and housed completely within a structure with no external indication of cultivation activities (this limitation does not preclude the use of a greenhouse for cultivation); and
- d. The property on which an individual is cultivating medical or recreational marijuana/cannabis has no more than 100 square feet devoted to the cultivation of marijuana/cannabis (the area used to cultivate marijuana/cannabis must be measured by the aggregate area of vegetative growth of live marijuana plants on the premises).

Notwithstanding this exception, an individual and/or patient cultivating marijuana may not create or cause a nuisance condition and the City may abate, in any manner permitted by law, a nuisance condition created or caused by, associated with, or arising from marijuana cultivation by a qualified patient.

- 4. All forms of commercial cannabis activities are prohibited in all zoning districts in the City with the exception of delivery services and must not be established or operated anywhere in the City. The City must not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a commercial cannabis activity including any and all license classifications established in the Adult Use of Marijuana Act, California Health and Safety Code § 26050, as it may be amended. No person may be the lessor of property where a commercial cannabis activity is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any commercial cannabis activity in the City.
 - 5. No person and/or entity may deliver or transport medical marijuana from any fixed or mobile location, either inside or outside the City, to any person in the City, except that a person may deliver or transport marijuana to a qualified patient (with an identification card, as those terms are defined in Health and Safety Code § 11362.7, for whom they are the primary caregiver within the meaning of Health and Safety Code §§ 11362.5 and 11362.7(d)) or individual up to the maximum allowable amounts under current state regulations for the transportation of medical and recreational marijuana.
 - 6. Nothing contained in this Section must be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.
- D. **Enforcement.** The City may enforce this Section in any manner permitted by law. The violation of this Section must be and is hereby declared to be a public nuisance and contrary to the public interest and must, at the discretion of the City, create a cause of action for injunctive relief.

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17.22.100 Community Gardens

Community gardens must be located, developed, and operated in compliance with the following standards:

- A. **Management.** A manager must be designated for each garden who must serve as liaison between gardeners, property owner(s), and the City.
- B. **Hours of Operation.** Gardens must only be tended between dawn and dusk.
- C. **Buildings and Structures.** Accessory buildings, such as sheds, greenhouses, hoopouses, or farm stands are allowed and must comply with the property development standards of the zoning district.
- D. **Equipment.** Only household garden tools and equipment, applicators and products, may be used. This includes soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc. Pull-behind equipment is prohibited.
- E. **Operational Plan.** The applicant must submit to the Community Development Director an operational plan that identifies roles and responsibilities, contact information, and operations.
- F. **Maintenance.**
 - 1. The operator must be responsible for the overall maintenance of the site and must remove weeds, debris, etc. in a timely manner.
 - 2. Soil amendments, composting, and waste material must be managed and must not attract nuisance flies or support growth of flies.
- G. **Sale of Produce.** Incidental sales of items grown on-site are permitted.
- H. **Composting.** Composting is limited to the materials generated on-site and must be used on-site.
- I. **Utilities.** The land must be served by a water supply sufficient to support the cultivation practices used on the site.
- J. **Restrooms.** If proposed, restrooms must be connected to public utilities. Portable restrooms are not permitted.

17.22.110 Cottage Food Operations

- A. **Purpose.** This Section has been adopted to:
 - 1. Implement the requirements of Assembly Bill 1616 which amended State law to require municipalities to allow for cottage food operation within residences;
 - 2. Establish reasonable standards allowed by state law to provide that cottage food operations within residences do not create unreasonable impacts or endanger public health, safety or welfare; and
 - 3. Ensure compatibility of cottage food operations with the residential character of the neighborhoods in which cottage food operations are located.

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- B. **Applicability.** A cottage food operation is an accessory use permitted in any legally established dwelling, subject to standards in subsections C and D and is a distinct use from a home occupation as defined in Section 17.22.130, Home Occupations.
- C. **Standards.** Cottage food operations are permitted accessory uses to residences provided that all of the following standards are met:
1. The use must be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than 25 percent of the dwelling may be used for the cottage food operations, and it must not be conducted within an accessory building.
 2. The use is carried on only by a family member or household member occupying the dwelling, with no other person employed.
 3. The cottage food operation must not invite customers to the residence and the operation must not transact business with customers at the residence.
 4. No signage or advertisement identifying the cottage food operation is permitted at the premises.
 5. There must be no change in the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such cottage food operation.
 6. Except for vehicle parking, no outdoor portions of the premises may be utilized for cottage food operation.
 7. Vehicles displaying advertising or signs must be parked inside a garage at all times while at the premises.
 8. The cottage food operation must be registered or permitted by the Napa County Environmental Health Officer in accordance with § 114365 of the California Health and Safety Code. Cottage food operations must comply with all California Health and Safety Code requirements.
 9. The cottage food operator must furnish to the City evidence of the application for or issuance of the necessary permits and/or registration of cottage food operations from the county of Napa.
- D. **Expanded Cottage Food Operations.** Exceptions to the standards established in subsections C.2 and C.3 may be granted with the approval of a Minor Use Permit for an expanded cottage food operation; provided, that all of the following standards are met:
1. The applicant for the cottage food operation permit must be the individual who conducts the cottage food operation from his or her private dwelling unit and is the owner of the cottage food operation. The permit is not transferable to another operator, nor transferable to another site.
 2. The use must be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than 25 percent of the dwelling may be used for the cottage food operations, and it must not be conducted within an accessory building.

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3. One cottage food employee, as defined by California Health and Safety Code § 113758(b)(1), is permitted to be employed by the cottage food operation in addition any family member or household member occupying the dwelling.
4. Except for vehicle parking, no outdoor portions of the premises may be utilized for cottage food operation including outdoor sales and visitation.
5. Direct sales of products from the site of the cottage food operation must be conducted by prior appointment only and must not exceed more than 10 visitors in any single day. No customers of the cottage food operation are permitted to dine at the premises.
6. No greater than one visitor's vehicle and one non-resident employee's vehicle must be parked on site at any time.
7. Vehicles displaying advertising or signs must be parked inside a garage at all times while at the premises.
8. Direct sales and cottage food operation related deliveries must not occur between the hours of 6:00 PM and 8:00 AM.
9. The cottage food operation must be registered or permitted by the Napa County Environmental Health Officer in accordance with § 114365 of the California Health and Safety Code. Cottage food operations must comply with all California Health and Safety Code requirements.
10. The applicant must furnish to the City evidence of the application for or issuance of the necessary permits and/or registration of cottage food operations from the County of Napa.
11. A business license is required for all cottage food operators.
12. The Community Development Director shall notify all property owners within 300 feet of the cottage food operation upon issuance of a Minor Use Permit.

17.22.120 Formula Businesses

- A. **Permits Required.** The establishment or expansion of a formula business shall be in accordance with the zoning locations and permit requirements identified in Table 17.17.020.A: Use Regulations – Commercial and Mixed-Use Zoning Districts.
- B. **Findings Required.** When a Conditional Use Permit review is required, the Planning Commission shall approve, with or without conditions, the establishment or expansion of a formula business only if all of the following findings can be made, in addition to those identified in Section 17.05.020, Conditional Use Permit (CUP):
 1. The formula business establishment will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;
 2. The proposed use, together with its design and improvements, is consistent with the unique and historic character of St. Helena and will preserve the distinctive visual appearance and shopping/dining experience of St. Helena for its residents and visitors;

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3. Any formula business establishment located within the CB district will be compatible with existing uses in the zone and will promote the zone's economic vitality as the downtown commercial core of St. Helena.
- C. **Prohibited Formula Businesses.** No formula restaurants are allowed.

17.22.130 Home Occupations

- A. **Permit.** A home occupation permit must be required prior to the establishment of a home occupation whenever a business license is required and the home is the principal place of business. A business may be conducted at locations other than the site of the home occupation, as long as that part of the business conducted at the site of the home occupation complies with the standards of this Section.
- B. **Standards.** Home occupations are permitted in conjunction with a residential use of a dwelling and must be issued a home occupation permit, provided the home occupation:
 1. Does not change the residential character of the dwelling unit;
 2. Is confined to a cumulative area of not more than 600 square feet in the principal dwelling, attached garage and/or detached accessory buildings. An attached or detached garage may be used for storage or workspace as long as one garage parking space is maintained at all times for the dwelling and as long as sufficient parking spaces are available on the property to meet the current Code requirements;
 3. Does not occupy any open space or setback;
 4. Is carried on by the resident members of the household and a maximum of one employee in addition to residents of the dwelling;
 5. Does not generate customer or client traffic, deliveries by commercial vehicles other than pickup trucks or panel delivery trucks, or have any customers or clients coming to the premises as a place of business, with the following exceptions:
 - a. Delivery to the customer or client of merchandise produced on the premises;
 - b. No more than two clients may visit the premises on any one day;
 - c. Lessons to no more than two persons at any one lesson with no more than six lessons in any one week and
 - d. Other uses which are similar to the above uses with the same or similar restrictions listed in this Section;
 6. Creates no noise, odor, glare, dust, vibrations, fumes or smoke readily discernible at the exterior boundaries of the parcel on which the home occupation is situated;
 7. Produces no advertising or evidence of its existence except for a post office box, a telephone listing and signs limited to a total of four square feet permanently affixed to a vehicle. No advertising, telephone listing, signs or printed material may list the street address of the dwelling; and
 8. Involves the on-site parking or storage of no more than one commercial vehicle, as long as the commercial vehicle parks inside the garage or covered parking at all times.

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- C. **Prohibited Home Occupations.** The following businesses are not permitted as home occupations:
 - 1. Automobile/vehicle sales and services;
 - 2. Animal care, sales, and services;
 - 3. Cannabis retail;
 - 4. Eating and drinking establishments;
 - 5. Hotels and motels; and
 - 6. Personal services.
- D. **Exceptions.** Exceptions to the above standards may be granted by the Planning Commission with the approval of a Conditional Use Permit for an expanded type of home occupation. In approving the Conditional Use Permit for an expanded home occupation the Planning Commission shall make the following findings:
 - 1. The establishment of an expanded home occupation is compatible with and will not be detrimental to the residential character of the neighborhood and surrounding uses;
 - 2. The establishment of an expanded home occupation will not result in or contribute to an unacceptable concentration of nonresidential uses in the neighborhood where it has been proposed; and
 - 3. The establishment of an expanded home occupation will not result in excessive noise, traffic, and parking congestion.
- E. **Exemptions.** Telecommuting, or the use of telephones, computers, or other similar technology to permit an employee to eliminate a commute trip and work from home, is not considered a home occupation and is exempt from the regulations of this Section.

17.22.140 Live/Work Units

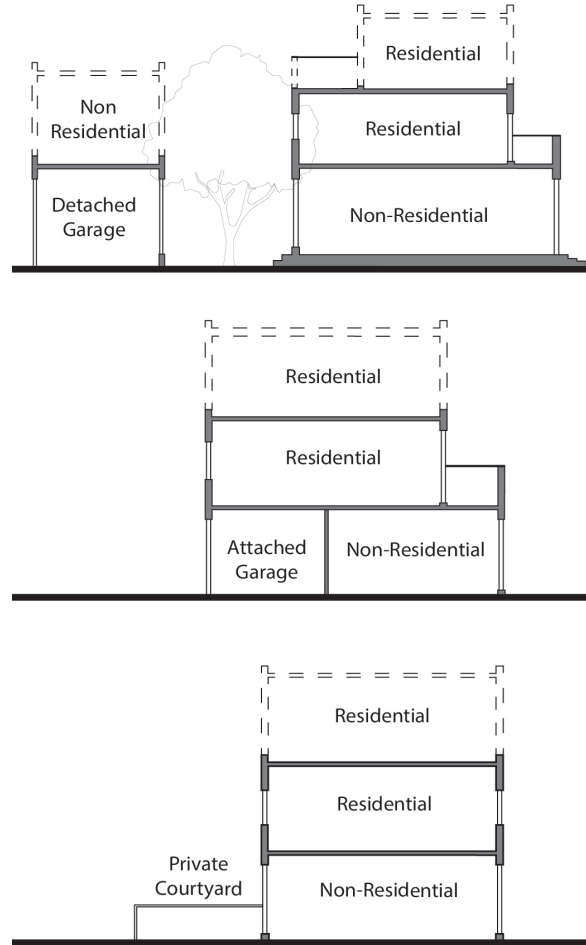
- A. **Purpose.** This Section is intended to provide standards for the location, development and operation of integrated live/work units and for the reuse of existing residential, commercial, and industrial structures to accommodate live/work opportunities.
- B. **Establishment.** Live/work units may be established through the conversion of existing buildings or by new construction, permitted or conditionally permitted as specified in the underlying zoning district.
- C. **No Separate Sale or Rental of Portions of Unit.** No portion of a live/work unit may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same unit.
- D. **Occupancy Requirement.** The residential space within a live/work unit must be occupied by at least one individual employed in the business conducted within the live/work unit.
- E. **Business License Required.** The occupant of a live/work unit is required to hold a valid business license for the on-site business.

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- F. **Limitations on Use.** The nonresidential component of a live/work development must be a use allowed within the applicable zoning district. A live/work unit must not be established or used in conjunction with any of the following activities:
 - 1. Automobile/Vehicle sales and services; or
 - 2. Cannabis retail.
- G. **Limitation on Outside Employees.** No more than one person other than residents of the live/work unit shall be employed in the conduct of the work, except that additional employees may be allowed subject to the approval of a Conditional Use Permit in compliance with Section 17.05.020, Conditional Use Permit (CUP).
- H. **Design Standards.**
 - 1. **Nonresidential Area.** A minimum of 50 percent of the ground level of a live/work development, or a minimum 300 square feet, whichever is greater, must function predominantly as workspace. All floor area other than that reserved for living space must be reserved for and regularly used for workspace. Potential configurations for live/work developments include, but are not limited to, those shown below:

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Figure 17.22.140.A: Live/Work Configurations



2. **Ground Floor Design.** The ground floor of a live/work development must comply with the standards for ground floor commercial uses established in Chapter 17.17, Commercial and Mixed-Use Districts, or Chapter 17.18, Business and Industrial Districts, as applicable.
3. **Non-Residential Amenities.** The ground floor of a live/work development must be designed to accommodate commercial or service uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or service facilities used for the same work activity.
4. **Separation and Access.** Access to each live/work unit must be provided from a public street or common access areas, corridors, or halls. The access to each unit must be clearly separate from other live/work units or other uses within the structure.

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17.22.150 Mobile Food Vendors

Mobile food vendors must be located and operated in accordance with the following provisions:

- A. **Location and Applicability.** Mobile vendors may only operate on private property in non-residential zoning districts. Mobile vendor vehicles are not permitted as a permanent or proprietary location on any property within the City. Vehicles must not be left unattended at any time, or be left onsite when inactive, or stored overnight. The regulations of this Section do not apply to mobile food vendors operating within the public right-of-way.
- B. **Licenses and Permit Required.** Mobile food trucks operating in the City shall obtain a business license from the City. The owner and operator of a mobile food truck is responsible for obtaining all necessary licenses and permits required for the service of food and beverages, including a permit for food service from the Napa County Department of Health. The mobile food vehicle must be in compliance with State motor vehicle laws.
- C. **Duration.** Maximum four hours per day per lot, including set-up and clean-up. No lot may have a mobile vendor onsite for more than 90 days total in any 12-month period.
- D. **Allowed Products.** Operations are limited to the sales of food and non-alcoholic beverages for immediate consumption.
- E. **Vehicle and Parking Requirements.**
 - 1. **Allowed Vehicles.** Operations must only be conducted from a motor vehicle, or vehicle with a trailer consistent with State law and County Health Department approvals. Other types of food vending from a temporary structure such as a pushcart, standalone trailer, or kiosk are not allowed under this Title.
 - 2. **Required Parking.** No dedicated parking spaces are required for a mobile vendor that meets the standards of this Section.
 - 3. **Overnight Parking.** No overnight parking of mobile food trucks is allowed on the permitted vending site.
 - 4. **Displaced Parking.** Mobile vendors may displace up to three required non-residential parking spaces for a maximum of four hours per day per parking lot, provided that no more than 10 percent of the total number of parking spaces on site are displaced. Required parking spaces for an existing non-residential use may be displaced if the existing non-residential use is not open during the event.
 - 5. **Lighting.** Mobile food truck operators must provide adequate lighting on the vehicle to ensure customer safety during business hours.
 - 6. **Paving.** Mobile vendor vehicles must only be stopped or parked on a surface paved with concrete, asphalt, or another surface approved by the Community Development Director.
- F. **Obstructions.** Mobile vendor location and operations, including customers, seating, and equipment, must not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location must comply with applicable accessibility requirements and the Americans with Disabilities Act.

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G. Nuisance.

1. Mobile vendors must be responsible for keeping the area clean of any litter or debris and must provide trash receptacles for customer use on site. All litter generated within a minimum of a 100-foot radius of the site must be collected prior to closure of the mobile food truck operations.
2. Mobile food trucks must not idle vehicle engines for more than five minutes during any one-hour time period.
3. Mobile food truck operators are responsible for controlling smoke and odors caused by food preparation so as to avoid a public nuisance.
4. No vendor must ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within City limits.
5. Separate refuse and recycling containers must be provided on site during all hours of mobile food truck operations.
6. The use of prohibited or unpermitted signs for mobile food vendors is not allowed.

- H. Modifications.** Modifications to the standards of this Section may be approved pursuant to Section 17.11.010, Minor Modifications to Development Standards.

17.22.160 Mobile Homes

The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction of Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.) on a foundation system pursuant to § 18551 of the Health and Safety Code must be permitted in accordance with the following conditions:

- A. To be occupied only as a single-family residential use.
- B. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings.
- C. To be attached to a permanent foundation system in compliance with all applicable building regulations.
- D. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation.
- E. To have parapet walls or roofs which utilize shingle or other materials customarily used on conventionally built dwellings.

17.22.170 Outdoor Dining and Seating

- A. Permit.** Administrative approval of a sidewalk dining permit is required to establish outdoor seating for dining.
1. Outdoor dining for seating that results in an increase in the number of seats must be reviewed by the Community Development Director for compliance with parking

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standards and by Napa County Environmental Management for compliance with regulations pertaining to food storage, health and safety.

2. For those restaurants that wish to serve alcohol outside, the licensee must obtain approval for premises expansion from the California Department of Alcoholic Beverage Control.

B. Standards. To establish outdoor seating for dining on a sidewalk, the following are required:

1. All entrances and emergency exits must be kept free of obstructions to ingress and egress.
2. A one-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions, per CalTrans requirements.
3. A four-foot clear path of travel, which clearly maintains ADA compliance along the sidewalk, must be maintained to provide disabled access.
4. Tables and chairs must be brought indoors when the restaurant is closed.
5. Entertainment is not allowed on the sidewalk as part of the restaurant service.
6. An encroachment permit must be obtained from the City. The application must include documentation of required liability insurance. The City maintains the preeminent right to use the sidewalk and suspend the right to encroach whenever the sidewalk is needed for another public use or for repair.
7. No more than 20 percent of total restaurant seating may be located on the sidewalk or other public property.
8. If dogs are desired in the outdoor dining area, the following regulations must be enforced:
 - a. Employees and patrons must not allow dogs to come into contact with serving dishes, utensils, tableware, linens or any other items involved with food service operations.
 - b. Patrons must keep dogs in their charge on a leash at all times and under control.
 - c. Dogs must not be allowed on chairs, tables, or other furnishings.
 - d. All table and chair surfaces must be cleaned and sanitized between seating of patrons.
 - e. Dog waste must be removed immediately and the area immediately cleaned and sanitized with an appropriate product.
 - f. Dogs must not be permitted to travel through indoor portions of the public food service establishment.

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17.22.180 Outdoor Display and Sales

- A. **Primary Uses.** Uses that may include outdoor commercial displays and sales are limited to the following:
1. Auto dealers.
 2. Bicycle sales, repair, and rentals.
 3. Farmers' markets.
 4. Parking and loading areas.
 5. Plant nurseries.
 6. Portable shoeshine stands when the business is conducted in conjunction with an approved use, provided the shoeshine stand conducts business during the same business hours as the approved primary use.
 7. Seasonal sales (Christmas trees, pumpkins, etc.).
 8. Service stations.
 9. Storage of building materials and supplies accessory to an approved use.
 10. Any other uses which, in the opinion of the Community Development Director, require outside display or storage.
- B. **Standards.** Provided the use is allowed (either as a permitted or conditional use) by the zoning district regulations for the zoning district in which the property is located, the following provisions apply to the incidental placement, storage, display, sale, or offer for sale of any merchandise out-of-doors or outside any completely enclosed building:
1. The merchandise or activity must be incidental and adjacent to any lawfully established business that normally sells the merchandise inside the building.
 2. The merchandise or activity must not present a hazard to pedestrians or vehicles.
 3. The merchandise or activity must not occupy the space formed by extending the width of any required or existing building exit, whichever is wider, to the public right-of-way.
 4. The display of merchandise must not be located within the public right-of-way.
 5. The merchandise or activity must not occupy any required parking spaces.
 6. The storage, display or sales area is limited to 200 square feet or 10 percent of the gross floor area of the business, whichever is less.
 7. Along Main Street, between Mitchell Street and Pine Street on the west side, and Pope Street to Pine Street on the east side, planter boxes and plants must not encroach more than 12 inches into the public right-of-way; must have a maximum height of four feet zero inches; and, a minimum clearance of six feet of sidewalk must be kept clear for pedestrian use. These standards also apply elsewhere in the Central Business District outside of the area designated; however, the City Council may waive these standards on a case-by-case basis.

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8. ***Bicycle sales, repairs and rentals.*** Storage or display of rental vehicles is not permitted within the public right-of-way, except where the City has jurisdiction over the sidewalks and as may be allowed with a Conditional Use Permit with the following conditions:
 - a. One-and-one-half-foot “recovery zone” from the edge of curb that must be kept free of obstructions, consistent with CalTrans requirements;
 - b. A four-foot clear path of travel along the sidewalk must be maintained to provide disabled access;
 - c. Bicycles/scooters must be brought indoors when the business is closed; and
 - d. An encroachment permit must be obtained from the City.
- C. **Use of Street or Sidewalk.** Nothing in this Section may authorize the placement, storage, display, sale or offer for sale of any merchandise on any street or on any sidewalk or any other portion of the public right-of-way, with the exception of sidewalk sales permitted by subsection D.7.
- D. **Exceptions.** No Conditional Use Permit for the outdoor storage, display or sale of the following merchandise is required for:
 1. Fruits and vegetables.
 2. Plants and other growing vegetation, with the limitation in subsection B.6 not applicable to nurseries.
 3. Cut flowers (planter boxes subject to the standards specified in subsection B.7).
 4. Gasoline pumps, oil racks and accessory items when located on pump islands.
 5. Vehicles, including automobiles, trucks, motorcycles, trailers and recreational vehicles, with the limitation in subsection B.6 not applicable.
 6. Areas within a completely roofed street alcove or entryway; provided that the merchandise is inside the line of the building face.
 7. Parking lot and sidewalk sales and other promotional events that involve retail sales, as long as they do not exceed 12 days total during any 12-month period with no more than three days being consecutive, regardless of the number of businesses located on the property, with the limitations in subsection B.5 and B.6 not applicable.
 8. Nonpromotional events conducted by or for recognized nonprofit or charitable community groups, with the limitations in subsection B.1, B.5, and B.6 not applicable.
 9. Garage and yard sales, provided they are conducted on property used for residential purposes by a resident and do not exceed three days during any six-month period, with the limitations in subsection B.1, B.5, and B.7 not applicable.
 10. Merchandise associated with hardware stores and building supply stores.
 11. Activities similar to the above, as determined by the Planning Commission.

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17.22.190 Service Stations

- A. **Approval Criteria.** The following criteria must be met prior to approval of a service station:
1. The site is not closer than 100 feet to any R Zoning District;
 2. No block would have more than two service station sites;
 3. No intersection would have more than two service station sites;
 4. All operations and display of merchandise would be kept within an approved structure, except those directly required for the dispensing of gasoline, water and air, and the replenishment of oil;
 5. The proposed use will not create increased traffic hazards to pedestrians when located near a church, school, theater, or other place of assembly; and
 6. That the minimum landscaping requirements established in the zoning district in which the use is located have been incorporated into the design of the proposed use; and
 7. The use does not include the sale of staple grocery items nor does it include a mini market, but may include the sale of snack foods, drinks, and convenience foods.
- B. **Public Service Facilities.** All service stations must:
1. Provide restrooms on-site, at no charge, for public use during normal business hours. The restrooms shall be continuously maintained in compliance with the standards of the county health department.
 2. Provide and maintain, in usable and good working order, an air pump and radiator water hose for public use.
 3. Provide petroleum and solvent waste dispensers, at no or a minimum charge, for use by customers to dispose of their used petroleum product liquids and shall accept used oil and containers during normal business hours.
 4. Provide petroleum and solvent waste containers, at no or a minimal charge, for use by customers to return and to recycle their oil and other used petroleum product liquids.
 5. Recycle all oil collected and make every effort to recycle the returned containers and other used petroleum product liquids.
- C. **Standards.** The following provisions apply to the establishment and operation of service stations:
1. Service stations must be designed to maintain the scale, appearance and character of the surrounding area.
 2. The location of service station islands, pumps, underground and aboveground tanks must meet the requirements of the City Fire Department and Uniform Fire Code.
 3. **Minimum Side and Rear Setbacks.** Structures shall be set back at least 10 feet from the side and rear property lines where the adjoining parcels are located in a residential district.

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4. **Vehicular Access Points.** There shall be no more than two vehicular access points to/from each public right-of-way and a minimum distance of 30 feet between curb cuts along a public right-of-way.
 5. **Driveway Widths.** The width of a driveway shall not exceed 25 feet, measured at the sidewalk.
 6. **Pump Island Location.** Pump islands shall be set back a minimum of 15 feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.
 7. **Canopies.** Canopy height shall be limited to a maximum of 18 feet.
 8. **Restroom Screening.** Restroom entrances viewable from adjoining rights-of-way or properties shall be concealed from view by planters or screening subject to the approval of the Community Development Director.
 9. **Peripheral Wall.**
 - a. Where a service station adjoins property in a residential zoning district, a solid decorative masonry wall shall be constructed along the common property line. The height of the wall, which shall be at least six feet, shall be measured from the finished grade of the residential property. Colors, design, materials, and textures of the wall shall be compatible with on-site development and adjoining properties and subject to the approval of the Community Development Director.
 - b. When the wall reaches the established front setback line of a residentially zoned parcel adjoining the service station, the wall shall decrease to a maximum height of 42 inches.
- D. **Accessory Uses.** Accessory uses of a service station which are customarily incidental and clearly subordinate to the principal use (i.e., a car wash, motor vehicle and trailer rental, sale of food and beverage items, video rental, motor vehicle fleet maintenance, etc.) may be permitted with the approval of a separate Conditional Use Permit by the Planning Commission.

17.22.200 Short-Term Rentals

- A. **Purpose.**
1. The City Council hereby finds that unregulated transient occupancy uses in residential and agricultural district present a threat to the public welfare.
 2. The purposes of the short-term rental regulations are to:
 - a. Establish a permitting process and appropriate restrictions and standards for short-term rental of single-family dwellings;
 - b. Provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City;
 - c. Ensure the collection and payment of transient occupancy taxes;

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- d. Minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods; and
 - e. Retain the character of the neighborhoods in which any such use occurs.
 - 3. The short-term rental regulations are not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals.
 - 4. The short-term rental regulations are not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this Section.
 - 5. The City Council also finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to Short-Term Rental Permits (refer to Section 17.05.100, Short-Term Rental Permit), is necessary to protect the public health, safety and welfare. The purposes of the short-term rental permit regulations are to:
 - a. Provide a permit system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density;
 - b. Ensure the health, safety and welfare of renters and guests patronizing short-term rentals;
 - c. Impose limitations on the total number of permits issued in order to ensure the long-term availability of the affordable housing stock; and
 - d. Provide for robust enforcement remedies and penalties to prevent and deter violations of this Section and unjust enrichment by those who violate this Section.
- B. **Short-Term Rental Permit Required.** No person must use or maintain, nor must any person authorize, aid, facilitate or advertise the use of, any single-family dwelling on any parcel in any zoning district for short-term rental without a short-term rental permit. See Section 17.05.100, Short-Term Rental Permit.
- C. **Permitted Locations.** Short-term rentals must be permitted in accordance with the provisions established in each zoning district and as provided in this Section.
- D. **Restrictions and Standards.** Short-term rentals are subject to the following restrictions and standards:
 - 1. The short-term rental use is permitted in no more than one single-family dwelling per lot.
 - 2. The short-term rental permit must be in the name of the owner-applicant, who must be an owner of the real property upon which the short-term rental use is to be permitted. One person may hold no more than one short-term rental permit. The permit is not transferable.
 - 3. Short-term rental uses are limited to single-family dwellings existing and constructed as of the date of application for the short-term rental permit.

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4. The total number of permits for short-term rental dwellings in the City must not exceed 25 at any time.
5. The maximum number of bedrooms used for short-term rental use in the short-term rental dwelling must be no greater than five. The total number of guests staying in the short-term rental dwelling at any one time must be no greater than two times the number of bedrooms plus two persons, up to a maximum of 12 persons.
6. Short-term rental dwellings must meet all applicable building, health, fire and related safety Codes at all times and shall be inspected by the Fire Department before any short-term rental activity can occur.
7. A minimum of two on-site parking spaces must be provided for use by the short-term rental occupants.
8. The owner-applicant must keep on file with the City the name, address, telephone number, cell phone number, and e-mail address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be posted in a conspicuous location within the short-term rental dwelling. The local contact person shall be available 24 hours a day to accept telephone calls and respond physically to the short-term rental within 30 minutes when the short-term rental is rented and occupied. The City shall post the name and contact information of the local contact person associated with each short-term rental on the City's webpage. The City reserves the right to reject a local contact person if their location is out of the area.
9. The owner-applicant must post "house policies" within each guest bedroom. The house policies must be included in the rental agreement, which must be signed by the renter and must be enforced by the owner-applicant or the owner-applicant's designated contact person. The house policies at a minimum must include the following provisions:
 - a. Quiet hours must be maintained from 10:00 P.M. to 7:00 A.M., during which noise within or outside the short-term rental dwelling must not disturb anyone on a neighboring property.
 - b. Outdoor amplified sound is prohibited.
 - c. Except as permitted by the Community Development Director, vehicles must be parked in the designated on-site parking area and must not be parked on the street overnight.
 - d. Parties or group gatherings which exceed the maximum number of allowed guests and/or which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.
 - e. Guests must not leave any waste or trash outside the house.
10. Auctions, weddings, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited.

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11. The owner-applicant must ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the City up to and including revocation of the short-term rental permit.
12. The owner-applicant, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or state law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, must prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the City up to and including revocation of the short-term rental permit.
13. All advertising for any short-term rental, including electronic advertising on short-term rental websites, must include the number of the short-term rental permit granted to the owner-applicant.
14. The owner-applicant must maintain City business licenses and pay all transient occupancy taxes in accordance with St. Helena Municipal Code Chapter 3.28, Transient Occupancy Tax, as required.
15. Preference for the review and issuance of new short-term rental permits must be given to current residents of St. Helena over nonresident applicants. Applicants whose primary residence is within the City must be reviewed and acted on ahead of other nonresident applications to implement the local preference policy for short-term rental permits.
16. Applicants for short-term rental permits are required to have owned their homes for a minimum of three years prior to applying for and being issued a short-term rental permit.
17. Short-term rental permit holders are required to rent their properties on a short-term basis for a minimum (average) of 60 days per year. Individual permit holders who do not meet this minimum rental activity may (at the determination of the Community Development Director) have their renewal denied and/or reviewed by the Planning Commission at a noticed public hearing. Short-term rental permit holders who utilize their primary residence for short-term rental activities are exempt from this requirement.

17.22.210 Single-Room Occupancy Units

Single room occupancy (SRO) units must be located, developed, and operated in compliance with the following standards:

- A. **Maximum Occupancy.** Each SRO living unit must be designed to accommodate a maximum of two persons.
- B. **Minimum Size.** An SRO living unit must have at least 150 square feet of floor area, excluding closet and bathroom. No individual unit may exceed 400 square feet.

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- C. **Minimum Width.** A one room SRO must not be less than 12 feet in width.
- D. **Entrances.** All SRO units must be independently accessible from a single main entry, excluding emergency and other service support exits.
- E. **Cooking Facilities.** Cooking facilities must be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, SRO units must have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; a small refrigerator; and cabinets for storage.
- F. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility must have at least a toilet and sink; a full facility must have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities must be provided in accordance with the Building Code for congregate residences with at least one full bathroom per floor.
- G. **Closet.** Each SRO unit must have a separate closet.
- H. **Common Area.** Common area in an amount equal to 10 square feet per living unit must be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet in area of interior common space must be provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings. The common area must provide wi-fi for tenants.
- I. **Income Restriction.** One hundred percent of units must be designated as affordable at the low-income level or very-low income level.
- J. **Tenancy.** Tenancy of SRO units are limited to 30 or more days.
- K. **Facility management.** An SRO facility with 10 or more units must provide full-time on-site management. An SRO facility with less than 10 units must provide a management office on-site.
- L. **Management Plan.** A management plan must be submitted with the Minor Use Permit application for all SRO projects. At minimum, the management plan must include the following:
 - 1. **Security/Safety.** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
 - 2. **Management Policies.** Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliance;
 - 3. **Rental Procedures.** All rental procedures, including weekly and monthly tenancy requirements;
 - 4. **Staffing and Services.** Information regarding all support services, such as job referral and social programs; and
 - 5. **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

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17.22.220 Small Recycling Facilities

A Minor Use Permit for the establishment of a small recycling center shall be conditioned upon compliance with the following requirements:

- A. **Location.** A small recycling center must not be located in any required setback.
- B. **Screening.** Small recycling centers must be screened from the public right-of-way by landscaping (fences or walls fence may be used if located outside a required setback). The landscaping must generally be planned and installed in accordance with the Chapter 17.25, Landscaping. Any impairment of existing landscaping or landscaping required pursuant to this Title must be mitigated by installing a similar amount of landscaping.
- C. **Operations.**
 - 1. May not exceed 500 square feet including mobile recycling units, nonprofit drop-off facilities and reverse vending machines.
 - 2. Only glass, metals, plastic containers and paper may be accepted at a small recycling center. Motor oil must not be collected for recycling at a small recycling center.
 - 3. No power-driven processing equipment is allowed except for reverse vending machines.
 - 4. Containers used for the collection and storage of recyclable materials must be constructed of a durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material and must have a capacity sufficient to accommodate materials collected between collection schedules.
 - 5. Containers must be clearly marked to:
 - a. Identify the type of material which may be deposited in each container;
 - b. The name and telephone number of the operator and hours of operation; and
 - c. Shall display a notice stating that no material is to be left outside the recycling enclosure or containers.
 - 6. Attended facilities located within 100 feet of property zoned or occupied for residential use must operate only during the hours between 9 AM and 7 PM. Containers for the 24-hour donation of materials must be located at least 500 feet from any property zoned or occupied for residential use unless there is acoustical shielding between the containers and residential use. In no event must the containers for the 24-hour donation of materials be located less than 30 feet from property zoned for residential use.
- D. **Maintenance.** The site must be maintained free of litter and any other undesirable materials and must be picked up and cleaned on a daily basis.
- E. **Signs.** Signs on recycling containers must comply with the following:
 - 1. The maximum sign area allowed must be 35 percent per side of the container or nine square feet (whichever is less) with a total sign area of 40 square feet for all containers. These may be in addition to the informational signs required by subsection C.5. In the

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case of a wheeled container, the side will be measured from the pavement to the top of the container.

2. On-site directional signs may be allowed to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
3. These regulations are in addition to the sign standards established in Chapter 17.27, Signs.

F. Parking.

1. No additional parking spaces are required for a small recycling center, over and above those required for the principal use. Mobile recycling units must have an area clearly marked to prohibit other vehicular parking during the hours mobile unit is to be present.
2. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the principal use unless the facility is located in a convenience zone as designated by the California Department of Conservation.

G. Permit.

1. The Minor Use Permit for a small recycling center is valid for a period of time not to exceed five years, after which time it may be reviewed for another five years. If at any time the small recycling center is not in use for six months or more, it must be immediately removed from the site and the Community Development Director notified.
2. Applicants seeking approval for a small recycling center shall submit plans and other information sufficient to demonstrate compliance with the above requirements including the name, address and telephone number of the person responsible for the daily maintenances and periodic collection of recyclable materials and written approval from the property owner.
3. The above requirements may be waived or modified by the Community Development Director if the result is to improve the overall function, site operation or appearance of the small recycling center; or that the design and/or location of the small recycling center makes the above unnecessary.

17.22.230 Small Wineries

A. Purpose. The purpose of the small winery regulations is to:

1. Promote and implement the policies of the General Plan to preserve agricultural land uses within the City;
2. Support the economic feasibility of continuing agricultural use of the land where individual property owners can process grape crop into wine within a privately owned facility; and
3. Support the establishment of smaller, locally owned and operated wineries where an existing residential use exists.

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B. **Applicability.**

1. The reestablishment of pre-prohibition wineries may be permitted within any zoning district, except the W (Winery) Zoning District, in compliance with the regulations in subsection D.
2. The reestablishment of pre-prohibition wineries in the W (Winery) Zoning District must comply with the winery district regulations in Chapter 17.19, Community Agriculture and Natural Resource Zoning Districts.

C. **Uses Prohibited.**

1. Events which are open to members of the general public who are not members of the wine trade or who do not have pre-established business relationships with the small winery or its owner/operator are not permitted.
2. Facilities for assembly, public sales, or entertainment, including retail sales rooms, visitor centers, dining rooms separate from that within the residential unit, kitchens or food service facilities, are prohibited.

D. **Pre-prohibition Wineries.**

1. The reestablishment of a pre-prohibition winery may be permitted with approval of a Conditional Use Permit.
2. The following findings must be made in order to approve a Conditional Use Permit for the reestablishment of a pre-prohibition winery:
 - a. There is substantial evidence proving that the subject structure was used as a winery building prior to January 16, 1920; and
 - b. More than 50 percent of the exterior of the original historic structure remains standing.
3. The appearance of the renovated building must be consistent with the original appearance of the building, as documented by photographs or as recommended by a qualified architectural historian.
4. Pre-prohibition winery status may allow modification of regulations of the underlying zoning district to preserve the historic nature of the structure.
5. Pre-prohibition wineries are not automatically entitled to the prior annual production capacity, or type or intensity of prior social or marketing activities. Pre-prohibition winery operations must be consistent with all small winery regulations contained in subsections E through G.
6. Conditions of approval for a Conditional Use Permit to reestablish a pre-prohibition winery must provide for the continued preservation of the historic nature of the structure through rezoning to include an Historic Preservation Overlay or other means deemed suitable.
7. Construction must comply with the California Uniform Building Code and/or the State Historic Building Code, as amended and adopted by the City.

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E. Development and Use Standards.**1. Parcel size.**

- a. Small wineries are allowed only on parcels of five acres or greater in size; however, exceptions may be granted if it can be demonstrated that there will be minimal impact upon surrounding properties.
- b. Small wineries that host tastings or other are allowed only on parcels 10 acres or greater in size; however, exceptions may be granted if it can be demonstrated that there will be minimal impact upon surrounding properties.

2. Small wineries must be an accessory use to a residential use.
3. Accessory buildings in association with a small winery must be developed consistent with the standards for accessory buildings for the zoning district in which the small winery is located. More restrictive standards may be applied if the Community Development Director determines that the winery building or operations will have a negative impact upon other properties in the vicinity.
4. Only one small winery is permitted per parcel.
5. Grapes utilized for the wine produced at the small winery must be sourced from within the City limits..
6. There must be a direct correlation between the yearly production limit of the small winery and the anticipated tonnage of grapes. A general guideline for establishing the production limit is 1,000 gallons per acre of vineyard planted on the property where the small winery is located; however, the general guideline can vary depending upon the crop yield of the particular vineyard.
7. Pursuant to Section 13.04.100.f, no municipal water may be utilized for the small winery operations or vineyard irrigation.
8. A minimum of three parking spaces (two standard parking spaces and one accessible parking space) must be provided with the winery use. Additional parking spaces may be required depending upon the number of employees employed at the winery. All employees must park on-site.

F. CUP Requirements and Conditions.

1. All private visitor and event parking, including employee parking, must be provided on-site.
2. Wine marketing events are limited to a maximum of one event per calendar month.
3. The maximum number of guests allowed at any private wine marketing event must not exceed the Fire Code occupancy of the small winery building. This maximum capacity shall be posted in a conspicuous place in the small winery building.
4. Conditional Use Permit conditions shall state the maximum number of guests per event and may impose stricter limitations if residential development on adjoining parcels is within 400 feet of the new small winery use.
5. Amplified music outdoors is not permitted within 500 feet of a residence.

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6. There can be no advertising in publications produced for general distribution for private wine marketing events and all attendees must have been specifically invited to participate in the private wine marketing event by the small winery owner/operator. Because facilities for assembly or entertainment are prohibited, all private wine marketing events must be held within the confines of the on-site residential unit, the production area of the small winery building, or outside.
 7. The establishment of on-premises wine sales will be determined during the process for consideration of a Conditional Use Permit. If wine sales are to be allowed, they must be restricted only to wine that is produced on the parcel on which the small winery is located. No merchandise must be sold.
 8. The hours of sales must be by appointment only as reviewed during the process for consideration of a Conditional Use Permit.
- G. Inspection, Fees, and Licenses.**
1. A business license is required prior to the commencement of operation of a small winery.
 2. The Community Development Director must inspect small wineries as often as necessary to ensure compliance with this Title and Conditional Use Permit conditions. An inspection fee must be set by resolution of the City Council.

17.22.240 Solar Energy Systems

Solar energy systems must be located, developed, and operated in compliance with the following standards:

- A. Height.**
1. **Ground-Mounted Solar Energy Systems.** The maximum height of a ground-mounted solar energy collector system is 25 feet or the maximum height allowed in the underlying zoning district, whichever is less.
 2. **Roof-Mounted Solar Energy System.** Solar energy systems may extend up to five feet above the roof surface on which they are installed and are excluded from the maximum height limit of the zone in which they are located.
- B. Required Setback.** Solar energy systems less than six feet in height may be installed within a required side and rear setback, but no closer than three feet to any property line. All other solar energy systems must meet the required setback of the underlying zoning district.

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17.22.250 Temporary Uses

- A. **Purpose.** This Section establishes regulations to ensure that short-term activities on privately or publicly owned property will be compatible with surrounding areas.
- B. **Permit.** A Temporary Use Permit allows the short-term activities listed in subsection D) that may not comply with the normal development or use standards of the applicable zoning district but may otherwise be acceptable because of their temporary nature. Temporary Use Permits, issued in accordance with Section 17.05.110, Temporary Use Permit, are not subject to design review or standard parking requirements otherwise restricted by this Code.
- C. **Exempt Temporary Activities.** The following allowed temporary activities are exempt from the requirement for a Temporary Use Permit. Activities that do not fall within the categories defined below must comply with subsection D.
 - 1. **Construction Yards—On-Site.** On-site contractors' storage yards of less than one acre, including a work trailer, only in conjunction with an approved construction project located on the same site. The contractor's storage yard must be removed immediately upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.
 - 2. **Emergency Facilities.** Emergency public health and safety needs/activities, as determined by the City Council or the City Manager.
 - 3. **Location Filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, etc., as regulated and approved by the City Manager pursuant to St. Helena Municipal Code Chapter 5.24, Film Permits.
 - 4. **Garage Sales or Similar Sales Activities.** The sale of personal goods which are owned by the household, or neighboring households located on residentially zoned property, for up to three consecutive days and three times within a 12-month period.
 - 5. **Public Property.** Activities conducted on public properties that are approved by the City Council.
 - 6. **Nonprofit Special Events.** Special events (such as carwashes, bake sales, rummage sales or flea markets) conducted by or for a recognized nonprofit or charitable community group may be conducted on the grounds of a religious institution, commercial property, school or other permanent place of public assembly up to three days during any six-month period provided they meet the following standard or provisions:
 - a. Event activities do not block a building exit, present a hazard to pedestrians or vehicles, reduce the width of a pedestrian walkway to less than required ADA access dimensions, significantly reduce on-site parking or occupy a fire lane.
 - b. If the merchandise or activity is proposed for location on any street, sidewalk or public right-of-way, an encroachment permit must be secured from the public works department.
 - c. If any commercial vendors are involved in the event, they must secure a business license from the Finance Department pursuant to St. Helena Municipal Code Title 5, Business Licenses and Regulations.

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- d. Nonprofit special events occurring more frequently than three days during any six-month period must require a Conditional Use Permit or Temporary Use Permit.
- D. **Allowed Temporary Activities.** The following temporary activities may be allowed within the specified time limits, but in no case for more than 24 months (other than as noted in this Section), subject to the issuance of a Temporary Use Permit by the Community Development Director. Other temporary or short-term activities that do not fall within the categories defined below must instead comply with the Temporary Use Permit requirements and development standards that otherwise apply to the property.
 - 1. **Events.** Arts and crafts exhibits, carnivals, concerts, fairs, farm stands, festivals, flea markets, food events, outdoor entertainment/sporting events, and swap meets for up to 14 consecutive days, or six two-day weekends, within a 12-month period, when conducted on nonresidential properties. Decisions on large scale temporary uses such as concerts or festivals which are intended to draw large numbers of individuals (i.e., 400 or more people) to the temporary use in a single day may be elevated to the Planning Commission at the discretion of the Community Development Director.
 - 2. **Pop-Up Uses.** Retail sales, museums, outdoor movies for commercial profit, outdoor dining in junction with a restaurant, art exhibits, restaurants or cafes for up to 24 months when conducted on nonresidential properties.
 - 3. **Formula Pop-Up Uses.** Pop-up uses meeting the definition of a “formula business” are limited to 90 days of operation when conducted on nonresidential properties.
 - 4. **Seasonal Sales Lots.** Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers, on nonresidential properties, for up to 30 days and eight times within a 24-month period.
 - 5. **Temporary Structures.** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of 24 months from the date of approval without Design Review, to accommodate an existing approved primary or accessory use, or as the first phase of a development project. The type of temporary use must be allowed within the base zoning district.
 - 6. **Temporary Off-site Storage.** Temporary off-site storage requires a Minor User Permit and is limited to a period of one year, with an extension at the discretion of the Community Development Director.
 - 7. **Similar Temporary Activities.** Similar temporary activities that the Community Development Director determines are compatible with the zoning district and surrounding land uses.

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17.22.260 Time Share Uses

A. Purpose and Findings.

1. There is a critical shortage of permanent, long-term housing in St. Helena.
2. A limited supply of suitable vacant land, land values, and market demand for land for other uses, including but not limited to use of property for vineyards, have limited the construction of additional housing in the City.
3. St. Helena is a popular tourist destination known for its scenic Napa Valley location, exceptional wineries and restaurants, historic Main Street and small town agricultural character.
4. St. Helena stands out in the Napa Valley for its ability to attract visitors while also supporting the needs of its resident population. Maintaining the balance between the quality of life for residents and those who work in the City and the visitors who help to sustain the City's tourist economy is key to maintaining a sustainable community and a stable economy.
5. Time-share uses are not an appropriate land use in the City's residential districts due to the multiple occupancy of time-share properties, the short-term, tourist oriented use of such property and commercial management of time-share facilities, all of which create increased traffic generation, excessive noise, disruption to residential communities through commercial-level maintenance of the time-share facilities, and therefore are appropriately confined to commercial zoning districts.
6. Conversion of permanent housing to time-share facilities removes existing housing units from the City's existing stock and exacerbates an already severe housing shortage.
7. It is, therefore, in the public interest to prohibit conversions of existing housing units into time-share facilities, as to do so eliminates needed housing stock by diverting those units to a tourist-oriented, commercial use. (Ord. 22-5 § 2)

B. Definitions. For purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

1. "Accommodation" means any dwelling unit, apartment, condominium or cooperative unit, hotel or motel room, or other structure constructed for residential use and occupancy, including but not limited to a single-family dwelling, or unit within a two family dwelling, three family dwelling, multiple family dwelling, or townhouse dwelling as defined in Chapter 17.33, Definitions of Uses.
2. "Building" shall have the meaning ascribed to it by Chapter 17.32, Definitions of Terms.
3. "Dwelling unit" shall have the meaning ascribed to it by Chapter 17.32, Definitions of Terms.
4. "Managing entity" means the person who undertakes the duties, responsibilities and obligations of the management of a time-share plan.

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5. "Person" means a natural person, corporation, limited liability company, partnership, joint venture, association, estate, trust, or other legal entity, or any combination thereof.
 6. "Time-share instrument" means one or more documents, by whatever name denominated, creating or governing the operation of a time-share plan and includes the declaration dedicating accommodations to the time-share plan.
 7. "Time-share interest" means the right to exclusively occupy a time-share property for a period of time on a recurring basis pursuant to a time-share plan, regardless of whether or not such right is coupled with a property interest in the time-share property or a specified portion thereof.
 8. "Time-share plan" means any arrangement, plan, scheme, or similar device, whether by membership agreement, bylaws, shareholder agreement, partnership agreement, sale, lease, deed, license, right to use agreement, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of an accommodation or accommodations, whether through the granting of ownership rights, possessory rights or otherwise, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years.
 9. "Time-share property" means one or more accommodations subject to the same time-share plan, together with any other property or rights to property appurtenant to those accommodations.
 10. "Time-share use" means the use of one or more accommodations or any part thereof, as a time-share property pursuant to a time-share plan.
- C. **Time-share Uses Restricted to Service Commercial (SC) and Central Business (CB) Districts.** Time-share uses are conditional uses within the City's Service Commercial (SC) District and Central Business (CB) District, subject to approval of a Conditional Use Permit applied for and approved in conformance with this Chapter. Time-share uses are not permitted in all other zoning Districts in the City.
- D. **Application Process and Development Standards.**
1. **Application Process.** In addition to the application requirements contained in Chapter 17.04, Common Procedures, and Chapter 17.05, Planning Permits and Approvals, an application for a time-share use shall be accompanied by the following documents which shall be subject to the approval of the Community Development Director:
 - a. *Management Plan.* A management plan shall describe the methods employed by the applicant to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance of the time share use.
 - b. *Application Requirements.* In addition to any application requirements established by this Section and any other applicable requirements of this Code, the following information shall be submitted as part of any application to develop or establish a time-share use:

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- i. Typical floor plans for each accommodation.
 - ii. The phasing of the construction of the accommodations on the time-share property, if applicable.
 - iii. A description of any ancillary uses which are proposed in conjunction with the time share use.
 - iv. A description of the method of management of the time share use and indication of the management entity for the time-share property.
 - v. Any restrictions on the use or occupancy of the accommodations.
 - vi. Any other information or documentation the applicant, City staff or commission deems reasonably necessary to the consideration of the time-share use, including any required environmental documents.
- 2. ***Development Standards and Operational Requirements.*** Notwithstanding any other provision of this Chapter, the following conditions must be met by any time-share use. Additional requirements may be attached to a Conditional Use Permit or development agreement if found to be necessary to assure that the time-share use meets the intent of this Chapter:
 - a. Time-share uses developed in the SC or CB Zoning Districts shall be limited to accommodations in upper floors in conjunction with a mixed-use project.
 - b. No existing residential use in the SC or CB Zoning District shall be converted to a time-share use.
 - c. *Development Standards.* The time-share use shall comply with all development standards for the zoning district in which it is located.
 - d. *Parking.* Parking shall be provided as follows:
 - i. For accommodations of two or fewer bedrooms, one parking space shall be provided for each accommodation.
 - ii. For accommodations of three or more bedrooms, two parking spaces shall be provided for each accommodation.
 - e. *Modification or Waiver of Standards.* The Planning Commission may modify or waive one or more of the regulations contained in this Section if it determines that strict compliance is not necessary to achieve the purpose and intent of this Section.

E. Violations, Enforcement and Civil Penalties.

- 1. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way and through any medium, the availability for sale or use of an accommodation in violation of this Chapter is guilty of a misdemeanor for each day in which such accommodation is used, allowed to be used, or advertised for sale or use in violation of this Chapter. Such violation shall be punishable pursuant to St. Helena Municipal Code Chapter 1.20, General Penalties.

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2. Time-share use, and/or advertisement for time-share use, of an accommodation in violation of this Chapter is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated and/or restored by the enforcement official and also may be abated pursuant to St. Helena Municipal Code Chapter 1.12, Enforcement Procedures, except that the civil penalty for a violation shall be \$1,000.00. Each day the violation occurs shall constitute a separate offense.
3. Any responsible person who violates this Chapter shall be liable and responsible for a civil penalty of \$1,000.00 per violation per day such violation occurs. The City may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the City, including without limitation the City's staff time, investigation expenses and attorney's fees.
 - a. Where the City proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this Chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the responsible person's enrichment or profit as a result of the violation of this Chapter. In any such civil action the City also may abate and/or enjoin any violation of this Chapter.
 - b. Where the City proceeds by administrative citation, the City shall provide the responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.
 - i. The responsible person shall have the right to request the administrative hearing within 45 days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the responsible person shall notify the City Clerk in writing within 45 days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances and arguments upon which the appeal is based.
 - ii. The City Manager is hereby authorized to designate a Hearing Officer to hear such appeal. The City Hearing Officer shall conduct a hearing on the appeal within 90 days of the request for the hearing unless one of the parties requests a continuance for good cause. The Hearing Officer shall only consider those facts, circumstances or arguments that the property owner or responsible person has presented in the appeal notification.
 - iii. The Hearing Officer shall render a decision in writing within 30 days of the conclusion of the hearing. The Hearing Officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of

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culpability and/or inability to pay. Provided, however, that in exercising its discretion the Hearing Officer should consider the purpose of this Chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this Chapter.

- iv. Any aggrieved party to the Hearing Officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County superior court in accordance with the timelines and provisions set forth in California Government Code § 53069.4.
 - v. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this Section, such penalty, if unpaid within 45 days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to St. Helena Municipal Code Chapter 1.12, Enforcement Procedures. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.
- 4. Any violation of this Chapter may also be abated and/or restored by the enforcement official and also may be abated pursuant to St. Helena Municipal Code Chapter 1.12, except that the civil penalty under St. Helena Municipal Code Chapter 1.12, Enforcement Procedures, for a violation shall be \$1,000.
 - 5. Each day the violation of this Chapter occurs shall constitute a separate offense.
 - 6. The remedies under this Chapter are cumulative and in addition to any and all other remedies available at law and equity.

17.22.270 Wireless Telecommunication Facilities

- A. **Purpose.** The purpose and intent of this Section is to provide uniform and comprehensive standards for the approval and design of telecommunication facilities. These regulations are designed to protect and promote public health, safety, and community welfare while at the same time not unduly restricting the development of needed telecommunication facilities. They have also been developed to further the policies of the General Plan. It is intended that these regulations specifically accomplish the following:
 - 1. Ensure that new telecommunication facilities are installed in a manner that minimizes their visual impact on the community;
 - 2. Protect the environmental resources of the City;
 - 3. Create telecommunication facilities that will serve as an important and effective part of the City's emergency response network; and

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4. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while protecting the legitimate interests of the City's citizens.
- B. **Applicability and Exemptions.** The requirements of this Section apply to all telecommunication facilities on private property and public property not including the public right-of-way that transmit and/or receive electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt:
1. Licensed amateur (ham) radio and citizen band operations.
 2. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
 3. Public safety communications radio.
 4. Radio and television mobile broadcast facilities.
 5. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
 6. A temporary telecommunication facility mounted on a trailer or a portable foundation, with approval of the City Manager for an emergency for a period of up to one year.
 7. A single ground- or building-mounted dish antenna not exceeding the maximum height permitted by this Section, including any mast, subject to the following restrictions:
 - a. *Satellite Dish 39.37 inches (one meter) or less.* A satellite dish antenna 39.37 inches (one meter) or less in diameter and (a) intended for the sole use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot provided it does not exceed the height of the ridgeline of the primary structure on the same parcel.
 - b. *Non-Satellite Dish 39.37 inches (one meter) or Less.* A dish antenna 39.37 inches (one meter) or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot.
 8. An antenna that is less than 25 feet in height and that is mounted on any existing building or other structure. The antenna shall be for the sole use of a person occupying the same parcel on which the antenna is located to receive television broadcast signals.

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9. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Community Development Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.
10. Minor modifications to existing wireless facilities as determined by the Community Development Director that replace existing equipment in-kind or with smaller or less visible equipment, that meet the standards set forth in this Section, and will have little or no change in the visual appearance of the facility.

C. Definitions of Telecommunications Terms.

1. *Antenna.* Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is operated or operating from a fixed location.
2. *Base Station.* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.
 - a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).
 - c. The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this Section, supports or houses equipment described in subsections (i) and (ii) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
 - d. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this Section, does not support or house equipment described in subsections (i) and (ii).
3. *Collocation.* (1) Mounting or installing a wireless telecommunication facility on a pre-existing structure; and/or (2) Modifying a structure for the purpose of mounting or installing a wireless telecommunications facility on that structure. For the purposes of Eligible Facilities Requests, collocation means the mounting or installation of transmission equipment on an existing tower or base station.

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4. *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; or
 - c. Replacement of transmission equipment.
5. *Fixed wireless signal.* Any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur ("HAM") radio, CB radio, and Digital Audio Radio Service (DARS) signals.
6. *Hub or relay antenna.* Any antenna that is used to receive or transmit fixed wireless signals for the distribution of fixed wireless services to multiple customer locations as long as the antenna serves a customer on whose premises it is located but excludes any hub or relay antenna that is used to provide any telecommunications services or services that are provided on a commingled basis with telecommunications services.
7. *Lattice tower.* A sub-type of tower; a three or more legged structure designed and erected on the ground to support wireless telecommunication antennas and connecting appurtenances.
8. *Monopole.* A sub-type of tower; a structure of single pole (non-lattice) design and erected on the ground to support wireless telecommunications antennas and connecting appurtenances.
9. *Satellite dish or Non-satellite dish.* A sub-type of antenna incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.
10. *Small wireless facilities.* Facilities that meet each of the following conditions:
 - a. The facilities:
 - i. Are mounted on structures 50 feet or less in height including their antennas as defined in this Section;
 - ii. Are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - iii. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
 - b. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna), is no more than three cubic feet in volume;
 - c. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing

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associated equipment on the structure, is no more than 28 cubic feet in volume;

- d. The facilities do not require antenna structure registration under CFR Part 17;
 - e. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
 - f. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).
11. *Stealth design.* Improvements or treatments added to a wireless telecommunication facility which are intended to make the facility look like something other than a wireless tower or base station or to mask or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer.
 12. *Tower.* Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
 13. *Wireless telecommunication facility, or telecommunication facility.* A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development.
 - a. *Telecommunication facility – major.* Any new stand-alone facility, excluding stand-alone small wireless facilities up to 35 feet in height.
 - b. *Telecommunication facility – minor.* Collocations and small wireless facilities up to 35 feet in height. If a facility does not meet these criteria then it is considered a major telecommunications facility.

D. Permits Required.

1. ***Collocation Facilities (Government Code § 65850.6).*** Collocation facilities are allowed by right when proposed on a wireless telecommunications collocation facility that was subject to a discretionary permit issued and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.
2. ***Eligible Facilities Request (EFR).*** For Eligible Facilities Requests, collocation of new transmission equipment, removal of transmission equipment, or the replacement of transmission equipment is allowed by right provided the modification of an existing

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tower or base station that does not substantially change the physical dimensions of such tower or base station.

3. **Telecommunication Facility, Major.** Non-exempt major telecommunication facilities are permitted subject to Conditional Use Permit.
4. **Telecommunication Facility, Minor.** Non-exempt minor telecommunication facilities are permitted subject to a Minor Use Permit.

E. **Application Requirements and Review Process.** The following are the minimum criteria applicable to all telecommunication facilities. In the event that a project is subject to discretionary and/or environmental review, mitigation measures, more restrictive criteria than presented in this Chapter, or other conditions of approval may also be necessary. All telecommunication facilities shall comply with:

1. **Minimum Application Requirements.** The Community Development Director shall establish and maintain a list of information that must accompany every application for the approval of a telecommunication facility. Requirements are found on the Telecommunication Facility Application on file with the Community Development Department.
2. **Expert Review.** The Community Development Director is explicitly authorized to employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section and in those cases where a technical demonstration of feasibility or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City. Any proprietary information disclosed to the City or the expert hired shall remain confidential and shall not be disclosed to any third party.
3. **Approval Authority.**
 - a. *Major telecommunications facilities.* The Planning Commission shall be the hearing authority for major telecommunications facilities. All major telecommunications facilities require a public hearing.
 - b. *Minor telecommunications facilities.* Minor telecommunication facilities may be approved by the Community Development Director through a Minor Use Permit application. The Community Development Director may refer an application for a minor telecommunication facility to the Planning Commission in his or her discretion based on comments received in response to public notice.
 - c. *Collocation facilities requests and eligible facilities requests, in compliance with subsections D.1 and D.2.* Collocation facilities requests and eligible facilities requests may be approved by the Community Development Director through a Minor Use Permit application.
4. **Public Notice.** In addition to the public notice required under Part II, the following special noticing shall be provided:

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- a. Notice of a public hearing on a Conditional Use Permit application under this Section shall be provided to the operators of all telecommunication facilities within one mile of the subject parcel via mailing of the standard legal notice.
 - b. Notice of any application for a telecommunication facility shall be mailed to all adjacent property owners within 300 feet. The notice shall include the date by which public comments regarding the application shall be submitted for consideration and the date of the scheduled public hearing or date that the Community Development Director shall make a determination on the application.
5. **Required Findings.**
- a. *General Findings.* In approving any telecommunication facility except for a collocation facility request or an eligible facilities request, the Approval Authority shall make the following findings:
 - i. The proposed use conforms with the specific purposes of this Section and any special standards applicable to the proposed facility;
 - ii. The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna or to accomplish collocation;
 - iii. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and
 - iv. The proposed facility uses a stealth design.
 - b. *Additional Findings for a Major Facility.* To approve a major telecommunication facility, the Approval Authority shall find that a minor telecommunication facility is not feasible because of technical, aesthetic, or legal consideration including that such siting:
 - i. Would have more significant adverse effects on views or other environmental considerations;
 - ii. Is not permitted by the property-owner;
 - iii. Would impair the quality of service to the existing facility; or
 - iv. Would require existing facilities at the same location to go off-line for a significant period of time.
 - c. *Findings for Collocation Facilities Requests*
 - i. The proposed collocation facility meets the requirements of Section 17.22.270.D.1.
 - d. *Findings for Eligible Facilities Requests:*
 - i. The proposed collocation or modification meets each and every one of the applicable criteria for an eligible facilities request stated in 47 C.F.R. 1.6100(b)(3)-(9), or any successor provisions, after application of

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- the definitions in 47 C.F.R. 1.6100(b). The Approval Authority shall make an express finding for each criterion;
- ii. The proposed facility complies with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, except to the extent preempted by 47 C.F.R. 1.6100(b)(7)(i) through (iv), or any successor provisions; and
 - iii. That the proposed facility will comply with all generally applicable laws.
- e. *Additional Findings for Setback Reductions.* Except for a collocation facility request or an eligible facilities request, to approve a reduction in setback, the Approval Authority shall make one or more of the following findings:
- i. The facility will be collocated onto or clustered with an existing, legally established telecommunication facility; and/or
 - ii. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
- f. *Additional Findings for Any Other Exception to Standards.* The Planning Commission may waive or modify requirements of this Section upon finding that strict compliance would result in noncompliance with applicable federal or State law. Requirements may be waived or modified only to the minimum extent required to avoid the noncompliance. An applicant seeking an exception must provide all supporting evidence for the request at the time of application submittal.
6. ***Conditional Use Permit Conditions of Approval.*** In addition to compliance with the requirements of this Chapter, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Approval Authority:
- a. The Conditional Use Permit expires 10 years from approval and must be renewed in order to continue the use.
 - b. The permittee shall not place any facilities that will deny access to, or otherwise interfere with, any public utility, easement, or right-of-way located on the site. The permittee shall allow the City reasonable access to, and maintenance of, all utilities and existing public improvements within or adjacent to the site, including, but not limited to, pavement, trees, public utilities, lighting and public signage.
 - c. At all times, all required notices and signs shall be posted on the site as required by the FCC and CPUC, and as approved by the City. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.
 - d. At all times, the permittee shall ensure that the facility complies with the most current regulatory and operational standards, including, but not limited to, radio frequency emissions standards adopted by the FCC.

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- e. The permittee and owner of any site on which a telecommunication facility is located shall cooperate and exercise good faith in collocating telecommunication facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of collocation and may include negotiations for erection of a replacement support structure to accommodate collocation. A competitive conflict to collocation or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.
 - i. No collocation may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.
 - ii. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Section is grounds for denial of a permit request or revocation of an existing permit.
 - f. Within one month after construction of the wireless communications facility, the permittee shall verify compliance with FCC radio frequency emissions standards. The verification shall be submitted to the Community Development Director. If at any time while the permit is in effect the Community Development Director determines there is good cause to believe that the facility may emit RF emissions that are likely to exceed FCC standards, the Community Development Director may require the permittee to submit a report described by this Section. Failure to comply with this Section shall be grounds for revocation of the Conditional Use Permit.
 - g. Within 60 calendar days after the applicant commences full, unattended operations of the permitted facility, the applicant shall provide the Community Development Director with documentation that the permitted facility has been installed and/or constructed in compliance with the approved construction drawings and photo simulations and a technically sufficient written report by a qualified radio frequency emissions engineer certifying that the facility is in compliance with the radio frequency emissions guidelines or standards of the FCC.
7. ***Conditions of Approval for Collocation Facilities Requests.*** In addition to compliance with the requirements of this Chapter, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Approval Authority:
- a. Permit subject to conditions of underlying permit. Any permit granted in response to an application qualifying as a collocation facility request shall be subject to the terms and conditions of the underlying permit.
 - b. No permit term extension. The City's grant or grant by operation of law of a collocation facility permit will not extend the permit term for the underlying wireless telecommunication collocation facility permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying

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permit or other regulatory approval for the subject wireless telecommunication collocation facility.

8. ***Eligible Facilities Requests Conditions of Approval.*** In addition to compliance with the requirements of this Chapter, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Approval Authority:
 - a. Permit subject to conditions of underlying permit. Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.
 - b. No permit term extension. The City's grant or grant by operation of law of an eligible facilities request permit constitutes a federally mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the City's grant or grant by operation of law of an eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.
9. ***Life of Approvals.***
 - a. A Conditional Use Permit or issued pursuant to this Section authorizing establishment of a telecommunication facility must be renewed every 10 years through the approval process specified in Section 17.05.020, Conditional Use Permit. The grounds for non-renewal shall be limited to a showing that one or more of the situations listed below exist:
 - i. The use involved is no longer allowed in the applicable zoning district,
 - ii. The facility fails to comply with the relevant requirements of this Section as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Community Development Director that the facility will be brought into compliance within 120 days, and
 - iii. The permittee has failed to comply with the conditions of approval imposed.
 - b. The grounds for appeal of issuance of a renewal shall be limited to a showing that one or more of the situations listed above does in fact exist or that the notice required under subsection D.4 was not provided.
10. ***Standard Agreement Required.***
 - a. The property owner(s) and the permittee shall enter into a performance and maintenance agreement with the City. The terms of the agreement shall:
 - i. Ensure compliance with this Chapter and all applicable conditions of approval;
 - ii. Require the facility to be appropriately maintained;

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- iii. Ensure new landscaping is installed and existing landscaping is maintained, preserved and protected, as indicated on the plans; and
 - iv. Require the property owners to defend, indemnify, and hold harmless the City.
 - b. The agreement shall be signed and notarized and submitted to the Community Development Department when located on private property. The agreement shall run with the property to ensure that future property owner(s) are aware of the requirement for ongoing maintenance of the existing and approved landscaping.
- F. **Design and Location Standards.** Telecommunication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district in which they are located.
 - 1. **Location and Siting.**
 - a. No new freestanding facility, including a tower, shall be located within 1,000 feet of another freestanding facility, unless mounting on an existing building or existing pole or tower is not feasible.
 - b. All wireless telecommunication facilities shall meet the building setback standards of the district which they are to be located unless findings for a setback reduction are made in accordance with subsection E.5.e above.
 - c. Major telecommunication facilities are not permitted in the LR, MR, and HR zoning districts.
 - d. Major and minor telecommunication facilities are not permitted on properties within the Historic Preservation Overlay District.
 - 2. **Support Structures.** Support structures for telecommunication facilities may be any of the following subject to owner approval:
 - a. An existing nonresidential building.
 - b. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.
 - c. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the telecommunication facility to achieve a stealth design. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.
 - d. Existing publicly owned and operated tower exceeding the maximum height limit.

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- e. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole shall be constructed to allow for collocation of at least one other similar communications provider.
3. **Height Limitations.**
- a. *Freestanding Wireless Telecommunications Facility.* A freestanding wireless telecommunications facility shall not exceed a height of 15 feet above the height limit of the district in which it is located.
 - b. *Building-Mounted Facilities.* Building-mounted telecommunication facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of a legally established building, whichever is lower, measured from the top of the facility to the highest (lowest?) point of attachment to the building.
 - c. *Facilities Mounted on Structures.* Telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 15 feet above the height of an electric utility pole.
 - d. *Facilities Mounted on Light Poles.* A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles.
 - e. *Height Determination.* A telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted and to the tip of the highest antenna or piece of equipment attached thereto. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it can be raised including any antenna or other equipment attached thereto.
4. **Design and Screening.** All telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts.
- a. *Minimum Functional Height.* All free-standing wireless telecommunications facilities shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher facility will facilitate collocation.
 - b. *Stealth Design.* State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to achieve a stealth design in a manner that is

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- compatible with the architectural design of the building or structure. All finishes shall be non-reflective.
- c. *Equipment Cabinets.* Equipment cabinets shall be located within the building upon which antennas are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the City. Any wall shall be architecturally compatible with the building or immediate surrounding area.
 - d. *Vegetation Protection and Facility Screening.* All telecommunication facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility where necessary. To this end the following measures shall be implemented:
 - i. Existing trees and other vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter.
 - ii. Where mature trees exist near the construction site, a tree protection plan shall be submitted with building permit or improvement plan submittal. This plan shall be prepared by a certified arborist and give specific measures to protect trees during project construction.
 - iii. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it.
 - e. *Lighting.* Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.
 - f. *Advertising.* No advertising shall be placed on telecommunication facilities, equipment cabinets, or associated structures.
 - g. *Collocation of additional wireless facilities on an approved major telecommunications facility.*
 - i. All facilities shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Collocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third-party technical study at applicant's expense. The City may review any

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information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

- ii. All collocated and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.
- 5. **Security Features.** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.
 - a. *Fencing.* Security fencing, if any, shall not exceed the fence height limit of the base district. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.
 - b. *Maintenance.* The permittee shall be responsible for maintaining the site and facilities free from graffiti.
- 6. **Roads and Parking.** All telecommunication facilities shall be served by the minimum roads and parking areas necessary. To this end, existing roads shall be used for access whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the Fire Chief and City Engineer.
- 7. **Radio Frequency Emissions Standards, Interference, and Noise.**
 - a. *Radio Frequency.* Telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.
 - b. *Interference.* Telecommunications facilities shall not interfere with public safety radio communications.
 - c. *Noise.* Telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of 50 dBa during the hours of 7:00 AM to 10:00 PM and 40 dBa during the hours of 10:00 PM to 7:00 AM measured at the property line of any nonresidential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 AM and 5:00 PM.
- 8. **Fire Prevention.** All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.
 - a. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.

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- b. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.
 - c. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.
 - d. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.
- G. **Vacation and Removal of Facilities.** The service provider shall notify the Community Development Director of the intent to vacate a site at least 30 days prior to the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within 60 days of discontinuation of the use and the site shall be restored to its original, pre-construction condition.

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PART IV: CITYWIDE STANDARDS

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Chapter 17.24 General Site Standards

17.24.010 Purpose

This Chapter prescribes site regulations that apply, except where specifically stated, to development in all zoning districts. These standards shall be used in conjunction with the standards for each zoning district established in Part III, Zoning District Regulations. In any case of conflict, the standards specific to the zoning district shall control.

17.24.020 Accessory Buildings and Structures

Accessory buildings or structures that do not have toilet plumbing or cooking facilities are subject to the following provisions:

- A. **Location.**
1. An accessory building or structure must not be located in any required setback fronting a public or private street nor in that portion of a required side setback adjacent to the main building on the adjacent parcel(s).
 2. No more than one accessory building or structure may be located in front of the most forward portion of the front elevation of the primary structure. The intent of this provision is to discourage the construction of walls and accessory buildings or structures that obscure the visibility of the main house from the street.
 3. An accessory building or structure attached to the main building with a trellis, breezeway or similar structure must conform to the setbacks of the main building.
 4. An accessory building or structure may be located in a required rear setback and that portion of a side setback not adjacent to the main building on the adjacent parcel(s) subject to the following provisions:
 - a. The maximum coverage of a required setback must not exceed 50 percent.
 - b. A minimum distance of four feet must be provided from the property line to the accessory building or structure.
- B. **Building Separation.** An accessory building or structure must be separated from a principal building on the same lot subject to the following provisions:
1. A minimum separation of eight feet if any portion of an accessory building or structure is located within a required setback.
 2. If no portion of an accessory building or structure is located within a required setback no minimum separation is required subject to the following conditions:
 - a. Drainage and fire containment are addressed to the satisfaction of the Public Works Director and the Fire Chief.
 - b. If the Chief Building Official determines that the separation between an accessory building or structure that is habitable as defined by this Code and a

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principal building may be reduced to zero feet, then the accessory building or structure must be connected to the principal building by a doorway providing direct access between the accessory building or structure and the principal building.

- c. If the Chief Building Official determines that the separation between an accessory building or structure that is habitable as defined by this Code and a principal building may be reduced to less than three feet but more than zero feet, then approval of a Conditional Use Permit must be required prior to the issuance of a building permit.

17.24.030 Encroachments into Required Setbacks

Buildings may encroach into required setbacks according to the standards of this Section, subject to all applicable requirements of the Building Code. These limitations shall not apply to patios, walks, or other similar types of surfaced areas when constructed at grade.

A. **Architectural Features.**

- 1. Architectural features such as bay windows, fireplaces, chimneys, and sills less than 15 feet in length may encroach into any required setback for a distance of not more than two feet.
- 2. Eaves may encroach into any required setback for a distance of not more than two feet.

- B. **Open Floor Space Areas Over 18 Inches Above Finished Grade.** Open decks, unenclosed porches, unenclosed balconies, fire escapes, landings, steps, and other open floor space areas with a floor elevation over 18 inches above finished grade may extend into any required front setback or side setback for a distance of not more than six feet and must cover no more than 50 percent of the setback area.

- C. **Open Floor Space Areas 18 Inches or Less above Finished Grade.** Open floor space areas with a floor elevation 18 inches or less above finished grade may extend into the required setback for a distance of not more than one-half the width of the setback required by the zoning district requirements.

- D. **Exemptions.** The following structures and features are exempt from the regulations of this Section when approved by the Community Development Director.

- 1. Ramps, railings, lifts and other similar open floor space areas or facilities used for handicapped access;
- 2. Ornamental gate archways up to eight feet in height and 12 feet in width;
- 3. Trellises and pergolas up to eight feet in height and covering less than 60 square feet; and
- 4. Planters, light standards, windbreaks, sun screens, outdoor fireplaces, ponds, ornamental fixtures, flagpoles, arbors, trees, shrubs, and similar features.

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17.24.040 Height Exceptions

The following provisions shall apply to the modification of the height limitations of this Code.

- A. **Height Exceptions Allowed By-Right.** The following buildings and structures may exceed the height limitations specified in this Title by up to five feet:
 - 1. Cupolas, belfries, domes, chimneys, flagpoles, and television and radio receiving antennae, excluding "satellite antennas" as defined by Section 17.22.270, Wireless Telecommunications Facilities.
 - 2. Roof screening structures for elevators, stairways, tanks, ventilating fans, air conditioning, or similar equipment used solely to operate and maintain a building.
- B. **Height Exceptions Permitted with a CUP.** The following buildings and structures may exceed the height limitations specified in this Title with the approval of a Conditional Use Permit:
 - 1. Church spires and smoke stacks;
 - 2. Radio and television transmitting antennas pursuant to Section 17.22.270, Wireless Telecommunications Facilities, excluding "satellite antennas" as defined by the same Section;
 - 3. Freestanding water tanks and support structures;
 - 4. Electric power transmission and distribution lines, poles and towers; and
 - 5. Other buildings, structures and appurtenances which, in the opinion of the Planning Commission, are similar to the above types of buildings and structures.

17.24.050 Fences, Walls, and Hedges

- A. **Fences, Walls, and Hedges in the LR-1A, LR, MR, HR, PQP, PR, WW, A-20, and OS Districts.** The following standards shall apply to walls, fences, and hedges located in the LR-1A, LR, MR, HR, PQP, PR, WW, A-20 and OS districts:
 - 1. **Within the Required Front or Side Setback:** Maximum three and one-half feet.
 - a. *Exceptions:* A six-foot fence, wall, or hedge is allowed in a side setback when it:
 - i. Is at least 50 feet from the front street curb or 40 feet from the front property line on a street without a curb; and
 - ii. Is at least 20 feet from the side street curb or 10 feet from the side property line on a street without a curb.
 - 2. **Outside of the Required Front or Side Setback:** Maximum six feet.
 - a. *Exceptions:*
 - i. A two-foot open lattice extension above the fence is permitted with a building permit.
 - ii. Up to 12 feet for tennis courts may be permitted with a Minor Use Permit.

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3. **Vehicular Gates.** Vehicular gates must be set back a minimum of 30 feet from the front street curb or 20 feet from the property line on a street without a curb.
- B. **Height Within the Visibility Triangle in All Districts.**
1. Fences, hedges, or dense planting in the form of a hedge shall not exceed two feet in height when located in the visibility triangle as defined in Part V, Definitions and Rules of Measurement.
 2. Trees shall be maintained so as to provide a clearance of seven and one-half feet from the ground to the lowest branches.
- C. **Temporary Security Fences in All Districts.** With the approval of the Public Works Director, temporary security fences may be erected around construction sites during the time a valid building permit is in effect for construction on the premises. Temporary security fences need not comply with the above regulations and must be immediately removed upon completion of the construction authorized by the building permit. Any temporary fences within public rights-of-way must also secure an encroachment permit.

17.24.060 Flag Lots

Many residential properties with the potential for additional dwelling units are difficult to develop under conventional zoning standards. This Section provides standards for residential development on flag lots to ensure effective utilization of the property. These standards supplement the base zone standards; where standards in this Section conflict with those of the base zone, the standards of this Section shall apply. In those cases where the flag lot is also substandard in area for the zone, the small lot standards shall also apply.

- A. Flag lots shall be permitted in the A-20, LR-1A, LR, MR, HR, and WW districts only. Review of flag lots will be subject to Conditional Use Permit approval as well as the provisions of St. Helena Municipal Code Title 16, Subdivisions.
- B. The density and development standards of the zoning district in which a property is located shall apply to a flag lot development with the following exceptions:
 1. The narrow strip of land (or panhandle portion of the lot) connecting the lot with a public or private street shall have a minimum width and frontage of 20 feet (16 foot access drive plus four feet for landscaping). The minimum width and requirement may be increased in higher density situations that permit multiple units to be constructed, or where an additional landscape buffer is necessary.
 2. A panhandle may provide access to two lots.
 3. The panhandle portion of the lot connecting with a public or private street shall be included when calculating residential densities but shall be excluded when determining the compliance with minimum lot width and lot size standards.
 4. A grading and drainage plan shall be submitted to and reviewed by the Public Works Director to determine the impacts of the flag lot on adjacent properties. Finished building pad elevations shall not be significantly different from those of adjoining properties.

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- C. The standards for residential driveways or access drives as set forth in Chapter 17.26, Parking and Loading, shall be observed to provide access to a flag lot. The access drive to the flag lot shall be inspected annually by the Fire Chief to ensure that landscaping or other obstructions do not hinder emergency vehicle access.
- D. The provision of gates, turnarounds, clearance, road grades, and distance to fire hydrants shall be reviewed and approved by the Fire Chief. The site address of each flag lot shall be placed on a sign in the panhandle of the lot so as to be clearly visible to police, fire and other emergency services personnel from the public or private street.
- E. On-site parking shall be provided pursuant to Chapter 17.26, Parking and Loading. Additional on-site parking spaces for guests may be required, if the on-street parking provided in the area of the proposed flag lot is inadequate.
- F. Landscaping in the panhandle portion of a flag lot alongside the driveway shall be required. Improvements such as curb and gutter may also be required by the Public Works Director for an access drive in the panhandle portion of a flag lot depending upon such factors as the number of homes served, drainage characteristics, terrain, and soil conditions.
- G. Fences which meet the standards of Section 17.24.050, Fences, Walls, and Hedges, may be placed in the panhandle portion of the lot connecting the lot with a public or private street; provided, that the fence height shall not exceed three and one-half feet in that portion of the panhandle within the front or side setback established for a lot with normal width and frontage.
- H. Easements across adjoining property may not be used to provide the panhandle portion of the lot, unless the lots were lots of record existing prior to January 28, 1956, or legally created pursuant to the State Subdivision Map Act and St. Helena Municipal Code Title 16, Subdivisions, prior to April 11, 1994.

17.24.070 Lighting and Illumination

- A. **Applicability.**
 - 1. **Existing Buildings and Uses.** The standards of this Section apply to all new development and to exterior alterations and additions that involve replacement light fixtures. Any new outdoor lighting installed on a building or parcel must meet the requirements of this Code for shielding and lamp type.
 - 2. **Change of Use.**
 - a. For a change of use or major addition or modification that requires an increase of 25 percent of the number of: required onsite parking spaces, additional dwelling units, gross floor area, seating capacity, or other units of measurement, all lighting must be brought into compliance with the requirements of this Code.
 - b. For a change of use or minor addition or modification that requires an increase in the number of onsite parking spaces, additional dwelling units, gross floor area, seating capacity, or other units of measurement that is less than 25

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percent, the applicant must comply with the requirements of this Section for any new outdoor lighting provided.

3. **Conformance with Applicable Codes.** All outdoor lighting fixtures must be installed and maintained in conformance with the provisions of this Section and all applicable Building Codes.
4. **Conformance after Abandonment/Damage.** In the event that an outdoor lighting fixture is abandoned or is damaged and requires repairs for safe operation, the repaired or replacement fixture must comply with the provisions of this Section.
5. **Exemptions.** The following lighting is exempt from the provisions of this Section.
 - a. Public and private street lighting.
 - b. Athletic field lights used within a school campus or public or private park.
 - c. Safety and security lighting for public facilities.
 - d. State and federal facilities
 - e. Construction and emergency lighting, provided such lighting is temporary and discontinued immediately upon completion of the construction work or abatement of the emergency.
 - f. Temporary seasonal lighting installed between September 1 and January 15 is exempt from the provisions of this Division.
 - g. Underwater lighting used for the illumination of swimming pools and decorative water fountains

B. General Requirements.

1. **Lighting Classes.**
 - a. **Class 1.** Class 1 Lighting is permitted where accurate color rendition is required to preserve the effectiveness of an activity listed below. Lighting sources used for Class 1 lighting must have a Correlated Color Temperature (CCT) of 2700 Kelvin (K) or less. Uses not included in the list below require an interpretation by the Community Development Director of the essential nature of accurate color rendition to preserve the effectiveness of the activity. Class 1 lighting applications include:
 - i. Primary customer building entry/exit areas (does not include service or emergency entry/exits);
 - ii. Outdoor seating areas at restaurants;
 - iii. External and internal lighting for signs, excluding neon;
 - iv. Outdoor sales areas, including service station canopies;
 - v. Outdoor assembly or repair areas and vineyards and wineries where assembly, repair or farm work occurs at night on a regularly scheduled basis; and
 - vi. Outdoor recreational field/track/arena areas.

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- b. *Class 2.* Class 2 Lighting is used for general illumination for utility, safety, or security purposes. Examples of Class 2 Lighting include:
 - i. Pedestrian walkways, driveways, and roadways;
 - ii. Parking lots;
 - iii. Equipment yards; and
 - iv. Outdoor security.
 - c. *Class 3.* Class 3 Lighting is used for decorative purposes. Examples of Class 3 Lighting include:
 - i. Architectural illumination;
 - ii. Flag and monument lighting;
 - iii. Neon incorporated on signs; and
 - iv. Landscape lighting.
 - 2. **Lamp Source and Shielding.** The standards provided in Table 17.24.070.A, Lamp Type and Shielding Standards, shall apply:

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Table 17.24.070.A: Lamp Type and Shielding Standards	
Lamp Type and Lightning Class	Required Shielding
Non-Residential ¹	
Class 1 Lighting (Color Rendition):	
All lamp types and outputs	Allowed; only fully shielded fixtures permitted
Class 2 Lighting (General Illumination):	
All lamp types and outputs	Allowed; only fully shielded fixtures permitted
Class 3 Lighting (Decorative):	
All lamp types 2500 lumens or above per fixture	Prohibited
All lamp types below 2500 lumens	Allowed; only fully shielded fixtures permitted
Residential ¹	
All Lighting Classes	
All lamp types 1000 lumens or above per fixture	Allowed; only fully shielded fixtures permitted
All lamp types 1000 lumens or above per fixture	Allowed; fully shielded fixtures preferred, partially shielded fixtures permitted ²

Notes:

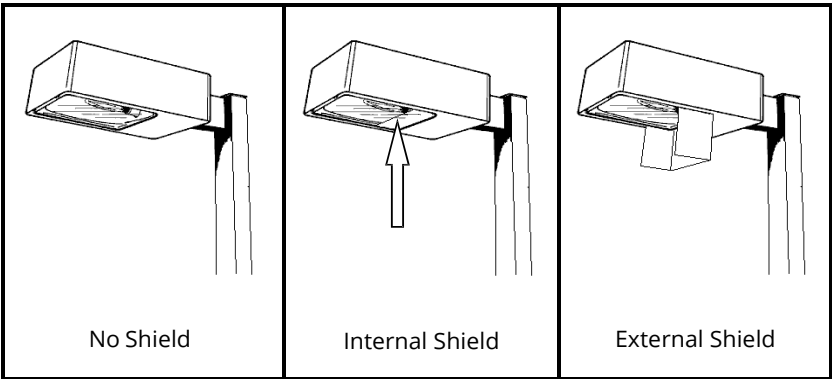
1. For purposes of this Section, residential refers to property developed primarily for residential purposes. Non-residential uses include all other uses.
2. The acceptance of a fixture as "Partially Shielded" shall be determined by the Community Development Director.

3. **Maximum Height.**
 - a. *Within 100 feet of a Residential District:* 16 feet.
 - b. *Parking Lot Illumination:* 15 feet.
 - c. *Other Locations:* 25 feet.
 - d. *Exceptions:* The Planning Commission may allow additional height for activities, uses, or development with unique lighting needs; accentuating historic architectural features of a building; accentuating signage and/or landscape features; or for security purposes.
4. **Effective Shielding.** All light fixtures that are required to be fully shielded must be installed in a manner that satisfies the definition of a fully shielded fixture.
5. **Light Trespass Standard.**
 - a. All light fixtures must be located, aimed, and shielded so that the direct illumination from the fixture shall be confined to the property boundaries of the source.

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- b. Any light fixture located within 50 feet of a residential zone or public right-of-way must utilize an internal or external shield, with the light fixture and shield oriented to minimize light trespass onto adjacent property or right-of-way line. If an external shield is used, its surface must be painted black to minimize reflections.

Figure 17.24.070.B.1: Shielding Configurations.



- 6. **Motion Sensing Light Fixtures.** All motion sensing light fixtures must conform to all applicable standards of this Division, including the shielding standards of Table 17.24.060.B, Lamp Type and Shielding Standards.
 - 7. **Lighting that Changes Color.** Decorative lighting that changes colors is only permitted to change color every two minutes.
 - 8. **Time Limits for Outdoor Lighting.** All Class 1 and Class 3 lighting (including Class 2 lighting located more than 50 feet from any building or outdoor product display or storage area) must be turned off by 11:00 PM and/or no later than 30 minutes after the business closes, whichever is later, and remain off for the remainder of the night or until the business reopens.
 - 9. **Sign Illumination.** Standards for external and internal sign illumination are provided in Section 17.27.080.F.
 - 10. **Architectural/Landscape Lighting.** Architectural lighting used to illuminate a building or landscape lighting used to illuminate trees or other landscape elements is permitted subject to all applicable standards of this Division.
- C. **Prohibited Outdoor Lighting.** The following types of outdoor lighting are prohibited:
- 1. Outdoor floodlighting.
 - 2. Search lights, flood lights, strobe lights, laser lights, or similar high intensity light, except as necessary for official emergency services or for meteorological data gathering purposes.
 - 3. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the property boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating, or strobe light illumination.

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4. Lighting that results in glare to motor vehicles on public rights-of-way.

17.24.080 Refuse and Recycling Areas

This Section establishes design and location criteria for the construction and placement of refuse, solid waste, and recycling, compost, and green waste storage areas. Refuse, solid waste, recycling, compost, and green waste are collectively referred to as “refuse and recycling.”

- A. **General Requirements.** All refuse and recycling materials shall be placed in an appropriate receptacle. All garbage cans, mobile refuse bins, receptacles, and all recycling materials and containers shall be maintained and stored pursuant to this Section.
- B. **Location.** The waste and recycling containers shall not be located within any required front setback, street side setback, any required parking and landscaped areas, or any other area required to remain unencumbered, according to fire and other applicable building and public safety codes.
- C. **Visibility.** The refuse and recycling containers shall not be visible from the public right-of-way and shall be screened by landscaping (fences or walls may be used if located outside a required setback).
- D. **Accessibility.** Waste and recycling storage areas shall be accessible so that trucks and equipment used by the contracted waste and recycling collector has sufficient maneuvering area.
- E. **Clear Zone.** An area of five feet in front of and surrounding all enclosure types shall be kept clear of obstructions, and shall be painted, striped, and marked “No Parking.”
- F. **Maintenance.** The site must be maintained free of litter and any other undesirable materials and must be picked up and cleaned on a daily basis.
- G. **Container Materials.** Containers used for the collection and storage of refuse and recyclable materials shall be constructed of a durable, waterproof, and rustproof material and with a cover secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected between collection schedules.
- H. **Enclosure Materials.** Unless specifically waived by the design review processes described in Chapter 17.05, Planning Permits and Approvals, all development projects shall have a refuse enclosure constructed with a wall of such materials as to be opaque and of sufficient size to permit the storage, removal and replacement of standard commercial size refuse containers. The trash enclosure must utilize colors/materials found on the primary building and have a roof integrated into the design. Trash enclosures must be located so that the enclosure is slightly elevated from its surroundings. The location must ensure that run-off drains to the sewer system. No collection, storage or stacking of refuse is permitted outside the refuse enclosure. This requirement does not preclude the placement of individual refuse containers within the I, PQP, PR, and OS districts.
- I. **Drainage.** The floor of the enclosure shall have a drain that connects to the sanitary sewer system.

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17.24.090 Screening

- A. **Uses and Equipment that Require Screening.** The following uses and equipment must be screened from view:
1. **Ground-Mounted Equipment.** All ground mounted equipment must be screened from surrounding properties and the public right-of-way streets or enclosed within a building. Equipment to be screened includes but is not limited to commercial air conditioners, heating units, commercial generators, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems.
 2. **Roof-Mounted Equipment in the CB, SC, MU, BPO, and I Districts.** In the CB, SC, MU, BPO, and I zoning districts, rooftop mounted mechanical and electrical service equipment must be entirely screened from surrounding properties and the public right-of-way. Exceptions may be granted by the Community Development Director where screening is infeasible due to health and safety or utility requirements.
 3. **Outdoor Storage Areas.** Outdoor storage areas shall be screened from view from any public right-of-way; existing or residential areas; or publicly accessible open space area, parking area, access driveway, or similar thoroughfare.
 4. **Other Outdoor Use Areas.** Any use not conducted entirely within an enclosed structure shall be screened from view from any public right-of-way; existing or planned residential area; or publicly accessible open space area, parking area, access driveway, or similar thoroughfare where the Community Development Director finds that the use without screening would have a detrimental effect on adjacent properties. Outdoor dining areas and patios may remain unscreened.
- B. **Screening Height.** Screening fences and walls must not exceed the maximum allowable fence heights as established in Section 17.24.050, Fences, Walls and Hedges, unless allowed with approval of a Minor Use Permit.
- C. **Screening Materials.** Screening materials shall be architecturally compatible with the exterior colors and materials of the primary building. Screen walls may be stucco, decorative block, or concrete panel, wood, or other substantially equivalent material.
- D. **Maintenance of Screening.** Screen walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height.

17.24.100 On-Site Storage

This Section provides regulations for the placement of material objects on a site for any period exceeding seven consecutive days.

- A. **Applicability.** This Section applies to the storage of building supplies, discarded or salvaged materials, motor vehicle parts, mechanical equipment or other material objects or equipment

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as determined by the Community Development Director except as provided elsewhere in this Title. This Section does not apply to self-storage facilities.

B. Restrictions.

1. On-site storage shall be prohibited within any front or side setback of any property.
2. On-site storage is not permitted on vacant lots.
3. Materials or equipment shall not be stored to a height greater than the height of the screening fence or wall required in Section 17.24.090, Screening.

C. Exceptions. The regulations set forth in this Section shall not be applicable to the following types of storage:

1. The storage within a dwelling of objects normally found within a home.
2. The placement upon the premises within any residential zoning district of equipment or goods normally found in a yard such as toys, play equipment, yard or lawn furniture, minor yard maintenance tools and equipment, and similar objects.
3. The inventory of any retail or wholesale business, warehouse, parts house, industrial or commercial activity when such storage is the principal activity of the use or is incidental to the use and enclosed entirely within a building.
4. The temporary placement of building materials on a site of a City-approved construction project during the time a valid building permit is in effect for construction on the premises. The Community Development Director may approve the placement of a temporary mobile office (designed solely for such use) at an approved construction site for a maximum one-year period or for the duration of the construction, whichever period is shorter.
5. The storage of vehicles as regulated by Chapter 17.26, Parking and Loading.

Chapter 17.25 Landscaping

17.25.010 Purpose

This Section establishes minimum standards for the provision, installation, and maintenance of landscape areas by the following means:

- A. Promote the conservation of potable and non-potable water by encouraging the preservation of existing plant communities, implementing xeriscape principles, encouraging the use of site-specific plant materials, and establishing techniques for the installation and maintenance of landscape materials and irrigation systems.
- B. Improve the appearance of all open areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.
- C. Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 1. Improving air and water quality through such natural processes as photosynthesis and mineral uptake;
 2. Maintaining permeable land areas essential to surface water management and aquifer recharge;
 3. Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capabilities of trees and other vegetation;
 4. Promoting energy conservation through the creation of shade;
 5. Reducing heat gain in or on buildings or paved areas;
 6. Reducing the temperature of the microclimate through the process of evapotranspiration; and
 7. Encouraging the conservation of limited fresh resources through the use of site-specific plants and various planting and maintenance techniques.
- D. Maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.
- E. Minimize or eliminate conflicts between potentially incompatible uses through landscaping.
- F. Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce heat and glare, and to break up the monotony and soften the harsher aspects of urban development.
- G. Preserve existing natural vegetation and promote the incorporation of native plants, plant communities, and ecosystems into landscape design, where possible.
- H. Promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping, encouraging water and energy conservation.
- I. Establish procedures and standards for the administration and enforcement of this Section.

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17.25.020 Applicability

- A. The provisions of this Chapter shall apply to the following:
 - 1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit or Major Design Review;
 - 2. New construction and rehabilitated landscapes in single-family and multi-family residential projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, landscape permit, or Major Design Review; or
 - 3. Existing landscape areas over one acre in size.
- B. This Chapter does not apply to:
 - 1. Registered local, state or federal historical sites;
 - 2. Ecological restoration projects that do not require a permanent irrigation system;
 - 3. Mined-land reclamation projects that do not require a permanent irrigation system; or
 - 4. Plant collections, as part of botanical gardens and arboretums open to the public.

17.25.030 Xeriscape Principles

The following xeriscape principles serve as the primary means of achieving water conservation:

- A. Design of the landscape by dividing it into high-, moderate-, and low-water use zones and by taking advantage of microclimates caused by the different conditions of sun, slope, moisture and air movement (hydrozones);
- B. Efficient irrigation systems;
- C. The use of soil amendments to improve the water-holding capacity of the soil;
- D. Limiting turf to locations where it provides functional benefits;
- E. The use of mulches, where appropriate;
- F. Selection of appropriate plants; and
- G. Maintaining the landscape appropriately (monitor the irrigation system and water according to needs).

17.25.040 Areas to be Landscaped

The following areas shall be landscaped and may count toward the total area of the site required to be landscaped by the zoning district regulations.

- A. **Required Setbacks.** All required front and street-facing side setbacks, except for areas used for exit and entry, shall be landscaped.
- B. **Interior Property Lines Abutting Residential Districts.** Whenever a nonresidential use is located adjacent to a residential district or use, a landscape buffer planted with a mix of trees

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and shrubs shall be provided along interior property lines. At least one tree of at least 15-gallon size shall be planted per 20 linear feet or as appropriate to create a tree canopy over the buffer. In addition, at least three shrubs shall be planted per 20 linear feet.

1. **SC, BPO, and I Districts.** Landscaped buffer six feet in width.
 2. **Other Non-residential Uses.** Landscaped buffer four feet in width.
- C. **Building Perimeters.** The portions of a nonresidential building that front a public street shall have one or more landscape planters installed along a minimum 20 percent of that building face. The minimum width of the planter shall be three feet. This standard does not apply to buildings facing Main Street within the Historic Overlay District and buildings located on the front or corner side property line.
- D. **Landscaping Requirements on Flag Lots.** Landscaping is required in the panhandle portion of a flag lot alongside the driveway.
- E. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or hydroseeded. The Community Development Director may waive this requirement for areas planned for future development.

17.25.050 Requirements

- A. **Model Water Efficient Landscaping Ordinance (MWELO).** Landscaping shall be consistent with the State of California's MWELO, which is found at §§s 490 to 495 of Chapter 2.7, Division 2, Title 23, of the California Code of Regulations.
- B. **General Requirements.** In all areas where landscaping is required in accordance with Section 17.25.040, Areas to be Landscaped, landscaping shall be permanently maintained by the property owner in accordance with the following standards:
1. **Shade Tree Species.** Shade trees shall be of a variety approved by the City that will, under ordinary circumstances and growing conditions, provide shade upon reaching maturity.
 2. **Tree Distribution.** Distribution of trees shall generally be in a grid or similar pattern or exhibit a regular spacing within off-street parking lots, required setbacks, and other open spaces and landscaped areas.
 3. **Incidental features.** Landscaping may include incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscaped setting.
 4. **Gardens.** Garden areas and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.
 5. **Turf.** No more than 25 percent of the landscaped area may be turf. If the turf is irrigated with reclaimed or greywater, this percentage may be exceeded, as determined by the Public Works Director.

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6. **Gravel Surfaces and Pavers.** Landscaped areas may include graveled surfaces and surfaces paved with pavers, provided they do not cover more than 30 percent of the area required to be landscaped.
7. **Invasive Plants Prohibited.** Plant species that are listed by California Invasive Plant Council (Cal-IPC) as invasive are prohibited. Existing invasive plants and noxious weeds shall be removed.

C. Specific Requirements.

1. **CB and MU with Main Street frontage.** The following standards apply to all parcels with frontage on Main Street in the CB and MU districts.
 - a. **Landscaping not Required.** Where buildings are located at the back of the sidewalk on the property line or within two feet of a property line, no landscaped areas are required. Instead the sidewalk must be extended to the front of the building and constructed with materials that match the surface of the existing sidewalk..
 - b. **Parking Areas.** Unless otherwise specified in this Chapter or under the conditions of an approved permit, planted areas shall have a width of not less than four feet and shall be protected from vehicles where necessary through the provision of barriers or tire stops.
2. **All Other Areas.** The following standards apply to all areas not described in 17.25.050.C.1.
 - a. **Dimension of Landscaped Areas.** No landscaped area smaller than three feet in any horizontal dimension shall count toward required landscaping.
 - b. **Parking Lot Trees.** All trees in parking lots shall be a minimum 15 gallon can size and shall conform to the National Association of Nurserymen's adopted standards for growth, condition and development of nursery-supplied materials. Modification of these standards for equivalent quality of tree or shade plant may be permitted depending on the species. The following minimum number of trees in Table 17.25.050.A: Parking Lot Trees Required, shall be required in any parking lot:

Table 17.25.050.A: Parking Lot Trees Required

Parking Lot Size	Number of Trees
15 spaces or fewer	1 tree/4 spaces (minimum of 2 trees)
16 spaces or more	20 trees/acre if canopy is 40 feet or greater
	24 trees/acre if canopy is less than 40 feet

- c. **Planters.** Where a parking lot abuts a public right-of-way, there shall be provided a landscaped planter that is a minimum three feet in width and parallel to the right-of-way.
- d. **Curbing.** In all areas where vehicular circulation is permitted, landscaping and shade trees shall be contained in planters and tree wells bordered by a six-inch-high concrete curb or equivalent barrier approved by the City.

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- e. *Width and Protection.* Unless otherwise specified in this Chapter or under the conditions of an approved permit, planters and tree wells shall have a width of not less than five feet and shall be protected from automobile overhang where necessary through the provision of barriers, tire stops, or additional width.
- D. **Maintenance.** All planting and other landscape elements shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements.
- E. **Irrigation.** Landscaped areas and planters shall be served by an irrigation system approved by the City and shall be kept in a weed-free condition.
- F. **Landscape Documentation Package.** For any project subject to this Section, a landscape documentation package shall be submitted to, reviewed by, and approved by the Community Development Director prior to the issuance of any building permit or the replacement of landscaping. The landscape documentation package shall include all required information as established in the State MWELo guidelines or successor regulations.
- G. **Amendment of Approved Plan.** Any significant change of plant material, size or design from that contained in an approved landscaping plan shall require the approval of a revised landscaping plan reviewed in the same manner as the original plan. The Community Development Director may determine on a case-by-case basis what is a significant change to an approved landscaping plan.

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Chapter 17.26 Parking and Loading

17.26.010 Purpose

The purpose of this Chapter is to:

- A. Require parking spaces and loading spaces for all land uses that are sufficient in number, size, and arrangement;
- B. Minimize the negative environmental and urban design impacts of parking lots, driveways, and drive aisles within parking lots;
- C. Ensure the provision of adequate off-street bicycle parking;
- D. Establish standards and regulations for safe and well-designed parking, loading and unloading, and vehicle circulation areas that minimize conflicts between pedestrians and vehicles, and where appropriate, create buffers from surrounding land uses;
- E. Minimize the amount of area devoted to parking by allowing reductions in the number of required spaces, shared parking facilities, and other methods to lower vehicle parking demand;
- F. Encourage modal shift; and
- G. Reduce urban run-off and heat island effect through reduced parking footprints.

17.26.020 Definitions

As used in this Chapter:

- A. **Access drive.** A paved way located outside of the public right-of-way that provides vehicular access between the public street and the required parking for more than one lot, or for one lot if necessary for emergency vehicle access. Within a parking lot, that portion providing access other than aisles.
- B. **Aisle.** The portion of a parking lot which is contiguous to a parking space and provides direct access to the parking space.
- C. **Bicycle Parking Space.** A space dedicated to the parking of bicycles that typically includes supports to which the bicycle may be attached.
- D. **Bicycle Locker.** A locker or box in which up to 2 bicycles can be placed and locked to prevent theft, shelter bicycles from the weather, and deter casual vandalism.
- E. **Driveway approach.** That portion of a residential driveway which connects a residential driveway to the street is a driveway approach, typically located in the right-of-way.
- F. **Electric Vehicle Charging Station.** An electric vehicle supply equipment station designed and built in compliance with California Electrical Code Article 625 that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- G. **Off-street loading space.** A parking space or portion of a parking lot marked and designated for temporary parking for purposes of loading and unloading.

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- H. **On-site parking.** A space designated for parking a vehicle on the same property as the use it is required to serve.
- I. **Parking lot.** A site or a portion of a site devoted to on-site parking of vehicles including parking spaces, aisles, access driveways and landscaped areas, and other areas providing ingress and egress to parking spaces.
- J. **Parking space.** A permanently surfaced area for vehicular parking connected to a public street, alley or other public way by a permanently surfaced driveway or access or access drive.
- K. **Residential driveway.** A drive which provides direct vehicular access from a public or private street to the required parking for an individual dwelling unit and accessory structures.
- L. **Secured bicycle parking.** A lockable facility such as individual lockers or enclosed, locked, limited-access areas for parking of bicycles.
- M. **Shared parking.** A parking area that provides required parking spaces for more than one use.
- N. **Tandem parking.** Tandem parking means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

17.26.030 Applicability

The requirements of this Chapter apply to all primary uses in all zoning districts at the time any building or structure is erected, enlarged, increased in capacity, or changed from a nonconforming use to a permitted use.

- A. **New Buildings and Uses.** On-site parking and loading shall be provided in accordance with this Chapter at the time any main building or structure is erected or any new land use is established.
- B. **Existing Non-Residential Buildings.**
 - 1. When a change in use, expansion of a use, or expansion of floor area creates an increase of 15 percent or more in the number of required on-site parking or loading spaces, additional on-site parking and loading shall be provided for such addition, enlargement, or change in use and not for the entire building or site.
 - 2. Existing parking and loading not in excess of the minimum requirements shall be maintained.
 - 3. Parking and loading in excess of minimum requirements may be removed.
 - 4. A change in tenancy or ownership is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
 - 5. If the number of existing parking and loading spaces is greater than the requirements for a proposed use, the number of excess parking spaces may be counted toward meeting the requirements for any change, expansion, or major alteration.
- C. **Existing Residential Buildings.** Parking in accordance with this Chapter shall be provided where additional dwelling units are created through the alteration of an existing building or construction of an additional structure or structures.

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- D. **When Constructed.** On-site parking and loading facilities required by this Chapter shall be constructed or installed prior to the issuance of a certificate of occupancy for the uses that they serve.

17.26.040 Required Parking Spaces

- A. **Required Spaces.** The total number of required parking spaces are specified in Table 17.26.040.A: Minimum Off-Street Parking Requirements by Use. Fractional spaces of one-half or more shall be rounded off to require one additional space for the fractional space.

Table 17.26.040.A: Minimum Off-Street Parking Requirements by Use	
Residential Uses	
Single-family and duplex dwellings	Min. 2 spaces per unit, may be covered or uncovered
Multi-family dwellings (3 or more units)	<i>Studio and 1-BR units:</i> Min. 1 space per unit, may be covered or uncovered. <i>2 BR or more:</i> Min. 1.5 spaces per unit., <i>Guest parking:</i> 25% of total required spaces when 15 or more units constructed.
Family day care, small	None beyond what is required for the residential use
Family day care, large	In addition to required parking for the residential use, min. 1 space for each nonresident employee plus an area for loading and unloading children
Live/work	One space per 300 sq ft of the area devoted to work space, plus one space for every four units.
Mobile homes	Min. 2 spaces per mobile home space. One must be located on the mobile home space and the other must be located within 150 feet of the mobile home space. In addition, min. 1 guest space per 4 mobile home spaces
Single-room occupancy	One uncovered parking space for every three units plus one uncovered parking space for an onsite manager unit. In addition, min. 1 lockable bicycle parking space for each efficiency unit adjacent to the unit.
Commercial, Office, Industrial, and Winery Uses	
Boarding house	Min. 2 spaces for the resident owner plus 1 space for each guest room
Commercial, retail and office uses	1 space per 300 sq ft of building floor area, in no cases less than 2 parking spaces for each building or tenant space
Eating and drinking establishments	1 space per 4 seats
Hotel	Min. 1 space per guest room, suite, sleeping or living unit plus one space for each three employees

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Table 17.26.040.A: Minimum Off-Street Parking Requirements by Use

Industrial uses, excluding wine warehousing	1 space per 300 sq ft office area; plus 1 space per 650 sq ft industrial area; plus 1 space per 1,000 sq ft warehouse area.
Mixed-use	For mixed-use development with residential uses, apply the shared parking provisions of Section 17.26.060.C.
Wineries (large and small)	1 space per 4 tasting or tour visitors plus 1 space per 1,000 sq ft of floor area
Winery tasting room	One space for each 300 sq. ft. of gross sales area. For outdoor seating, no off-street parking shall be required.
Wine warehouse	1 space per 300 sq ft of office floor area plus:
<i>Up to 25,000 sq. ft. of warehouse area</i>	1 space per 5,000 sq ft of warehouse floor area
<i>25,000 sq ft or more warehouse area</i>	5 spaces plus 1 space per 10,000 sq ft warehouse floor area.
Public and Institutional Uses	
Community assembly with fixed seating	1 space per 4 seats
Community assembly without fixed seating	1 space per 50 sq ft of floor area
Cultural institutions	1 space per 400 sq ft of floor area open to the public
Day care facility	1 per each employee plus an area for loading and unloading
Government offices	1 space per 300 sq ft of building floor area, in no cases less than 2 parking spaces for each building or tenant space.
Hospitals and clinics	1 space for every 4 beds or as required by the Planning Commission
Instructional Services	1 space per 40 sq ft of classroom space
Schools	3 spaces per classroom and other room used by students. In addition, 1 space for each 350 sq ft devoted to office or administrative uses.
Accessory Uses	
Accessory dwelling units	Parking for accessory dwelling units shall be provided in compliance with subsection 17.22.030.F.6

- B. **Other Uses.** For uses not specifically listed in Table 17.26.040.A, Minimum Off-Street Parking Requirements by Use, the Planning Commission shall determine the parking requirements. In determining such requirements, the Planning Commission shall use the above requirements as a rule and guide and any relevant information supplied by standard traffic engineering reference manuals on parking demand by use type.
- C. **Tenant Spaces with Multiple Functions.** A site or building with multiple tenants (i.e. two or more) or multiple uses shall provide the aggregate number of parking spaces required for

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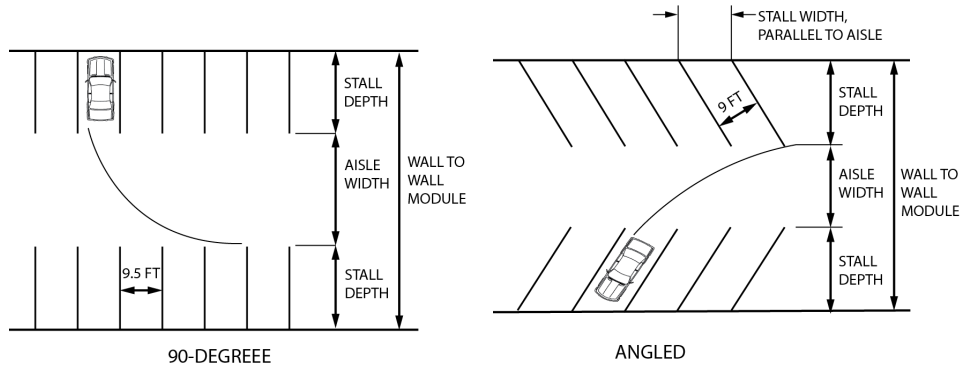
each separate use (e.g. the sum of the separate requirements for each use) unless the Community Development Director approves a parking reduction in compliance with Section 17.26.060, Parking Reductions.

17.26.050 Parking Area and Access Design Standards

- A. **Residential Garages and Carports.** Each residential garage or carport shall have the following minimum unobstructed interior dimensions:
 - 1. Single car garage/carport: nine feet by 19 feet.
 - 2. Double car garage: 19 feet by 19 feet.
- B. **Driveways to Residential Uses.** A residential driveway that provides direct vehicular access from a public or private street to required parking for an individual dwelling unit is subject to the following standards:
 - 1. **Length:** Minimum 24 feet as measured from the property line to a garage door; a minimum 20 feet if a roll-up garage door or carport is utilized.
 - 2. **Width:** Between 10 and 20 feet as shown in the City of St. Helena Street, Storm Drain and Sidewalk Standards.
 - 3. **Material:** New driveways shall use pervious materials and pavers to minimize storm water impacts.
 - 4. **Minimum Separation at Corners:** Driveways shall be placed no less than 20 feet from the intersection of the front and street side property lines.
 - 5. **Exceptions.**
 - a. Residential driveways in the Woodlands and Watershed zoning district, or elsewhere as deemed necessary by the Fire Chief.
 - b. Lots without public street frontages and lots greater than 100 feet in length shall meet the standards for an access drive as set forth in St. Helena Municipal Code Section 15.36.100, Fire Apparatus Access Roads.
- C. **Off-Street Parking Lot Design.**
 - 1. **Design Standards.** Standards for the design and layout of required off-street parking lots are provided in Table 17.26.050.B: Angled Parking Dimensions.

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Table 17.26.050.B: Angled Parking Dimensions



Angle	90	75	60	45	30
Stall depth to wall (ft)	19	19.5	20	18.5	16
Aisle width (ft)	25	21	18	14	14
Wall to wall module (ft)	63	60	58	51	46
Stall width, parallel to aisle (ft)	9.5	9.32	10.39	12.73	18

2. **Compact Spaces.**
 - a. Up to 30 percent of the required number of off-street parking spaces may be designated for the parking of compact vehicles only.
 - b. Stall width may be reduced by a maximum of one foot.
 - c. Stall length may be reduced by a maximum of three feet.
 - d. "Compact parking only" shall be stenciled on the pavement at the entrance to each stall with 6-inch minimum height letters.
 - e. When provided, compact car space clusters shall be dispersed throughout the parking lot rather than concentrated in one area.
3. **Parallel Spaces.**
 - a. Parallel spaces along a wall, fence, or hedge shall be 10 feet in width.
 - b. Parallel spaces having no obstruction or adjacent parking space within ten feet of one end may be reduced in length to 20 feet. If both ends are similarly clear, the space may be reduced in length to 18 feet.
4. **Long Term Parking.** Parallel stalls that are designated for long-term, or low turnover use, as allowed in this Code may be reduced as follows:
 - a. Stall width may be reduced by six inches. Small car stalls may not be reduced in width.
 - b. Stall length may be reduced by one foot (including small car spaces).

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5. **Landscaped Area.** Stalls adjacent to a landscaped area shall be widened by six inches. Stall adjacent to a fence wall or hedge shall be widened by one foot.
6. **Aisles.** The minimum aisle dimension for two-way traffic shall be 24 feet and for one-way traffic 14 feet.
7. **Dimensions.** The front two feet of the required parking stall dimension may be used to enlarge an adjacent landscaped area but may not be used to meet minimum landscaping requirements. Landscaping within this overhang area shall be limited to low-lying shrubs and ground cover and must be approved by the Community Development Director.
8. **Circulation.** Parking lots shall be designed with adequate circulation and turn around so that vehicles will not have to back into the street to exit.
9. **Paving.** Parking stalls shall be paved and shall comply with the design and construction standards for access drives.
10. **Striping.** Parking stalls shall be marked using four inches wide white paint stripes. All directional arrows and legends shall be white. Double lining of parking stalls may be used with specific approval of the Public Works Director.
11. **Angled Spaces.** All angled or 90-degree parking spaces shall be provided with a concrete wheel stop to prevent parked vehicles from encroaching into areas designed for other purposes, except as allowed in subsection 17.26.050.C.7. Continuous concrete curb is acceptable in lieu of individual wheel stops. Timber wheel stops can only be used with specific approval of the Public Works Director.
12. **Alternative Dimensions.** Where the location of existing structures or other significant features makes it impossible to obtain an acceptable parking layout using these dimensions, the Public Works Director may authorize the use of alternative dimensions.
13. **Accessible Spaces.** Handicapped parking shall be provided in accordance with the standards of the California Building Code, Part 2, Title 24.
14. **Lighting.** All lighting shall comply with the requirements of Section 17.24.070, Lighting and Illumination.
15. **Screening.** Where abutting a residential zoning district, parking lots in the rear of a site for more than five vehicles shall be screened, except for necessary driveway openings, by a six-foot high solid board fence, masonry wall, vegetative screen, or screened chain link fence. Screening fences or walls shall be maintained in good condition.
16. **Location.** Within any zoning district, except for necessary service or single-family access driveways, no portion of a parking lot shall be located in any required front or side setback adjacent to a street. No vehicles shall back out onto a public street except in residential zoning districts.
17. **Material.** Parking lot surfaces may be concrete, asphalt, grouted continuous brick, cobblestone, turf block, or any similar, durable, and dustless material. To reduce stormwater runoff, porous pavers may be used subject to approval by the Public Works Director.

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- D. **Access Drives for Multi-Family and Non-residential Properties.** An access drive that provides vehicular access between the public street and the required parking for more than one lot, or for one lot if the length of the drive is greater than 100 feet, is subject to the following standards:

1. **Width.** The minimum dimensions provided in Table 17.26.050.C: Standard for Access Drives, allow for the safe passage of emergency vehicles. Parking areas may not count toward the required access drive width.

Table 17.26.050.C: Standards for Access Drives	
Nonresidential	Minimum Width (fully paved width)
One-way access drive	16' paved
Two-way access drive	25' paved
Residential	Minimum Width (includes two 2' shoulders)
One-way access drive:	
1 unit	16' (12' paved)
Two-way access drives:	
1 or 2 units	16' (12' paved)
3 to 10 units	20' (16' paved)
11 to 60 units	25' (21' paved)
More than 60 units	30' (26' paved)

2. **Design for Two-Way Traffic.** All access drives, except for driveways for single-family residence, shall be designed for two-way traffic unless specific approval is obtained from the Public Works Director and Fire Chief.
 3. **Setback from Front of Lot.** To avoid congestion at the entrance of a property from the street or access drive, no on-site parking space or gate shall be allowed within the initial 30 feet of the edge of pavement of the access drive, drive aisle or property line, or location as determined by the Public Works Director in conjunction with the Fire Chief.
 4. **Vertical Clearance.** The minimum vertical clearance shall be 14 feet at all points across the required width of the access drive.
 5. **Other Design Requirements.** Emergency vehicle turnouts, firefighting operations areas, and grades shall be as prescribed in St. Helena Municipal Code Chapter 15.36, California Fire Code Adopted.
 6. **Inspection.** Access drives shall be inspected annually by the Fire Chief/Fire Code Official to ensure that landscaping or other obstructions do not hinder emergency vehicle access.
- E. **Review.** The design of all features relating to access drives is subject to review and approval of the Public Works Director and Fire Chief. Where the access is determined by the Public Works Director to serve traffic loads equivalent to those typically encountered on public streets, the Public Works Director shall require the design of the access drive to meet public

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street standards. See Chapter 17.04, Common Procedures, for submittal requirements and procedures.

17.26.060 Parking Reductions

- A. **Parking Exemption Overlay District.** Projects located within this District are not subject to onsite parking requirements. Please refer to Chapter 17.21.030, Parking Exemption District.
- B. **Density Bonus.** Parking standards may vary for residential development projects receiving a density bonus pursuant to Chapter 17.29, Density Bonus, and California Government Code § 65915(p).
- C. **Reduction for Shared Parking.** Where a shared parking facility serves more than one use, the Community Development Director may reduce the total number of required parking spaces up to 40 percent upon finding that:
 - 1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 - 2. The proposed shared parking provided will be adequate to serve each use;
 - 3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and
 - 4. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Section 17.26.070.B
- D. **Reduction for Transportation Demand Management.** Total required parking for commercial and office uses that incorporate one or more of the following Transportation Demand Measures may be reduced by 10 percent:
 - 1. Designated car-share, vanpool, or carpool parking.
 - 2. Showers and lockers.
 - 3. Transit subsidies or reimbursement to residents and employees.

17.26.070 General Provisions

- A. **Change of Required Parking.** When the required parking changes as a result of a change of use, expansion of use, increase in number of leaseholders or tenant spaces, or change from a nonconforming use to a permitted use, additional required parking spaces must be provided unless exempt as stipulated in Section 17.26.030, Applicability.
- B. **Location of Required Parking.**
 - 1. Required parking shall be located on the same lot with the use, building or structure for which the parking is required, or off-site not more than 300 feet away from the use, building or structure and in a zoning district which allows parking.
 - 2. When parking is located off-site, the property owners involved in the joint use of parking facilities shall record an agreement, approved by the City Attorney, and filed with the County Recorder. A copy of the agreement shall be filed with the Planning Department.

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C. Tandem Parking.

1. ***In Residential Districts.*** Tandem parking is permitted.
2. ***In Commercial and Mixed-Use Districts.***
 - a. Up to 25 percent tandem parking is permitted and may be counted as part of the required parking as stipulated in Table 17.26.040.A: Minimum Off-Street Parking Requirements by Use.
 - b. Tandem parking that requires backing out onto a public street is prohibited.

17.26.080 Bicycle Parking

The Planning Commission may require the provision of bicycle parking facilities for any use which is required to provide 10 or more vehicular parking spaces dependent upon the use, size, and location of the property.

A. Short-Term Bicycle Parking. Short-term secure bicycle parking shall be provided to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of four hours or less.

1. ***Bicycle Parking Spaces Required.*** For the following uses, the number of short-term secure bicycle parking spaces shall be five percent of the parking spaces required in Table 17.26.040.A, Minimum Off-Street Parking Requirements by Use, with a minimum of four secure bicycle parking spaces provided per use.
 - a. Multi-Unit Residential, Boarding House, and Single Room Occupancy.
 - b. All Public/Semi-Public Uses.
 - c. All Commercial Uses, except Automobile/Vehicle Sales and Services, Short-term Rentals, and Mobile Vendors.
 - d. ***Exemptions.*** The following are exempt from the required bicycle parking spaces:
 - i. Uses located within the Parking Exemption Overlay District;
 - ii. Uses within the CB district; and
 - iii. Uses located on properties where the required front setback is less than 10 feet.
2. ***Location.***
 - a. Short-term secure bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of the main entrance to the building it serves.
 - b. Short-term secure bicycle parking shall be located outside of the public right-of-way except as allowed through an encroachment permit.
 - c. Where the secure bicycle parking area is not visible from the main entrance of the buildings, signs located at the main entrance of the building shall identify the location of bicycle parking.

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3. **Anchoring and Security.** For each short-term bicycle parking space required, a stationary, securely-anchored bicycle rack shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such bicycle rack may serve multiple bicycle parking spaces.
 4. **Size and Accessibility.** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.
- B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.
1. **Bicycle Parking Spaces Required.**
 - a. *Multi-Unit Residential, Group Residential, and Single-Room Occupancy.* A minimum of one long-term secured bicycle parking space shall be provided for every five dwelling units.
 - b. *Parking Structures.* Long-term bicycle parking shall be provided at a minimum ratio of one bicycle parking space per 25 vehicle parking spaces.
 - c. *Other Uses.* Any establishment with 25 or more full-time equivalent employees shall provide long-term bicycle parking designated on a site plan at a minimum ratio of one bicycle parking space per 25 required vehicle parking spaces. Parking areas with fewer than 25 spaces are encouraged but not required to provide long-term bicycle parking.
 2. **Location.** Long-term bicycle parking must be located on the same lot as the use it serves and near a building entrance. In parking structures, long-term bicycle parking must be located near an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.
 3. **Anchoring and Security.** Long-term bicycle parking must be located in:
 - a. An enclosed bicycle locker; or
 - b. Other secure areas approved by the Community Development Director.
 4. **Size and Accessibility.** Each long-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.

17.26.090 Electric Vehicle Charging Stations

Electric vehicle (EV) charging stations and EV-capable parking spaces shall be provided for all new buildings erected as required by this Section. All such spaces shall be included in the calculation of parking demands of Section 17.26.040, Required Parking Spaces.

- A. **Required EV Charging Stations.** The total number of required EV charging stations spaces are specified in Table 17.26.090.A: Required EV Charging Stations.

Table 17.26.090.A: Required EV Charging Spaces	
Total Number of Required Parking Spaces	Minimum EV Charging Spaces
0 – 9	0
10 – 25	1
26 -50	2 for residential uses; 2 for nonresidential uses
51+	6% of total

- B. **Exceptions.** Exceptions to Table 17.26.090.A: Required EV Charging Spaces, may be made on a case-by-case basis where the Community Development Director and the Chief Building Official determine that EV charging infrastructure is not feasible based upon one or more of the following conditions:
1. There is insufficient electrical supply;
 2. There is evidence that additional local utility infrastructure design requirements directly related to the implementation of this Section may adversely impact the construction cost of the project; or
 3. Providing the EV charging infrastructure creates an economic hardship for an affordable housing project.
- C. **Size.** The size of EV charging station parking spaces and EV-capable parking spaces shall be as specified in Section 17.26.050, Parking Area and Access Design Standards. EV supply equipment shall not reduce the size of the parking space.
- D. **Accessible EV Spaces.** Where accessible parking requirements are required, at least one EV space or EV charging station shall meet current van accessible dimensions, as defined by the California Building Code, and be connected to a barrier-free accessible route of travel to the building. No accessible markings shall be made on the EV space or EV charging station with van accessible dimensions. The EV space with van accessible dimensions shall be the first EV charging station established on the property.
- E. **EV Charging Stations.** EV charging stations shall be allowed within any zoning district subject to all applicable requirements of the Municipal Code in addition to the following:
1. EV parking spaces shall be equipped with electric vehicle supply equipment (EVSE), which shall be Level 2 or higher. All EVSE shall be installed in accordance with the requirements of the California Green Building Standards Code.
 2. The EV charging station shall be protected as necessary to prevent damage by automobiles.

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3. Any EV charger shall be listed and labeled by an approved testing agency.
4. The EV charging station shall have complete instructions and appropriate warnings posted in an unobstructed location next to each EV charging station.
5. **EV Stations for Public Use.** EV charging stations for public use must be visible from the right-of-way and illuminated during nighttime business hours.
 - a. One standard non-illuminated sign, not to exceed four square feet in area and eight feet in height, may be posted for the purpose of identifying the location of each cluster of EV charging stations.
 - b. The EV charging station may be on a timer that limits the use of the station to the normal business hours of the use(s) that it serves to preclude unauthorized use after business hours.
 - c. The following information shall be posted at a public EV charging station:
 - i. Voltage and amperage levels;
 - ii. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;
 - iii. Usage fee;
 - iv. Safety information; and
 - v. Contact information for reporting when the equipment is not operating or other problems.
- F. **Construction and Installation.** Construction shall comply with § 5.106.5.3.1 or § 5.106.5.3.2 of the California Green Building Standards Code to facilitate future installation of EVSE.

17.26.100 On-Site Loading and Unloading

- A. **Required On-Site Loading.** The on-site loading standards in Table 17.26.100.A: Gross Floor Area Required for Loading Spaces, apply to all nonresidential buildings with floor area of 10,000 square feet or greater that include manufacturing, storage, warehouse, retail, wholesale or other similar use which requires the receipt or distribution by vehicles of material and merchandise.

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Table 17.26.100.A: Gross Floor Area Required for Loading Spaces

Gross Floor Area	Required Off-Street Loading Spaces ¹
Up to 10,000 sq ft	1 for industrial uses; 0 for all other use
10,000 to 24,999 sq ft	1
25,000 to 49,000 sq ft	2
Each additional 50,000 sq ft	1

Notes:

1. Additional loading dock and truck standing areas may be required as specific in a CUP.

- B. **Size of Loading Spaces.** Each loading space shall be not less than 12 feet in width and 40 feet in length with a minimum overhead clearance of 14 feet.
- C. **Standards for Loading Areas:**
1. **Lighting.** Refer to Section 17.24.070, Lighting and Illumination, for lighting requirements;
 2. **Loading Ramps.** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions and overhead clearances;
 3. **Location.** Loading spaces shall be located and designed as follows:
 - a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;
 - b. Situated to ensure that the loading facility is screened from adjacent streets to the greatest degree possible;
 - c. Situated to ensure that loading and unloading takes place on-site and in no case within adjacent public rights-of-way or other on-site traffic circulation areas;
 - d. Situated to ensure that vehicular maneuvers occur on-site; and
 - e. Situated to avoid adverse impacts upon neighboring residential properties;
 4. **Screening.** Loading areas shall be screened from abutting parcels and streets with dense landscaping or solid walls or fences with a minimum height of six feet; and
 5. **Striping.** Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.
- D. Upon adoption of a finding by the Planning Commission that a business is unreasonably blocking traffic or obstructing on-street parking spaces, the Planning Commission may review and amend that business's Conditional Use Permit as needed to permit the street to function as it should.
- E. **Waivers and Modifications.** The Planning Commission may waive the loading requirements or modify the standards if it can be demonstrated that the proposed use does not require loading facilities or that an alternative arrangement satisfies the need for loading facilities.

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Chapter 17.27 Signs

17.27.010 Purpose

This Chapter has been adopted to ensure that all signs installed in the City are compatible with the unique character and environment of the community, and in compliance with the General Plan. This Chapter promotes the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content neutral, and nondiscriminatory sign standards and requirements. More specifically, this Chapter is intended to:

- A. Ensure that all signs are compatible with the unique character and environment of the City, and that they support the desired ambience and development patterns of the various districts and historic areas within the City;
- B. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
- C. Ensure pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
- D. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or maintained;
- E. Protect and improve property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape; and
- F. Provide clear and unambiguous sign design standards that enable the fair and consistent enforcement of these sign regulations; and
- G. Ensure that the constitutionally guaranteed right of free speech is protected.

17.27.020 Sign Definitions

A-Frame sign. A portable pedestrian-oriented sign that is not permanently affixed to a structure or the ground. May be known as an Upright Sign or Sandwich Board Sign.

Balloon. A brightly colored bag made of flexible material, inflated with air or other gas, and sealed, often to make it rise in the air.

Balloon Bobber. A reusable pre-formed balloon with regular air made of a durable PVC vinyl that does not need to be inflated, and typically attached to a short pole.

Building Element. The maximum lineal dimension of an exterior wall, excluding canopies and projections, measured on a straight line parallel to the site's street frontage.

Building Frontage. A building frontage is the building façade that directly abuts a public street, private street, parking lot driveway, parking spaces, pedestrian mall, arcade, or walkway. The primary business frontage is one which contains a customer entrance or which includes a glass-enclosed showroom facing the street. If a building has more than one business, frontage is that portion of a building, which faces a street, parking lot, pedestrian mall, arcade or walkway. The primary business

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frontage is one which contains a customer entrance or which includes a glass-enclosed showroom facing the street.

Channel Letters. Three dimensional, individually manufactured letters or figures with an open back which may contain a light source to provide light onto the sign background against which the channel letters are silhouetted. See also reverse pan channel letters.

Commercial Message. A message conveyed by any sign that is solely intended to interest, entice, or solicit any person to participate in commercial transactions with a business, including offers of goods, cash, discounts on products or services, or other items, including the offering of free goods or services made in exchange for or with the intent to induce the recipient's willingness to receive information relating to a possible commercial transaction.

Encroachment. The extension of any sign over a public right-of-way or private access way.

Flag. A fabric sheet of square, rectangular, or triangular shape that is typically mounted on a pole.

Fluorescent Colors. The range of colors created through a synthetic pigmentation process in which ultraviolet light is absorbed and emitted at a different range within the color spectrum of the individual colors.

Fully Shielded. Light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Historical Plaque. A sign that memorializes a person, event, building, former use of a place, or something else of historical significance.

Illumination, External. Illumination resulting from the face of the sign reflecting light from an external light source intentionally directed upon it.

Illumination, Halo. A form of sign illumination in which neon tubing, LED, or similar lights are mounted within the letter to illuminate the mounting surface causing a halo of light around the letter

Illumination, Internal. A form of sign illumination that includes single-color LED signs, signs constructed with pan channel letters (but not reverse pan channel letters), or indirect illuminated pan channel letters on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.

Landscape Area. For purposes of sign regulation, an area surrounding the base of a freestanding sign, and containing living plant materials with or without a fixed border.

Laser Light Display. A display that emits light through the use of a laser beam(s).

LED (Light Emitting Diode). A semiconductor diode that emits light when a voltage is applied to it.

Maintenance. The upkeep of signs, and their support structures, in a condition of good repair. This includes the replacement or repainting of sign faces which have been damaged or have otherwise lost their ability to convey the message intended. Maintenance does not include the changing of location, orientation, size, or height of a sign.

Multi-tenant Building. A building in which two or more separate and independently owned, rented, leased, or operated occupancies are contained.

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Neon. An illumination source created when a glass tube filled with neon or other similar gas emits light when energized. The tube can be bent to form letters, symbols, or other shapes.

Nonprofit. Any person(s), partnership, association, corporation or other group whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group and may include, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

Noncommercial Message. Any copy that communicates a message that is not a commercial message. A noncommercial message does not directly or indirectly name, draw attention to, or advertise a business, product, good, service, or other commercial activity, or propose a commercial transaction.

Pan Channel Letters. A specific type of sign letter consisting of a metal pan enclosure fabricated in the shape of a letter, numeral, or other shape in which the metal pan enclosure is used to house the lighting and electrical components of the letter and can be mounted directly to a wall. The sign face is usually made of colored plastic attached to the metal pan so that the letters are illuminated and to seal it off from pests and harsh weather.

Primary Frontage. The side of a building facing a street or, in the case of a building having more than one side facing a street, the side so designated by planning department staff.

Professionally Crafted or Painted Sign. A temporary or permanent sign that is made to a high standard by a competent individual(s) skilled in sign design, fabrication, and installation.

Raceway. An enclosed conduit for electrical wiring.

Reverse Pan Channel Letter. A specific type of sign letter consisting of a metal pan enclosure fabricated in the shape of a letter, numeral, or other shape in which the metal pan enclosure is used to house the lighting and electrical components of the letter and can be mounted directly to a wall. The sign face is made of the same solid opaque materials as the sides of the letters so that the front and sides of the sign letters do not emit light.

Roof line. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Search Lights. Lights which disappear and reappear at periodic intervals, or are intermittently on and off, and which are placed so as to attract vehicular traffic with emphasis on the recurrence of lights.

Secondary Frontage. The sides of a building other than the primary frontage, which are visible from a public right-of-way or from adjacent private property or which provide secondary access to the use or activity.

Sign. A permanent or temporary structure, device, figure, display, message, placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Sign Area. Area enclosed in the frame of the sign as measured from the outside of the frame and following the contour of the frame. In those instances where a sign is painted or otherwise affixed or attached to a wall or similar structure or portion thereof, the area of a sign shall be computed by

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measuring the overall length and width of the message. This computation shall also be utilized when raised or freestanding letters are affixed or attached to a structural surface.

Sign Face. The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

Sign, Abandoned. Sign that identifies a business, lessor, owner, product, service, or activity that is no longer on the premises where the sign is displayed.

Sign, A-Frame. A temporary pedestrian-oriented sign constructed with two sides attached at the top allowing the sign to stand in an upright position and with the sign display areas attached to the side supports (also known as a Sandwich Board Sign or an Upright Sign).

Sign, Awning. Any permanent sign that is part of or attached to an awning, or other fabric, plastic or structural protective cover located over a door, entrance, window, storefront, or outdoor service area.

Sign, Bandit. Any sign that is placed on public or private property without the consent of the property owner or as authorized in Chapter 17.27, Signs.

Sign, Billboard. A permanent structure for the display of a commercial or non-commercial message.

Sign, Blade. A permanent sign mounted to the wall of building by means of a bracket and which is typically hung perpendicular to the wall of the building.

Sign, Building Identification. A sign consisting of letters or numbers applied to a building wall, engraved into the building material or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

Sign, Building Mounted. A permanent sign attached, connected, painted, or erected on the wall, parapet, or fascia of a building or structure.

Sign Cabinet. A permanent building-mounted or freestanding sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet either that contains the lighting fixtures which illuminate the sign face from behind.

Sign, Canopy. A permanent sign that is painted, or mounted to a canopy, typically used to accent building entries.

Sign, Commemorative. Any sign containing words or figures commemorating a historical, cultural, or artistic event or location.

Sign, Copy. Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination that is primarily intended to advertise, identify, or notify.

Sign, Directional. A permanent sign erected to inform the viewer of the approximate route, direction, or location of a facility or tenant.

Sign, Directory. A permanent sign on a multi-tenant site or building providing information including a list of tenants and occupants, addresses, and suite numbers or a map of the building or complex. These signs are typically internal to a center, oriented to pedestrians, or motorists circulating in a parking lot rather than vehicles travelling on a public street.

Sign, Electronic Message. A permanent sign or portion of a sign that utilizes computer-generated messages or some other electronic means of changing its characters, letters, numbers, illustrations,

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display, color, and/or light intensity, including animated graphics and video, by electronic or automatic means. An Electronic Message Sign is not a Single- or Two-Color LED Sign.

Sign, Feather Banner. A temporary sign that is taller than it is wide and made of a flexible material (typically cloth, nylon, or vinyl) and mounted to a pole.

Sign, Freestanding. A permanent sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

Sign, Fuel Pump Topper. A temporary sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

Sign, Government. Any sign, posting, notice or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare.

Sign, Incidental. A sign which provides incidental information, including security, credit card acceptance, business hours, directions to services and facilities, or menus.

Sign, Individual Letter. A cut-out or etched letter or logo which is individually mounted on a building wall, or freestanding permanent sign.

Sign LED. A permanent or temporary sign consisting of light emitting diodes (electronic components that let electricity pass in only one direction) that emit visible light when electricity is applied.

Sign, Monument. A permanent freestanding sign, with a solid base that is equal to or larger than the width of the sign face.

Sign, Non-Conforming. Any sign legally established prior to the Effective Date that does not fully comply with the standards imposed by the individual Sections of this Code.

Sign, Off-Premise. Any sign for a business, commodity, service, entertainment, product, structure, use or property that is different from a structure or use existing on the property where the sign is located. Includes any sign on which space is rented, donated, or sold by the owner of said sign or property for the purpose of conveying a message.

Sign, On-Premise. Any sign directing attention to a business, commodity, service, or offered upon the same premises as those upon which the sign is maintained.

Sign, Painted Wall. A permanent or temporary sign painted directly onto the exterior wall of a building and having no sign structure.

Sign, Pennant. A temporary sign made of flexible materials and usually longer than it is wide, often triangular in shape, and frequently displayed with other pennants on a string.

Sign, Permanent. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Sign, Post. A permanent sign mounted on either a single post or two or more posts.

Sign, Prohibited. Any sign not in accordance with or authorized in Chapter 17.27, Signs.

Sign, Projecting. A permanent sign that is perpendicular to the face of a building and projects outward from the building face.

Sign, Raised Letter. A sign containing copy, logo, and/or decorative embellishments in relief on the face.

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Sign, Roof. Any permanent sign erected, painted, or attached to the sloped surface of a mansard or hip roof of a building. Excludes signs mounted on the top of a building's roof.

Sign, Service Island Canopy. A sign mounted on the fascia of a service island canopy.

Sign, Single-Color or Two-Color LED. A permanent or temporary sign or portion of a sign composed of single-color or two-color LEDs that displays static or changeable sign messages using characters, letters, and numbers only. Examples of these signs include, "open" or "closed" signs", "time and temperature " signs, "gas station price signs", or signs indicating the number of available spaces in a parking facility.

Sign, Spinner. A lightweight, durable, and colorful device designed to be affected by the movement of air so that it spins or rotates in a manner to capture attention.

Sign Structure. The supports, uprights, bracing, and/or framework of a sign.

Sign, Temporary. A sign constructed of paper, cloth, vinyl, fabric, or similar material, which is intended for a definite and limited period of display and which is not permanently affixed to a structure, sign area, or window.

Sign, Upright. A pedestrian oriented sign that is not permanently affixed to a structure or the ground to advertise special goods, services, or products offered on the site.

Sign, Vehicle. Any sign on or affixed to a truck, van, automobile, trailer, or other vehicle.

Sign, Wall. A permanent sign affixed to or erected against the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of the wall or the fascia to which it is affixed or erected.

Sign, Wall Banner. A temporary sign and constructed of cloth, bunting, plastic, paper, or similar nonrigid material, and securely attached to the wall or support structure for which it is advertising. Flags are not considered temporary wall banners.

Sign, Walker. A person who wears, holds, or balances a sign.

Sign, Window. A permanent or temporary sign posted, painted, placed, or affixed in, on, or within a window, or otherwise exposed to public view through a window.

Sign, Yard, Type I. A small temporary sign typically constructed of corrugated plastic and supported on either an H-shaped wire frame or mounted so as to swing between two pairs of support legs, used for example, for advertising by local businesses or by election campaigns (Synonym: Lawn Sign). A type I yard sign is not an A-frame sign.

Sign, Yard, Type II. A temporary sign mounted on a single post installed securely in the ground with a small sign hanging from a cross bar mounted parallel to the ground.

Sign, Yard, Type III. A large temporary typically wooden sign mounted on two posts installed securely in the ground.

Static Display. A sign face that does not change within a 24 hour period.

Valance. The vertical front face of an awning that is parallel to the face of the building to which it is mounted.

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17.27.030 Applicability

- A. This Chapter applies to all signs within the City regardless of their nature or location, unless otherwise specifically exempted in Section 17.27.030.F.
 - 1. Standards for permanent signs are found in Section 17.27.090, Standards for Permanent Signs.
 - 2. Standards for temporary signs are found in Section 17.27.100, Standards for Temporary Signs.
- B. The provisions of this Chapter shall be applied in a content-neutral manner. Noncommunicative aspects of all signs, not related to the content of the sign, shall comply with the provisions of this Chapter. "Non-communicative aspects" include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.
- C. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the City.
- D. **Substitutions and Interpretations.**
 - 1. This Chapter is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different noncommercial message, without the need for any approval or permit, provided that the size of the sign is not altered and the sign otherwise complies with the provisions of this Chapter. To the extent any provision of this Chapter is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.
 - 2. This Chapter applies to all signs within the City.
 - 3. When there is any question regarding the interpretation of a provision of this Chapter, or its application to any specific case or situation, the Community Development Director shall interpret the intent of this Chapter.
 - 4. All regulations included in this Chapter shall apply unless a master sign program is approved by the Community Development Director; see Section 17.27.060, Sign Program. Entry into agreement between the City and a developer for a master sign program may supersede this Chapter except for matters of public safety.
- E. **Conflicting Regulations.** Exceptions to this Chapter may be made for signs subject to federal or state government regulations that may be in conflict with this Chapter.
- F. **Exempt Signs.** The following are not regulated under this Chapter, do not count toward the maximum total sign area for all permanent signs, and do not require a Sign Permit:

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1. **Government Signs.** Any sign, posting, notice or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:
 - a. Numerals and letters identifying an address from the street to facilitate emergency response and compliant with City requirements;
 - b. Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense;
 - c. Traffic signs erected and maintained by an authorized public agency;
 - d. Signs required to be displayed by any applicable federal, state, or local law, regulation, or ordinance;
 - e. Signs directing the public to points of interest;
 - f. Signs showing the location of public facilities; and
 - g. Signs identifying the department service or location of City facilities and operations subject to the location and size limitations in this Chapter.
2. **Incidental signs.** Incidental signs not to exceed a total of three-square feet in sign area for all permanent signs in all single-family residential zoning districts and six square feet in all other zoning districts;
3. **Signs not readable from the public right-of-way.** Signs not readable from the public right-of-way, including:
 - a. Signs or displays located entirely inside of a building, within a courtyard, open-air pedestrian space or similar open area and not visible from the building's exterior;
 - b. Signs intended to be readable from within a parking area or City park but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way; and
4. **Historic Plaques and Commemorative Signs.** Historic plaques, memorial signs or tablets either attached to or cut into the surface of buildings, provided that no such sign exceeds two square feet in area.

17.27.040 Minor Sign Permit

- A. **Purpose.** The purpose of the Minor Sign Permit is to allow for ministerial review and approval of certain signs to ensure compliance with the applicable provisions of this Zoning Code.
- B. **Applicability.**
 1. The Minor Sign Permit applies to all new signs, additions to signs, alterations of a sign, or replacement of a sign allowed by Chapter 17.27, Signs, excluding illuminated signs.
 2. It shall be unlawful for any person to erect, place, display, alter, repair, or relocate a permanent sign without first obtaining approval for a Minor Sign Permit from the Community Development Director.

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3. A Minor Sign Permit is not required for the following:
 - a. Changes to the face or copy of an existing single-tenant or multi-tenant freestanding or building mounted sign from one business to another with no structural or lighting modifications to the sign; and
 - b. The normal repair and maintenance of conforming or legal nonconforming signs.
- C. **Application.** An application for a Minor Sign Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
- D. **Notice of Action, Appeals, Expiration, Extensions, and Modifications**
 1. **Planning Commission Review.** The Community Development Director may require Planning Commission approval of a Minor Sign Permit if it is determined there are special or unusual circumstances associated with the sign application.
 2. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 3. **Appeals.** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.
 4. **Expiration, Extensions and Modifications.** Minor Sign Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals, and Section 17.04.150, Modifications to an Approval.
- E. **Inspections.** All signs for which a Minor Sign Permit is required are subject to inspection to establish compliance with the provisions of this Chapter as well as the following additional inspections, unless waived in writing by the Chief Building Official:
 1. Footing inspections on all freestanding signs, including the addition of additional sign area to existing signs;
 2. Electrical inspections for all sign structure(s) prior to placement; and,
 3. Final inspection to establish compliance with provisions of this Code and other applicable City Codes.

17.27.050 Major Sign Permit

- A. **Purpose.** This Section establishes the permitting process for signs that require review and approval by the Planning Commission.
- B. **Applicability.** The Major Sign Permit applies to:
 1. Internally illuminated signs and permanent signs incorporating neon;
 2. Neon signs or single- or two-color LED signs placed in a window (see Table 17.27.090.K: Standards for Window Signs);
 3. Monument signs in the A-20 zoning district (see Table 17.27.090.B: Standards for All Permanent Signs);

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4. Signs, alterations of a sign, or replacement of a sign not in compliance with the standards of this Chapter, i.e., signs that are larger, signs of a unique design or location, or signs proposed in addition to those otherwise allowed; and
 5. A Sign Program that addresses the needs for all businesses within a building with multiple tenants or a planned commercial development (see Section 17.27.060, Sign Programs).
- C. **Application Requirements.**
1. **Pre-Application Review.** An optional Pre-Application Review with the Community Development Director is recommended for all applications in compliance with the procedures established in Section 17.04.040, Review of Planning Applications.
 2. **Application.** An application for a Major Sign Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
 3. **Responsibility.** It is the responsibility of the applicant to provide information on the proposed sign which support the findings described in subsection E.
- D. **Public Hearing and Procedures.**
1. Public hearings shall be noticed in compliance with Section 17.04.080, Public Hearing Notice.
 2. The Planning Commission shall hold a public hearing on a Major Sign Permit application and shall, at the conclusion of the public hearing, approve (with or without conditions) or deny the application in compliance with the provisions of Chapter 17.04, Common Procedures.
- E. **Findings.** In approving a Major Sign Permit, the Planning Commission shall make the following findings:
1. The sign is compatible with the site;
 2. The sign materials are consistent with or complement those of the project;
 3. The sign reflects the small-town character of St. Helena;
 4. The sign will not negatively impact surrounding properties;
 5. The sign does not obscure or detract from the architecture of a historic building or structure; and
 6. The sign contributes to the historical or architectural character of the community.
- F. **Notice of Action, Appeals, Expiration, Extensions, and Modifications.**
1. **Notice of Action.** Notice of Action shall be provided pursuant to Section 17.04.100, Timing and Notice of Action.
 2. **Appeals.** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.
 3. **Expiration, Extensions and Modifications.** Sign Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

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17.27.060 Sign Program

- A. A Sign Program is required for all businesses within a multi-tenant building, or other types of planned commercial developments prior to the approval of any signs for an individual business within any of these developments.
- B. The Planning Commission shall consider the cumulative visual effect of all signs and may reduce the overall number and/or area of signs allowed for each business or may require that directory signs be used instead of individual signs.

17.27.070 Sign Permits – Temporary Wall Banner Signs

- A. **Temporary Wall Banner Sign Permit Requirement.** It is unlawful for any person to erect, place, display, or relocate a temporary wall banner sign without first obtaining approval for a Temporary Wall Banner Sign Permit from the Community Development Director.
- B. **Duration of Temporary Wall Banner Sign Permits.** The Temporary Wall Banner Sign Permit will be valid for 60 days beginning with the date of issuance, provided the sign is not displayed for more than two weeks at any one time and for not more than four times per year (maximum of eight weeks of temporary signs being displayed per year).
- C. **Review and Approval.**
 - 1. **Review.** The Community Development Director shall review the Temporary Wall Banner Sign Permit application and supporting documentation for compliance with the standards of Section 17.27.100, Standards for Temporary Signs.
 - 2. **Determination.** The Community Development Director shall determine whether the Temporary Wall Banner Sign Permit may be issued or if additional information is required from the applicant to complete the permit application. If the Temporary Wall Banner Sign Permit application is denied, the reason shall be stated in writing.
 - 3. **Authorization and Substitution.** Issuance of a Temporary Wall Banner Sign Permit authorizes the holder to install a temporary wall banner sign(s) in compliance with the terms of the permit.
 - a. At any time after a Temporary Wall Banner Sign Permit is issued, a new owner, tenant, or lessee of record may be substituted for the original applicant if a record of the new interest is made with the City and the new interest assumes all obligations to be in compliance with the original permit.
 - b. The change of interest shall not imply that any fees paid for the permit will be returned to either the interest which has been replaced or the substitute.
 - 4. **Inspections.** All signs for which a Temporary Wall Banner Sign Permit is required are subject to inspection to establish compliance with the provisions of Section 17.27.100, Standards for Temporary Signs.
 - 5. **Violations.** Any Temporary Wall Banner signs installed or displayed without a Temporary Wall Banner Sign Permit are in violation of this Chapter and is grounds for the Community Development Director to issue a correction notice and/or to cause

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removal of the Temporary Wall Banner sign until appropriate permits are obtained (See Section 17.27.120, Enforcement).

17.27.080 General Standards for All Signs

- A. **Sign Message.** Any permitted sign may contain, in lieu of any other message or copy, any lawful non-commercial message, so long as the sign complies with the size, height, area, location, and other requirements of this Chapter.
- B. **Prohibited Location Standards.** All signs may not be placed in the following locations or manner, except where specifically authorized in this Chapter:
 - 1. **Architectural Features.** Areas where a sign would cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or another architectural feature;
 - 2. **Accessory Structures.** Tacked, painted, pasted or otherwise affixed, to the walls of any building, barn or shed, accessory structure, or on trees, poles, posts, fences, ladders or other structures that are visible from a public way. Permanent signs may be attached to a fence or freestanding wall only when a monument or post sign is not present in the development and must be maximum three square feet in sign area;
 - 3. **Clearance Standards.** Within the horizontal or vertical clearance standards from communications lines and energized electrical power lines prescribed by the laws of the State of California;
 - 4. **Conflict with Traffic Signs.** Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device;
 - 5. **Exits and Entrances.** Any sign which is placed in a manner that would prevent or inhibit free ingress to or egress from any door, window, vent, or any exit way required by the Building Code, or by Fire Department regulations (currently in effect);
 - 6. **Fuel Tanks, Storage Containers, and Solid Waste Receptacles.** Painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;
 - 7. **Intersections and Site Visibility Triangle.** Any sign erected or maintained at or near any street intersection or within the site visibility triangle as defined in Section 17.24.050, Fences, Walls, and Hedges that will obstruct the free and clear vision of drivers and pedestrians;
 - 8. **Obstruction of Pedestrian Ways.** Any sign mounted or displayed in such a manner that impede, obstruct or create hazards with respect to pedestrian traffic. A minimum width of four feet must be maintained on sidewalks at all times;
 - 9. **Off-premises.** Off-premises signs, except those signs approved by a Major Sign Permit to be located on a legal easement for an access way through another property when such access is required for public use;

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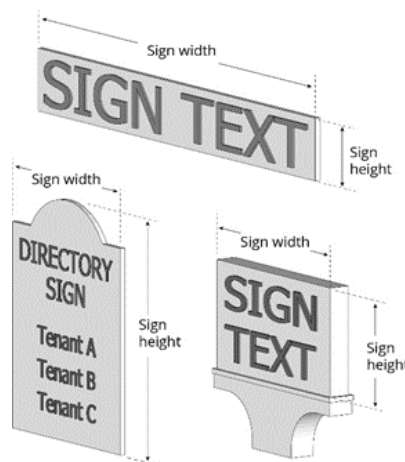
10. **Public Utilities and Infrastructure.** Any sign attached to any public utility pole, structure or streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved as part of a special event permit on City property or banner signs permitted by the City on light poles within the City;
 11. **Right-of-Way.** Signs located within the public right-of-way including any sign or handbill attached to a utility pole or street sign pole except those required or permitted by federal, State or local law;
 12. **Vehicles.** Mounted, attached, or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on private premises in a manner intended to attract attention of the public for the purpose of advertising or identifying the business premises. This provision excludes signs indicating the name of the owner or business that are permanently painted or wrapped on the surface of the vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of the business. Vehicles must be operable and parked in a lawful or authorized manner.
- C. **Prohibited Display Standards.** This subsection regulates the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the City. Signs with the following display features are prohibited:
1. **Devices Affected by Movement.** Any sign animated by any means, including fixed aerial displays, airborne balloons, balloon bobbers, feather banners, pennants, propellers, spinners, streamers, lights, string of flags, tubes or other devices affected by movement of the air or other atmospheric or mechanical means;
 2. **Exposed Light Source.** Any sign with an exposed light source, except for neon LED strip lights incorporated into the design of the sign;
 3. **Flashing Lights.** Any sign or lighting device, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, blinking, or strobe light illumination, including search lights;
 4. **Fluorescent Colors.** Any sign which uses florescent colors;
 5. **Rotating Signs and Barber Poles.** Any sign in which the sign body or any portion of the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means. Barber poles no larger than three feet high and 10 inches in diameter, and clocks, are excepted from this restriction;
 6. **Visible Matter and Motion Picture Projection.** Any sign which emits sound, odor, smoke, laser light display, hologram lights, or other visible matter, including any sign that uses motion picture projection.

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- D. **Prohibited Sign Types.** The following signs are prohibited within the City:
1. Any sign which advertises a business that is a prohibited use or no longer in existence or a product or service no longer being sold, except landmark signs;
 2. Bandit signs;
 3. Billboards;
 4. Cabinet signs;
 5. Electronic message signs;
 6. Pan channel letter signs;
 7. Roof signs;
 8. Sign walkers;
 9. Signs which bear or contain statements, words, or pictures of an obscene nature;
 10. Stuffed or inflated animals or characters used as signs; and
 11. Any signs not specifically allowed in this Chapter.
- E. **Rules of Measurement.**

1. **Sign Area Measurement.** Sign area is measured as follows:
 - a. *Signs on Background Panel.* Where the sign copy is mounted, affixed, or painted on a background panel or distinctively painted, textured, or constructed surface, the sign area is measured as the sum of the smallest rectangle(s) that will enclose both the sign copy and the background, as shown in Figure 17.27.080.A.

Figure 17.27.080.A: Signs on Background Panel



- b. *Signs with Individual Letters.* Where the sign has individual letters or graphics mounted against a wall, fascia, mansard, parapet, or other building surface that has not been distinctively painted, textured or constructed as a

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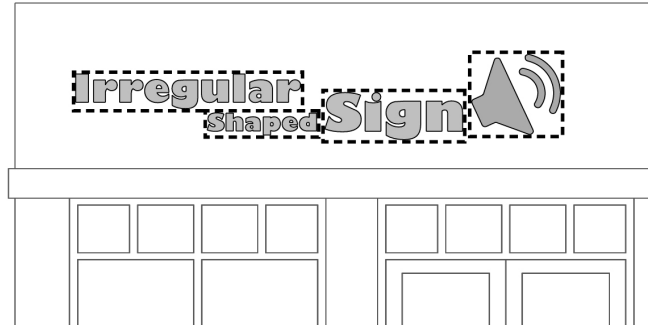
background panel, the sign area is measured as the smallest rectangle(s) that will enclose each word and each graphic in the sign as shown in Figure 17.27.080.B.

Figure 17.27.080.B: Signs with Individual Letters



- c. *Irregular Shaped Signs.* Sign area for irregular shaped signs is determined by dividing the sign into the smallest squares or rectangles that will enclose each word or graphic in the sign as shown in Figure 17.27.080.C. If the square or rectangles overlap, the area of overlap is subtracted from the total sign area.

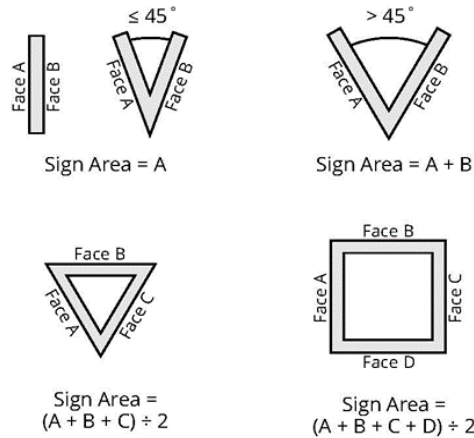
Figure 17.27.080.C: Irregular Shaped Signs



- d. *Multi-Face Signs.* The sign area for multi-face signs, as shown in Figure 17.27.080.D, are measured as follows:
- i. Two-Face Signs. Where the interior angle between the two sign faces is 45 degrees or less and the sign faces are less than 42 inches apart, the sign area is measured as the area of one sign face only. Where the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.
 - ii. Three- or Four-Face Signs. The allowable sign area is measured as 50 percent of the sum of the areas of all sign faces.

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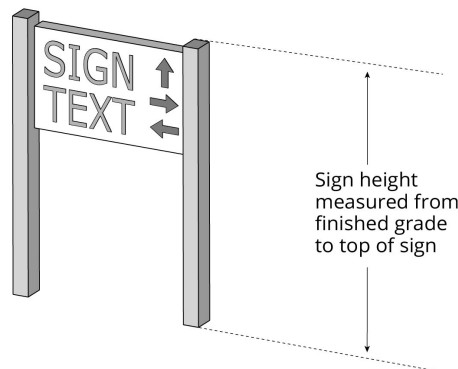
Figure 17.27.080.D: Multi-Face Signs



2. **Sign Height Measurement.**

- a. *Freestanding Signs.* Sign height for freestanding signs is measured as the vertical distance from the finished grade to the top of the sign.

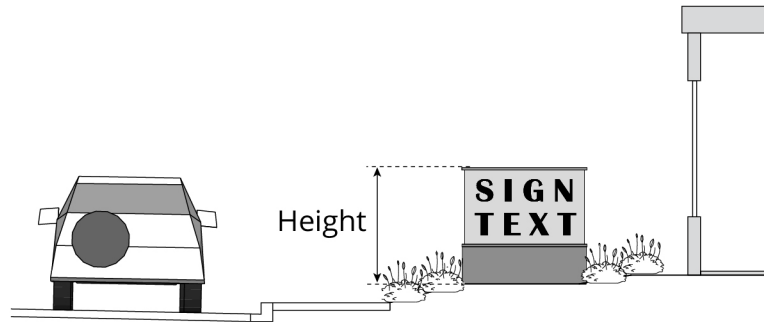
Figure 17.27.080.E: Freestanding Sign Height



- i. Higher Than Adjacent Grade. Where the grade at the base of a sign is higher than the grade of the adjacent road right-of-way, sign height is measured from the base of the sign, as shown in Figure 17.27.080.F.

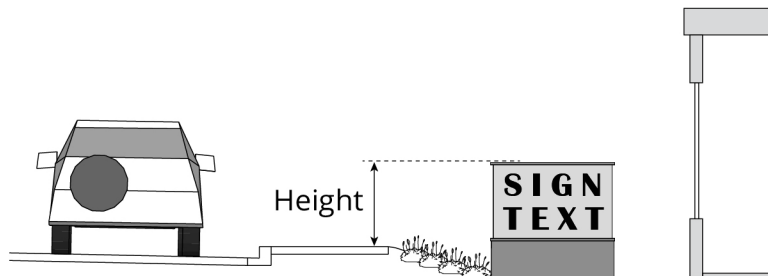
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Figure 17.27.080.F: Freestanding Sign Height, Higher Than Adjacent Grade



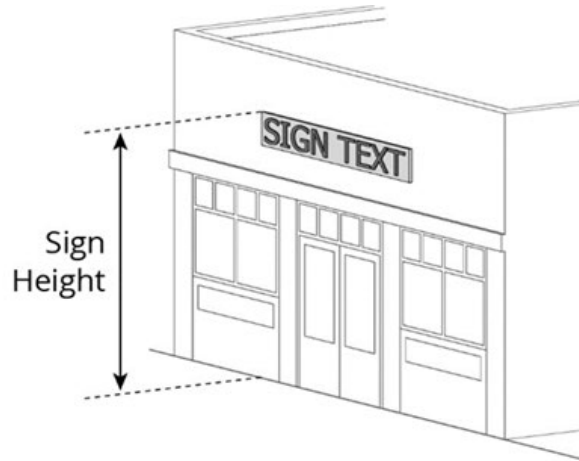
- ii. Lower Than Adjacent Grade. Where the grade at the base of a sign is lower than the grade of an adjacent road right-of-way, the height of the sign is measured from the top of curb elevation, as shown in Figure 17.27.080.G (the portion of the sign below the grade at the edge of the right of way shall not be included in determining the sign's overall height).

Figure 17.27.080.G: Freestanding Sign Height, Lower Than Adjacent Grade



- b. *Wall Signs.* The height of building-mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign structure, as shown in Figure 17.27.080.H.

Figure 17.27.080.H: Wall Sign Height



3. **Building Frontage.**

- a. The wall length and sign area shall be calculated separately for buildings with two or more frontages.
- b. Projections and recesses on a building wall may not exceed 10 feet for a continuous building frontage.

F. **Sign Illumination.**

1. **Internal Illumination.**

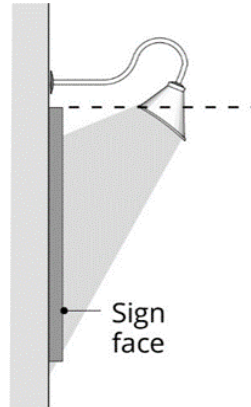
- a. Internally illuminated signs include single- or two-color LED signs, signs constructed with reverse pan channel letters (i.e. indirect halo illuminated channel letters) on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.
- b. Internally illuminated signs shall be illuminated only with steady, stationary, light sources.

2. **External Illumination.**

- a. Externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
- b. The light source for externally illuminated signs shall be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties as illustrated in Figure 17.27.080.J.

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Figure 17.27.080.J: External Illumination



3. **Neon.**
 - a. Exposed neon sign lighting on permanent signs is only allowed in the CB, MU and I zoning districts subject to review and approval by the Planning Commission.
 - b. Each business is only allowed one neon sign and it must be placed on the primary frontage of the building.
 - c. Neon is allowed on no more than 25 percent of the total sign area of a permanent building mounted sign.
 - d. Neon signs placed in a window are included in the total sign area limitations for all window signs (Refer to Table 17.27.090.K: Standards for Window Signs).
 - e. Neon signs must be turned off daily at the close of business or 10:00 pm, whichever occurs last.
4. **Single-Color or Two-Color LED Signs.**
 - a. Single color or two-color LED signs are only allowed in commercial and industrial zoning districts subject to review and approval by the Planning Commission.
 - b. Single-color or two-color LED signs are exempt from the sign area limitations for wall signs and window signs established in Table 17.27.090.J: Standards for Wall Signs, and Table 17.27.090.K: Standards for Window Signs.
 - c. Any individual single-color or two-color LED sign must not exceed two square feet in area and must be max. four square feet in total.
 - d. Single-color or two-color LED signs must be turned off daily at the close of business or 10:00 pm, whichever occurs last.

G. **Sign Structure and Installation.**

1. The installation of signs shall be enforced and administered by the Chief Building Official. All signs and sign structures must be designed to comply with the provisions

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of this Chapter, the applicable provisions of Title 15, Building and Construction, and constructed to withstand wind loads, dead loads, and lateral forces.

- a. Any angle iron, bracing, guy wires, or similar features used to support a sign shall not be visible to the extent technically feasible.
 - b. Where electrical service is provided to freestanding signs or landscape wall signs, the electrical service shall be placed underground and concealed. Electrical service to building mounted signs, including conduit, housings, and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A building permit shall be issued prior to installation of any new signs requiring electrical service.
 - c. All permanent signs allowed by this Chapter shall be constructed of durable materials capable of withstanding continuous exposure to the elements and the conditions of a built-up environment, and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.
2. Raceway, as illustrated in Figure 17.27.080.K, shall only be used in building mounted signs when access to the wall behind the sign is not feasible, or when the Community Development Director determines that a benefit exists to preserve a historic or architectural feature of a building. In such cases, the raceway shall not extend in width and height beyond the area of the sign and shall match the color of the building to which it is attached.

Figure 17.27.080.K: Raceway



3. Signs shall be designed so that the support frameworks for the sign are an integral part of the design of the sign or within the structure of the building to which it is attached in such a manner as to not be visible.

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H. Sign Maintenance.

1. All signs must be maintained by the property owner, tenant, or permittee. In the event a sign becomes derelict for reasons of lack of maintenance the approval may be revoked and the sign subject to abatement.
2. All signs together with their supports and appurtenances shall be maintained in good structural condition, in compliance with applicable Building and Electrical Codes, and in conformance with this Chapter. Maintenance of a sign includes periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this Chapter.
3. All signs and supporting structures shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted and clean. The immediate surrounding premises shall be maintained free of weeds and rubbish. The Community Development Director is authorized to order the painting, cleaning or repair of signs which become dilapidated and the cleaning of the immediate premises. Such maintenance shall be completed within 30 days of receiving written notice.
4. Required landscaped areas contained by a fixed border, curbed area, wall, or other perimeter structure shall receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within three months.
5. The Chief Building Official has the authority to order the repair, maintenance, or removal of any sign or sign structure that has not been maintained and is dangerous or in disrepair, or which is erected or maintained contrary to the requirements of this Section.
6. Failure to maintain a sign constitutes a violation of this Chapter and will be subject to enforcement action, in which case the Chief Building Official may order the removal of any sign that is determined to be in disrepair or dangerous.
7. Any owner of a sign victimized by graffiti shall remove, repair, or repaint sign(s) within 10 days of the graffiti being applied or within 10 days of notification by the Planning Building Director, whichever event comes first, or the sign shall be subject to removal by the City at the owner's expense.

17.27.090 Standards for Permanent Signs

A. Applicability.

1. This Section establishes the standards for permanent building-mounted and freestanding signs that are applicable in all zoning districts as provided in Table 17.27.090.A: Allowed Sign Types by Zoning Districts. Standards for each allowed sign type are provided in Table 17.27.090.C to Table 17.27.090.O. All permanent signs must comply with the standards for sign area, height, number, type, and the other requirements provided in these tables.

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2. A sign type not specifically included in this Section may be allowed by the Community Development Director provided the sign meets the intent of the zone in which it is proposed.

Part IV: Citywide Standards**Table 17.27.090.A: Allowed Sign Types by Zoning Districts**

Sign Type	LR/ LR- 1A	MR	HR	MU	CB	SC	BPO	I	A-20	W	WW ¹	PQP	PR	OS
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“•” = Permitted; “—” = Not Permitted

Building-Mounted Signs

Awning Sign	—	—	—	•	•	•	•	—	—	•	—	•	—	—
Blade Sign	—	—	—	•	•	•	•	—	—	•	—	•	—	—
Canopy Sign	—	—	—	•	•	•	•	—	—	—	—	•	—	—
Directional Sign	—	•	•	•	•	•	•	•	•	•	•	•	•	•
Directory Sign	—	•	•	•	•	•	•	•	•	•	•	•	•	—
Projecting Sign	—	—	—	•	•	•	—	•	—	—	—	—	—	—
Service Island Canopy Sign	—	—	—	—	•	•	•	•	—	—	—	—	—	—
Wall Sign ²	•	•	•	•	•	•	•	•	•	•	•	•	•	—
Window Sign ²	—	—	—	•	•	•	•	•	—	•	—	•	—	—

Freestanding Signs

Directional Sign	—	—	•	•	•	•	•	•	•	•	•	•	•	—
Directory Sign	—	•	•	•	•	•	•	•	•	•	•	•	•	•
Monument Sign	—	•	•	•	•	•	•	•	• ³	•	•	•	—	—
Post Sign	•	•	•	•	•	•	•	•	•	•	•	•	—	—

End Notes:

¹ All signs in the WW zoning district shall be non-illuminated.

² Neon is only allowed on wall mounted signs and window signs in the CB, MU, and I zoning districts. Refer to subsection 17.27.080.F.3.

³ Monument signs in A-20 require a Major Sign Permit as established in Section 17.27.050, Major Sign Permit.

B. Standards for Permanent Building-Mounted and Freestanding Signs.

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1. The maximum total area for all building-mounted and freestanding signs is established in Table 17.27.090.B: Standards for All Permanent Signs.
2. The area of all signs mounted on a building is included in the maximum total sign area per business or development, except when specifically exempted.
3. All permanent building-mounted and freestanding signs must comply with the corresponding sign type standards provided in Tables 17.27.090.C to Table 17.27.090.O.

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Table 17.27.090.B: Standards for All Permanent Signs			
Zoning Districts	Max. Sign Height, Building-Mounted	Max. Sign Height, Freestanding	Total Sign Area per Business or Development
<i>"sf" = square feet; "lf" = linear feet</i>			
LR, A-20 ¹	8 ft	5 ft	LR: Max. 4 sf A-20: Max. 6 sf
MR	8 ft	5 ft	Max. 16 sf
HR	8 ft	5 ft	Max. 20 sf
MU, CB	20 ft	8 ft	Max. 1.0 sf per linear foot of business frontage; not to exceed 40 sf for the primary frontage and 20 sf for secondary frontage
SC, I ²	20 ft	10 ft	Primary frontage: Max. 60 sf Secondary frontage: Max. 20 sf
BPO	20 ft	10 ft	Primary frontage: Max. 40 sf Secondary frontage: Max. 20 sf
W, WW	8 ft	5 ft	Primary frontage: Max. 20 sf Secondary frontage: Max. 20 sf
PQP, PR, OS ¹	12 ft	6 ft	Primary frontage: Max. 20 sf Secondary frontage: Max. 20 sf

Notes:

¹ The Community Development Director may grant by Minor Use Permit an increase in the maximum total sign area for all permanent signs in these zoning districts for public parks and recreation facilities, public schools, governmental facilities, public cultural facilities, and nonprofit hospitals.

² The Planning Commission may approve signs that exceed the height, size, and number of signs specified in the SC and I zoning districts for properties located along Main Street where the visibility of the sign is impaired due to any one of the following:

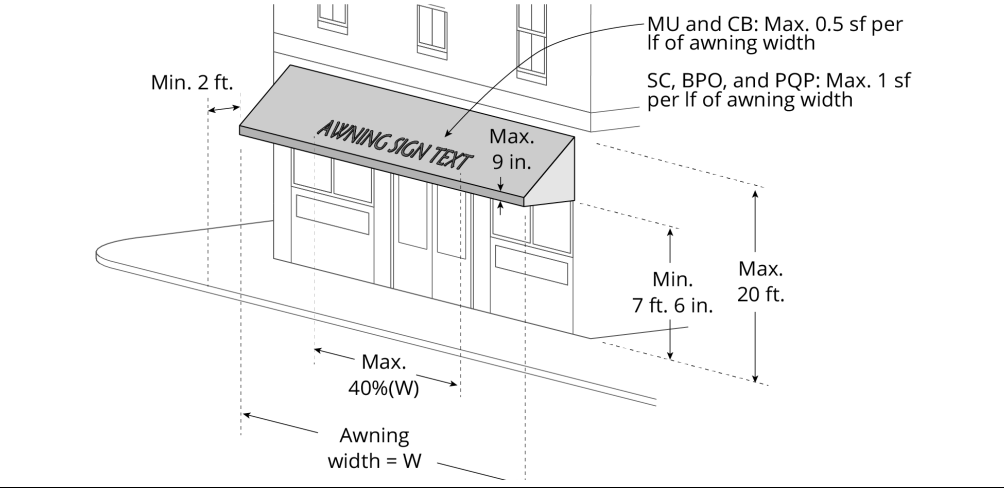
- A) The building is set back from the street for a distance of 50 feet or more;
- B) The visibility of the building is obscured;
- C) The speed limit on Main Street is greater than 35 miles per hour; or
- D) A sign meeting the standards of this Chapter would create a safety hazard by obscuring the vision of vehicles exiting the property.

C. Standards for Permanent Building-Mounted Signs

1. **Awning Sign.** Awning signs must comply with the standards provided in the table below.

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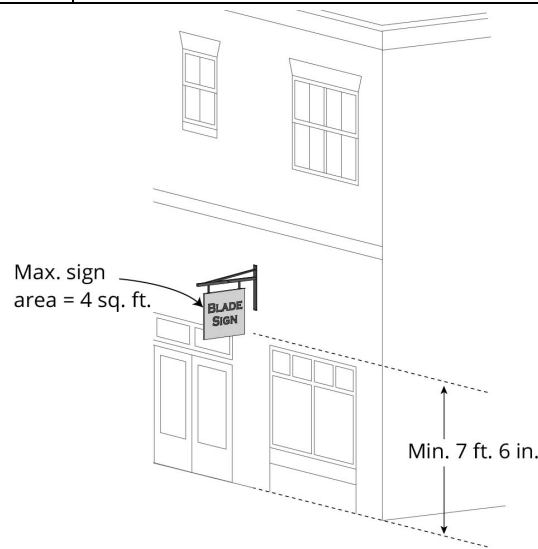
Table 17.27.090.C: Standards for Awning Signs		
Standards	MU and CB	SC, BPO, W, and PQP
"sf" = square feet; "lf" = linear feet		
Sign Area	Max. 0.5 sf per lf of awning width	Max. 1 sf per lf of awning width
	Included in the total allowable sign area for all building-mounted signs (see Table 17.27.090.B).	
Mounting Height	Min. 7 ft 6 inches from the bottom of the awning to the nearest grade or sidewalk. Max. 20 ft.	
Sign Placement	Must only be placed above the doors and windows of the ground floor. Sign width must not be greater than 40% of the width of the awning face or valance on which it is displayed. May project into public right-of-way with approval of an Encroachment Permit.	
Valance Height	Max. 9 in.	
Horizontal Distance from Back of Curb	Min. 2 ft.	
Illumination	Non-illuminated.	



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2. **Blade Sign.** Blade signs must comply with the standards provided in the table below.

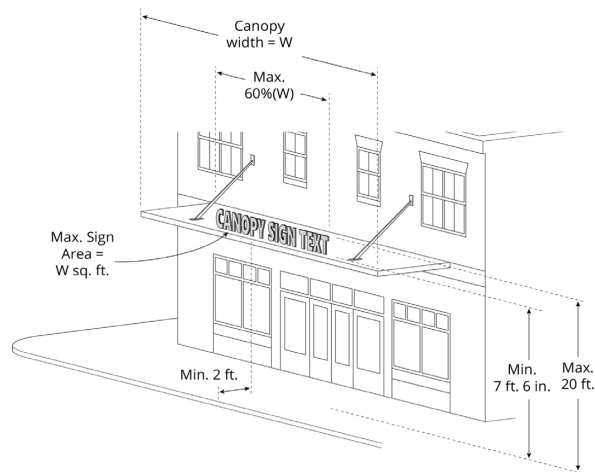
Table 17.27.090.D: Standards for Blade Signs	
Standards	MU, CB, SC, BPO, W, and PQP
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 4 sf per side. Included in the total allowable sign area for all building-mounted signs (see Table 17.27.090.B).
Mounting Height	Min. 7 ft 6 inches from the bottom of the sign to the nearest grade or sidewalk. Must be mounted perpendicular to the building face or at the corner of the building.
Number of Signs	Max. 2 signs; 1 sign per frontage.
Sign Placement	Sign must not extend beyond the edge of the structure on which it is located if mounted below the walkway or overhead structure. May project into public right-of-way with approval of an Encroachment Permit.
Horizontal Distance from Back of Curb	Min. 2 ft.
Illumination	Non-illuminated, internal illumination, or external illumination.



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3. **Canopy Sign.** Canopy signs must comply with the standards provided in the table below.

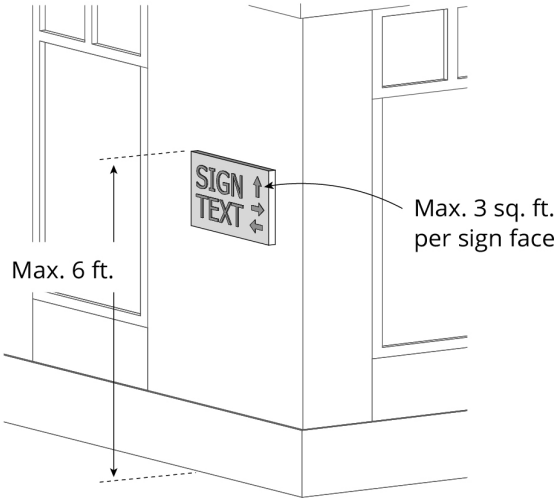
Table 17.27.090.E: Standards for Canopy Signs	
Standards	MU, CB, SC, BPO, and PQP
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 1 sf per linear foot of canopy width.
Sign Height	Min. 7 ft 6 inches from the bottom of the canopy to the nearest grade or sidewalk; Max. 20 ft.
Number of Signs	1 per business frontage.
Sign Placement	Must be placed above the doors and windows of the ground floor of a building. Sign width must not be greater than 60% of the width of the canopy on which it is displayed. If a canopy is placed on multiple store fronts, each business is permitted signage no greater than 60% of the store width or tenant space. May project into public right-of-way with approval of an Encroachment Permit.
Horizontal Distance from the Edge of the Canopy to Back-of-Curb	Min. 2 ft.
Illumination	Non-illuminated or internal illumination.



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4. **Directional Signs (Building-Mounted).** Directional signs must comply with the standards provided in the table below.

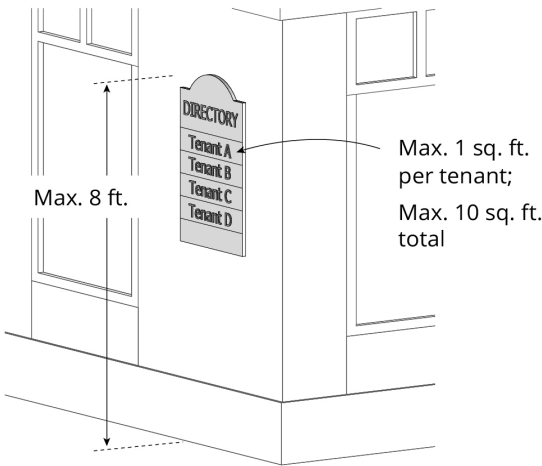
Table 17.27.090.F: Standards for Directional Signs (Building-Mounted)	
Standards	MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, PR, and OS
"sf" = square feet; "lf" = linear feet	
Sign Area	Max. 3 sf. Excluded from the total number of allowed signs for all building-mounted signs.
Mounting Height	Max. 6 ft.
Sign Placement	Max. 1 per pedestrian walkway.
Illumination	Non-illuminated or external illumination.



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5. **Directory Signs (Building-Mounted).** Directory signs must comply with the standards provided in the table below.

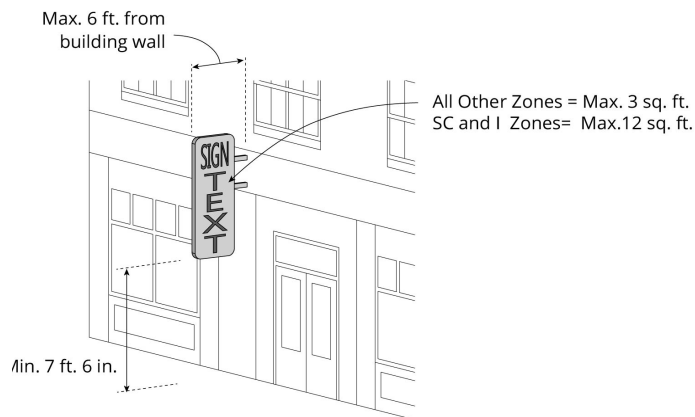
Table 17.27.090.G: Standards for Directory Signs (Building-Mounted)	
Standards	MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, and PR
"sf" = square feet; "lf" = linear feet	
Sign Area	Max. 1 sf per tenant space; Max. 10 sf total sign area. Excluded from the total number of allowed signs for all building-mounted signs.
Mounting Height	Max. 6 ft from nearest grade.
Number of Signs	Max. 1 per primary building entrance.
Illumination	Non-illuminated, internal illumination, or external illumination.



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6. **Projecting Signs.** Projecting signs must comply with the standards provided in the table below.

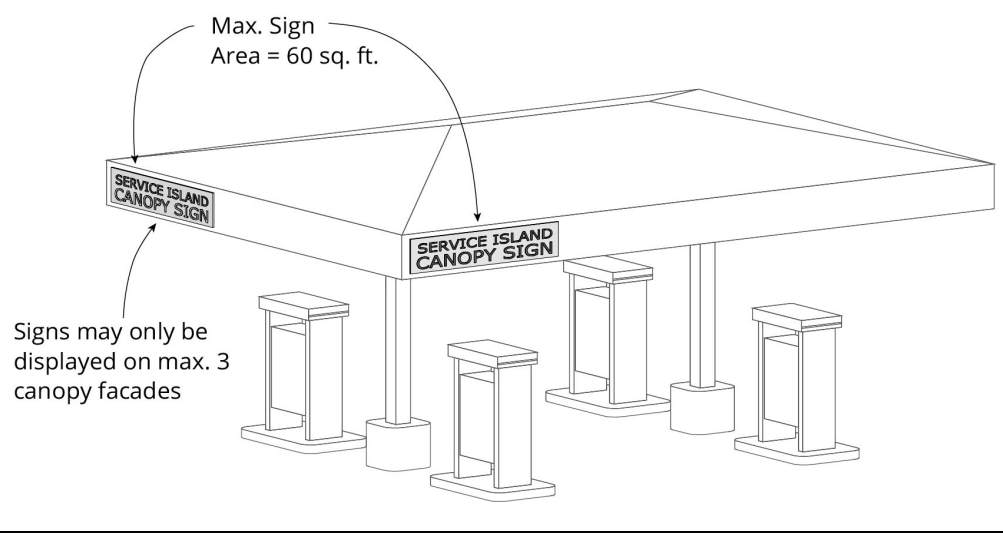
Table 17.27.090.H: Standards for Projecting Signs		
Standards	MU and CB	SC and I
<i>"sf" = square feet; "lf" = linear feet</i>		
Sign Area	Max. 12 sf per side	Max. 24 sf per side
	Included in the total allowable sign area for all building-mounted signs (see Table 17.27.090.B).	
Mounting Height	Min. 7 ft 6 inches from the bottom of the sign to the nearest grade or sidewalk.	
Sign Placement	Projecting signs shall not be permitted closer than 20 feet from each other. May project into public right-of-way (but not public alleys) with approval of an Encroachment Permit. May not extend vertically above the second floor window sill or when there is no second floor, may not extend above the parapet, eave, or roof line. Max. 6 ft from the building wall to the outer edge of the sign.	
Horizontal Distance from Back of the Curb	Signs may not project within two feet of the curb line.	
Number of Signs	Max. 1 per business when neither a monument sign nor a roof sign is present in the development. Not allowed if a monument sign or post sign is present.	
Illumination	Non-illuminated, internal illumination, or external illumination.	



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7. **Service Island Canopy Signs.** Service Island Canopy signs must comply with the standards provided in the table below.

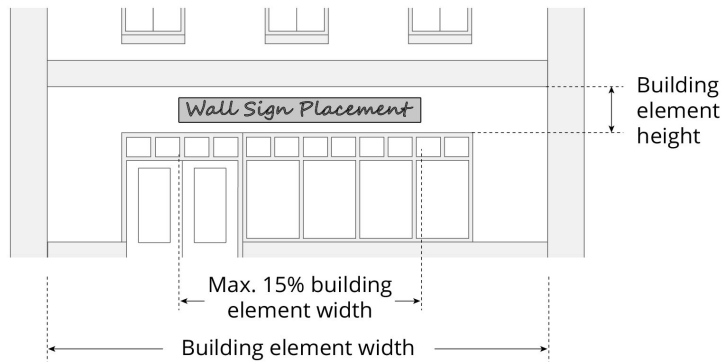
Table 17.27.090.I: Standards for Service Island Canopy Signs	
Standards	CB, SC, BPO, and I
"sf" = square feet; "lf" = linear feet	
Sign Area	Max. 60 sf for the total area of all signs on the canopy. Included in the total allowable sign area for all building-mounted signs (see Table 17.27.090.B).
Number of Signs	Signs may only be displayed on max. 3 canopy facades.
Illumination	Internal illumination.



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8. **Wall Signs.** Wall signs must comply with the standards provided in the table below.

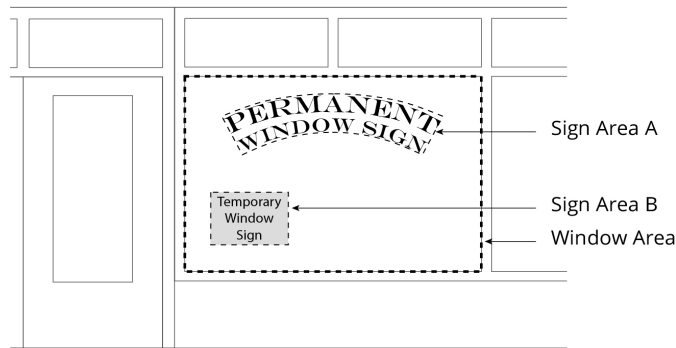
Table 17.27.090.J: Standards for Wall Signs	
Standards	LR-1A, LR, MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, and PR
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	As provided in Table 17.27.090.B. Included in the total allowable sign area for all building-mounted signs (see Table 17.27.090.B).
Number of Signs	Unlimited, provided the maximum area allowed for wall signs is not exceeded.
Sign Placement	Refer to the illustration below for applicable standards. Wall signs shall be placed to establish a facade rhythm, scale, and proportion between buildings. The sign's length shall not exceed the width of the framed portion of the storefront and shall not exceed 15 percent of the building facade.
Special Provisions	Requirements
Painted Wall Signs	Painted wall signs are allowed on any exterior building wall of an individual tenant space or building. Painted wall signs must be professionally painted. The allowable area for painted wall signs will be increased by 10% over the normal allowable sign dimensions for the zone. Painted wall signs are prohibited on historically designated buildings.
Illumination	Non-illuminated, internal illumination, or external illumination.



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9. **Window Signs.** Window signs must comply with the standards provided in the table below.

Table 17.27.090.K: Standards for Window Signs	
Standards	MU, CB, SC, BPO, I, W, and PQP
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	The combined area of temporary and permanent window signs must not exceed 40% of the area of the window on which they are displayed. Max. 25% of sign area may be neon or single-color or two-color LED signs. Neon or single-color or two-color LED signs greater than 2 sf each or a total of 4 sf require Planning Commission approval. Refer to subsection 17.27.080.F.3 and subsection 17.27.080.F.4. Adhesive vinyl, gild-leaf, or screen printing is preferred over hand-painted window signs.
Sign Placement	Must be mounted or displayed on the interior of the window. Window signs shall only be mounted on the first or second floor windows of a building.



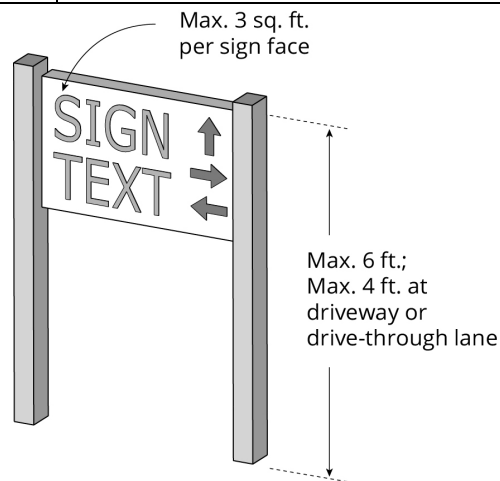
$$\text{Sign Area A} + \text{Sign Area B} \leq 40\% \text{ Window Area}$$

Part IV: Citywide Standards**D. Standards for Permanent Freestanding Signs.**

- Standards for each allowed permanent freestanding sign type are provided in tables with a supporting illustration of each sign type. All permanent signs must comply with the standards for sign area, height, number, type, and other requirements provided in these tables.
- Directional Signs (Freestanding).** Directional signs must comply with the standards provided in table below.

Table 17.27.090.L: Standards for Directional Signs (Freestanding)

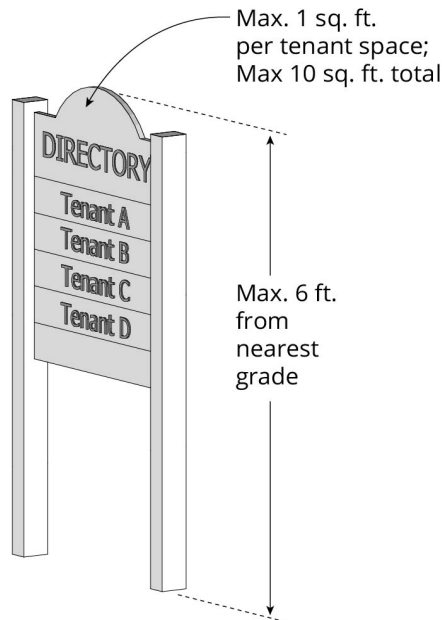
Standards	HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, and PR
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	2 sided allowed; Max. 3 sf per sign face. Excluded from the total number of allowed signs for all freestanding signs.
Sign Height	Max. 6 ft; Max. 4 ft at driveway or drive-through lanes.
Number of Signs	Max. 1 per driveway entrance or pedestrian walkway.
Illumination	Non-illuminated, internal illumination, or external illumination.
Special Provisions	May be mounted on either 1 or 2 posts.



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3. **Directory Signs (Freestanding).** Directory signs must comply with the standards provided in the table below.

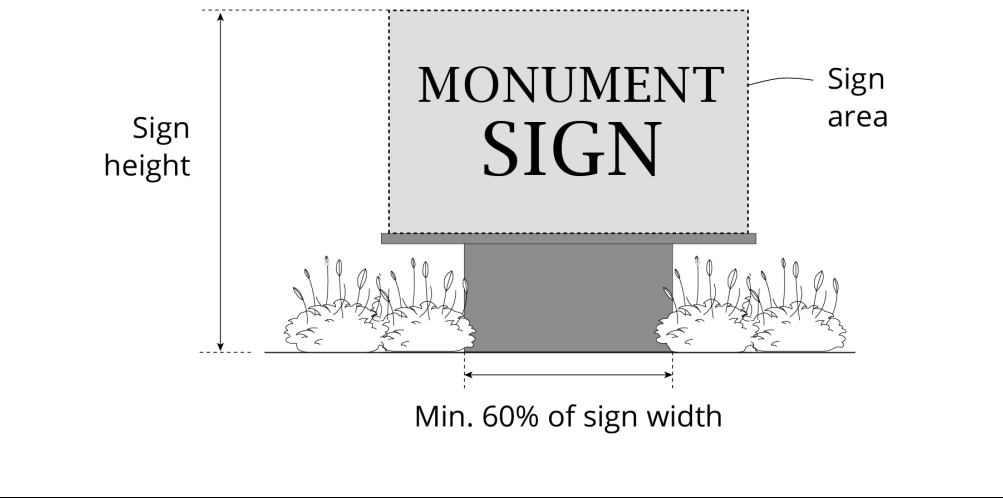
Table 17.27.090.M: Standards for Directory Signs (Freestanding)	
Standards	MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, PR, and OS
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	Max. 10 sf; Max. 1 sf per tenant space. Excluded from the total number of allowed signs for all freestanding signs.
Sign Height	Max. 6 ft from nearest grade.
Number of Signs	Max. 1 per building.
Illumination	Non-illuminated, internal illumination, or external illumination.
Special Provisions	May be mounted on either 1 or 2 posts.



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4. **Monument Signs.** Monument signs must comply with the standards provided in the table below.

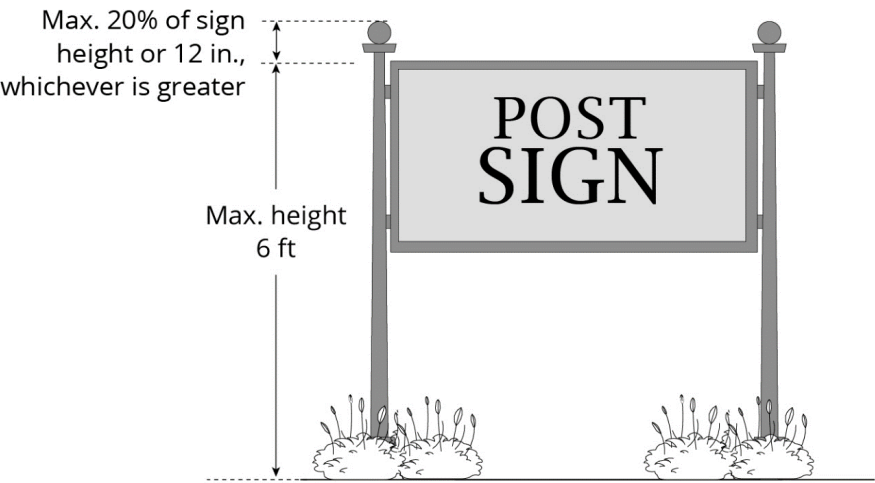
Table 17.27.090.N: Standards for Monument Signs	
Standards	MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, and PQP
<i>"sf" = square feet; "lf" = linear feet</i>	
Sign Area	As provided in Table 17.27.090.B.
Sign Height	As provided in Table 17.27.090.B. Elements to enhance the design of a sign structure may extend above the sign to a max of 20% of the sign's allowed height, or 12 inches, whichever is greater.
Total Sign Width	Elements to enhance the design of a monument sign structure may extend no more than 2 feet on either side of the sign.
Base Width	The sign base must be at least 60% of the width of the sign.
Number of Signs	Only one monument sign is allowed per building per frontage. Not allowed if a post sign is present in the development.
Sign Placement	Only located on private property along a site frontage facing a public street. Min. 5 ft setback from the front property line.
Illumination	Non-illuminated, internal illumination, or external illumination.



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5. **Post Signs.** Post signs must comply with the standards provided in the table below.

Table 17.27.090.O: Standards for Post Signs	
Standards	LR-1A, LR, MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, and PQP
"sf" = square feet; "lf" = linear feet	
Sign Area	As provided in Table 17.27.090.B
Sign Height	Max. 6 ft. Elements to enhance the design of a sign structure may extend above the sign to a max of 20% of the sign's allowed height, or 12 inches, whichever is greater.
Sign Placement	Min. 5 ft setback from the front property line.
Number of Signs	Max. 1 per property frontage. Not allowed if a monument sign is present in the development.
Illumination	Non-illuminated, internal illumination, or external illumination.
Special Provisions	Post signs shall be located in a landscaping area defined by a vertical curb to protect the sign.



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17.27.100 Standards for Temporary Signs

- A. **Purpose.** The City Council finds that the proliferation of temporary signs is a distraction to the traveling public and creates aesthetic blight and litter that threatens the public's health, safety, and welfare. In addition to the purpose provisions of Section 17.27.010, Purpose, these regulations ensure that temporary signs do not create a distraction to the traveling public by eliminating the aesthetic blight and litter caused by temporary signs and that certain types of temporary signs are allowed to ensure that residences are not left vacant for extended periods of time.
- B. **General to All Temporary Signs.** Temporary signs are allowed only in compliance with the provisions of this Section.
 - 1. **Permits.** A Temporary Wall Banner Sign Permit is required to display a temporary wall banner sign with a maximum area of 32 square feet. Wall Banners larger than 32 square feet in area requires Minor Sign Permit approval (see Section 17.27.040, Minor Sign Permit). All other temporary sign types do not require a Sign Permit. Each tenant in a multi-tenant building is entitled to a temporary wall banner sign in accordance with this Section.
 - 2. **Not Included in Permanent Sign Allowances.** Temporary signs are not counted toward the maximum total sign area established in Section 17.27.090, Standards for Permanent Signs.
 - 3. **General Time, Place, and Manner Restrictions.**
 - a. *Prohibited Location Standards.* Temporary signs must be placed in compliance with subsection 17.27.080.B, unless specifically exempted by this Section.
 - b. *Period of Use.* There is no limit on the length of time that a temporary sign may be displayed, except for temporary wall banner signs (see Section 17.27.070.B).
 - c. *Prohibited Display Standards.* Temporary signs must comply with Section 17.27.080.C.
 - d. *Design and Construction.* Temporary signs must be of sufficient weight and durability to withstand wind gusts, storms, etc. and must be professionally crafted.

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C. Additional Standards for Temporary Signs.

1. Temporary signs are allowed in compliance with provisions in Table 17.27.100.A: Standards for Temporary Signs.

Table 17.27.100.A: Standards for Temporary Signs	
Standard	Requirement
<i>"sf" = square feet; "lf" = linear feet</i>	
LR-1A, LR, A-20, MR, HR, W, WW, PQP, PR, and OS Zoning Districts	
Total Area of all Temporary Signs at Any One Time	Max. 16 sf ^{1 2}
Number of Signs	Unlimited except that the total sign area of all temporary signs must not exceed 16 sf.
MU and CB Zoning Districts	
Total Area of All Temporary Signs at Any One Time	Max. 32 sf per business, with a total of max. 72 sf per lot. Excludes the area of temporary wall banner signs.
Number of Signs	Unlimited except that the total sign area of all temporary signs (excludes area of temporary wall banner signs) must not exceed 32 sf per business. Exception: Multi-tenant shopping centers or offices – Max. 2 temporary wall banner signs per 150 lf of property frontage not to exceed 64 sf combined.
SC, BPO, and I Zoning Districts	
Total Area of All Temporary Signs at Any One Time	Max. 40 sf per business, with a total of max. 90 sf per lot. Excludes the area of temporary wall banner signs.
Number of Signs	Unlimited except that the total sign area of all temporary signs (excludes the area of wall banner signs) must not exceed 40 sf per business. Exception: Multi-tenant shopping centers or offices – Max. 2 temporary wall banner signs per 150 linear feet of property frontage not to exceed 64 sf combined.

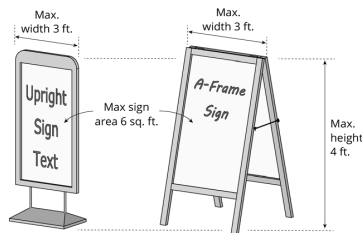
Notes:

¹ The Community Development Director may grant with a Minor Use Permit an increase in the maximum total sign area for all temporary signs in these zoning districts for public parks and recreation facilities, public schools, governmental facilities, public cultural facilities, and nonprofit hospitals.

² All temporary signs with commercial messages are prohibited in all residential zones, except that temporary signs with commercial messages advertising the sale or lease of real property are allowed in residential zones.

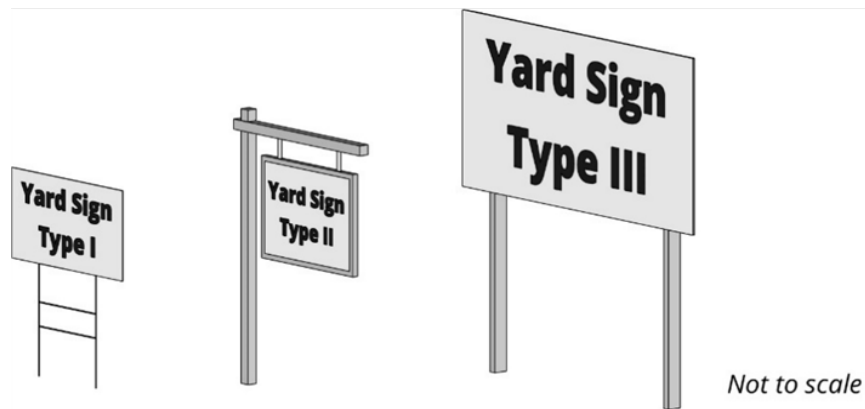
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2. **Standards for Specific Temporary Signs.** Temporary signs must comply with the standards provided in Table 17.27.100.B: Standards for Specific Temporary Sign Types.

Table 17.27.100.B: Standards for Specific Temporary Signs				
Temporary Sign Type ¹	Standards			Other Requirements
	Height (Max.)	Width (Max.)	Area (Max.)	
"sf" = square feet; "lf" = linear feet				
Allowed in Non-Residential Zones				
A-Frame or Upright Sign	4 ft	3 ft	6 sf	Must be located within 15 feet of the building in which the business is located. May be located on a sidewalk provided a minimum width of at least four feet in compliance with applicable ADA standards allows for unimpeded pedestrian movement. Only permitted during regular business hours in non-residential zoning districts.
				
Wall Banner	25 ft to top of banner	—	32 sf	Prohibited in residential zoning districts. ² Must be mounted on a building wall or on T-posts or stakes installed ≤ 6" from a wall on which the wall banner would be hung.
Window Sign	—	—	See End Note 3	Must be placed no higher than first story windows. Inside mounting required. Not included in the total sign area for all temporary signs.

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Table 17.27.100.B: Standards for Specific Temporary Signs				
Temporary Sign Type ¹	Standards			Other Requirements
	Height (Max.)	Width (Max.)	Area (Max.)	
"sf" = square feet; "lf" = linear feet				
Allowed in all Zones				
Yard Sign Type 1	4 ft	2 ft	6 sf	All yard signs must be installed securely in the ground.
Yard Sign Type 2	6 ft	2 ft	5 sf	
Yard Sign Type 3	6	8 ft	32 sf	



End Notes:

¹ Other temporary sign types may be allowed (e.g., fuel pump topper signs or wraps around waste receptacles) provided the max. area limitation for all temporary signs is not exceeded.

² Except, banners greater than 32 sf in area installed in residential zoning districts for new subdivisions require Major Sign Permit approval.

³ The area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) must not exceed 40% of the area of the window on or within which they are displayed.

3. **Temporary Signs Associated with Model Sales Office.** All temporary signs associated with model sales office for new subdivisions require a Conditional Use Permit approval (see Section 17.05.020, Conditional Use Permit (CUP)).

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17.27.110 Nonconforming Signs

Section 17.09.070, Nonconforming Signs, provides the standards and regulations for nonconforming signs.

17.27.120 Enforcement

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, display, maintain or use a sign within the City contrary to, or in violation of, any provision of this Chapter. The requirements of this Chapter shall be enforced in compliance with the enforcement provisions of Chapter 17.13, Enforcement.

17.27.130 Severability

If any Section, sentence, clause, phrase, word, portion or provision of a Chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other Section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid provision. The invalidation of the application of any Section, sentence, clause, phrase, word, portion, or provision of this Chapter to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such Section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

Chapter 17.28 Performance Standards

17.28.010 Purpose

This Chapter has been adopted to:

- A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
- B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and
- C. Protect industry from arbitrary exclusion from the City.

17.28.020 Applicability

- A. The standards of this Chapter shall apply to all uses and properties existing in the City at the time of adoption of this Title.
- B. Activities that generate odor, fumes, vibration, glare, dust, water or air pollution, fire or explosive hazard, and visual impact shall be subject to Conditional Use Permit conditions (see Section 17.05.020, Conditional Use Permit), to ensure that the public health, safety, and welfare is not compromised.

17.28.030 Prohibited Uses

Uses constituting or resulting in public or private nuisance because of the emission of any smoke, dust, gas, odor, fumes, noise, vibration, radioactive or fissionable material, or refuse material are specifically prohibited in the City:

17.28.040 Measurement of Impacts

Measurements necessary for determining compliance with the standards of this Chapter shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

17.28.050 Dust and Fumes

Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, smoke, or particulate matter, unless authorized under federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resource Board, and the Bay Area Air Quality Management District.

17.28.060 Electromagnetic Interference

No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which

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it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

17.28.070 Fire and Explosive Hazards

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Chief. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning and deemed a practical necessity by the Fire Chief.

17.28.080 Hazardous and Extremely Hazardous Materials

- A. The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency.
- B. **Industrial (I) District.**
 - 1. No hazardous or flammable materials shall be stored outside of the building without a proper storage container.
 - 2. A business plan shall be filed annually with the County of Napa Hazardous Material Section of the Department of Environmental Management. A copy of the approval by the County shall be submitted to the Community Development Director.

17.28.090 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities.

17.28.100 Waste Disposal

- A. **Discharges to Surface Water, Sewers or Ground.** Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water (surface waters), storm drain or sanitary sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board.
- B. **Containment.** Wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. Closed containers shall be provided and used for the storage of any materials which by their nature are combustible, volatile, dust, or odor producing or edible or attractive to rodents, vermin, or insects.
- C. **Incineration.** There shall be no rubbish or refuse incineration on the premises with the exception of those materials and disposal processes covered in Section 17.28.070, Fire and Explosive Hazards.

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- D. **Winery (W) District.** Winery operations shall generate no discernible odors of sewerage or putrefying organic material origin, other than normal fermentation odors, at the property lines. For additional waste disposal standards specific to the W district, see Section 17.19.040, Supplemental Standards.

17.28.110 Vibration

- A. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
- B. An acoustic study shall be required for any proposed development within 200 feet of railroad track. Measures may be required to ensure that vibration impacts remain below acceptable levels.

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Chapter 17.29 Density Bonus**17.29.010 Purpose**

This Chapter has been adopted to encourage the development of housing affordable to all segments of the community and to provide for incentives to defray the costs of providing affordable housing for very low, low, and moderate income households in the City. In enacting these provisions, the City expressly intends this Chapter to satisfy the requirements of:

- A. California Government Code § 65915 and the City's Housing Element by specifying how the City shall provide density bonuses and/or incentives or concessions for the construction of certain housing projects affordable to lower income, very low income, senior households, transitional foster youth, disabled veterans or homeless, lower income students, and for condominium and planned development projects affordable to moderate income households; and
- B. California Government Code § 65589.7 and the City's Housing Element by specifying how the City will grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households.

17.29.020 Applicability

An applicant may request a density bonus and concessions or incentives for a residential or residential mixed-use project of five or more units that satisfy one or more of the following criteria:

- A. At least 10 percent of total units are designated for lower income households;
- B. At least five percent of the total units are designated for very low income households;
- C. A senior citizen housing development as defined in §§ 51.3 and 51.12 of the Civil Code;
- D. At least 10 percent of the total units are designated for transitional foster youth, disabled veterans or homeless as defined by federal McKinney-Vento Homeless Assistance Act (42 U.S.C. §11301 et seq.) with affordability at the same level as very low income units.
- E. A student housing development with at least 20 percent of the units for lower income students that meets the requirements set forth in § 65915(b)(1)(F)(i).
- F. For a condominium project or planned development project only, at least 10 percent of total units are designated for moderate income households.

17.29.030 Project Requirements

In addition to satisfying one or more of the criteria in Section 17.29.020, Applicability, the applicant requesting a density bonus and/or incentive or concession shall satisfy the following requirements:

- A. The designated units shall be comparable to the non-designated units within the project.
- B. The applicant and/or owner shall enter into an agreement with the City to ensure the continuing affordability of units designated for low and very low income households. Where the City grants a density bonus or concessions or incentives, such agreement shall be for a

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term of not less than 55 years for rental units and not less than 45 years for ownership units, or longer should the project financing so require.

- C. The applicant and/or owner shall enter into an agreement with the City to ensure that the initial occupant of units in for sale projects directly related to the receipt of the density bonus shall be a person or family of moderate income. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City Council shall adopt a resolution establishing the method for determining how the City will recapture its proportionate share of appreciation which shall then be used within three years for any of the purposes described in subdivision (e) of § 33334.2 of the Health and Safety Code that promote home ownership.
- D. Except as otherwise provided in California Government Code § 65915, units designated for rent by lower income households shall be affordable at rents, including a utility allowance, that do not exceed 30 percent of 60 percent of area median income for Napa County. Units designated for rent by very low income households shall be affordable at rents, including a utility allowance, that do not exceed 30 percent of 50 percent of the area median income.
- E. Units designated for purchase by low income or moderate income households shall be sold at an affordable housing cost according to limits established by the State Department of Housing and Community Development in accordance with Health and Safety Code § 50052.5.
- F. The developer and/or property owner shall provide the City a yearly accounting of the total project units occupied and vacant, the total occupied and vacant units designated for low or very low income households, and rents charged.

17.29.040 Application

- A. To apply for a density bonus consistent with the requirements in California Government Code § 65915 (f) (1-4) and/or incentives or concessions, the applicant may submit a proposal for specific incentives or concessions and may request a meeting with the City. The preliminary written proposal shall provide the following information:
 - 1. Preliminary sketch plan showing at a minimum the context, location of buildings, and parking;
 - 2. A narrative describing the proposed development including the number, type, and size of the housing units;
 - 3. Any request for waiver of development standards;
 - 4. Information satisfactory to the Community Development Director, such as capital costs, equity investment, debt service, projected revenues, operating expenses, and any other information deemed appropriate to enable the City to determine the project cost per unit and whether the waiver or modification of otherwise applicable standards that will result in identifiable and actual cost reductions to:
 - a. Provide for affordable housing costs, as defined in § 50052.5 of the Health and Safety Code;
 - b. Provide for rents for the targeted units to be set as specified in subdivision (c) of California Government Code § 65589.7; or

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- c. Otherwise make the housing units economically feasible.
- B. The City shall, within 120 days of receipt of an application deemed to be complete and consistent with Section 17.04.040, Review of Planning Applications, notify the developer in writing whether and in what manner the City shall grant a density bonus and incentives or concessions as stipulated in Table 17.29.040.A: Required Concessions and Incentives.

Table 17.29.040.A: Required Concessions and Incentives			
Number of Concessions/ Incentives ¹	Percentage of Very Low Income Units	Percentage Low Income Units	Percentage of Moderate Income Units in a Condominium or Planned Development
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	100% Low/Very Low/Mod (up to 20% Moderate Allowed)	100% Low/Very Low/Mod (up to 20% Moderate Allowed)	100% Low/Very Low/Mod (up to 20% Moderate Allowed)

End Notes:

¹ A concession or incentive only applies if an application is submitted for a density bonus.

In addition to the requirements of this Section, any applicant who proposes to construct a housing development that conforms to the requirements of this Chapter and includes a child care facility that will be located on the premises of, as part of, or adjacent to the project shall also be entitled to either an additional density bonus or an additional concession or incentive in accordance with the provisions of California Government Code § 65915(h).

- C. Alternatively, in a City Council meeting scheduled separately from the approval process and timeline for the housing development and within 120 days of receipt of an application deemed to be complete consistent with Section 17.04.040, Review of Planning Applications, the City Council shall preliminarily find that:
1. The concession or incentive would not result in actual and identifiable cost reductions in order to provide for affordable housing costs, as defined in § 50025.2 of the Health and Safety Code or for rents for the proposed density bonus units as required pursuant to this Chapter; or
 2. The concession or incentive would have a specific, adverse impact upon public health and safety, or upon the physical environment, or upon real property listed in the California Register of Historical Resources and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. For purposes of this subsection, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Such notification shall represent the joint recommendation of the Community Development Director charged with implementing this Section; provided,

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however, that the City Council, in acting on the project, may modify such recommendation.

- D. In accordance with the provisions of California Government Code § 65915(f), an applicant may elect to accept a lesser percentage of density bonus than the maximum specified in this Chapter, including but not limited to no increase in density.
- E. In accordance with the provisions of California Government Code § 65915, the granting of a density bonus pursuant to this Chapter shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.
- F. If the applicant does not submit a written preliminary proposal, the applicant shall submit a request in writing for specific incentives along with information described in subsection A.4 (along with other materials required for application submittal) at the time a formal application is submitted. The Approval Authority shall either grant the density bonus and concessions/incentives requested by the applicant or make one of the findings, based on substantial evidence, described in subsection C.1 or C.2.
- G. The applicant shall pay any fee(s) which shall be paid at the time directed by the Community Development Director but not later than prior to issuance of a building permit(s) unless otherwise established by resolution of the City Council to implement this Section, including, but not limited to:
 - 1. Fees to process the request for a density bonus and/or other concessions or incentives;
 - 2. Preparation of contracts and other documents; and
 - 3. Monitoring contracts and documents for compliance.
- H. Affordable units under this Section shall be constructed at the same time as the market-rate units. The right to a density bonus or concession under this Chapter shall not be transferred to another development. Where an applicant proposes to simultaneously develop two or more parcels in the City, nothing in this Section shall prohibit the City Council in its discretion from using a density bonus and/or concession/incentive granted for one of the parcels on another parcel proposed for development.

17.29.050 Waiver or Reduction of Development Standards

In addition to any density bonus and/or concessions or incentives granted pursuant to this Chapter, an applicant may also request that the City waive or reduce any development standard that has the effect of physically precluding the construction of a development meeting the criteria of this Chapter at the densities or with the concessions or incentives permitted pursuant to this Chapter in accordance with the provisions of California Government Code § 65915(e).

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17.29.060 Affordable Housing Concessions or Incentives

- A. For residential development projects which meet the requirements specified in Section 17.30.030, Inclusionary Housing Requirements, through the actual construction of affordable units, the City shall follow the procedures and provide the described concessions and/or those incentives identified in California Government Code §§ 65915 through 65918.
- B. The City Council may consider, on a case-by-case basis, at its sole discretion, providing the following additional concessions or incentives in addition to those granted pursuant to California Government Code § 65915 which are consistent with State law and the Housing Element of the General Plan for projects which meet or exceed the requirements of this Chapter 17.29, Density Bonus.
 - 1. An additional density bonus or other incentives of equal financial value subject to the City Council's review and approval.
 - 2. Direct financial assistance in the form of a loan or grant using trust fund or other appropriate available funds subject to the recommendation of the Community Development Director.
 - 3. Payment deferral of applicable City fees on low-income units until the issuance of the certificate of occupancy for the unit.

17.29.070 Land Donation

- A. When an applicant voluntarily offers to donate land to the City which is of sufficient developable acreage and with appropriate zoning classification to permit construction of units affordable to very low-income households in accordance with this Section, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density. For each one percent increase above the minimum land donation described in subsection B, the density bonus shall be increased by one percent, up to a maximum of 35 percent.
- B. The voluntary donation of land shall comply with the following criteria:
 - 1. The land is transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - 2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development. Housing units designated for very low-income households pursuant to this Chapter shall not be included when determining compliance with this Section.
 - 3. The transferred land is at least one acre or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.
 - 4. The transferred land is within the boundary of the proposed development or, as approved by the City Council, within one-quarter mile of the boundary of the proposed development and located within the City limits.

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- C. An applicant for a tentative subdivision map, parcel map, or other residential development approval wishing to donate land pursuant to California Government Code § 65915(h) shall include in the application for development the following information:
 - 1. The size of the parcel;
 - 2. The amount of developable acreage;
 - 3. A preliminary plan for the development of at least 40 units affordable to very low-income households on the developable acreage;
 - 4. A description of the public facilities and infrastructure that would serve the units; and
 - 5. The name of the public or private entity to which the land will be donated.
- D. The City Council shall approve, modify, or disapprove the application to donate land in accordance with the requirements of this Section and California Government Code § 65915(h).
- E. Unless the construction of at least 40 units affordable to very low-income households on the donated land is the subject of a separate development application, the units shall be considered a part of the application for a tentative subdivision map, parcel map, or other residential development for purposes of review under the California Environmental Quality Act (CEQA) and other state and local laws and regulations.

17.29.080 Parking

- A. This Section implements the provisions of California Government Code § 65915(p).
- B. If a development is constructed consistent with the vehicular parking ratios described in California Government Code § 65915(p)(1), and the parking ratios are less than otherwise required by the City in Chapter 17.26, Parking and Loading, the applicant shall record a covenant against the property disclosing the difference between the parking ratios that have been used for the development and the City's requirements.

17.29.090 Priority for Water and Sewer Services

In accordance with the provisions of California Government Code § 65589.7, the City shall grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households in accordance with a written policy adopted by resolution of the City Council.

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Chapter 17.30 Affordable Housing Program

17.30.010 Purpose

This Chapter establishes an affordable housing program, housing impact fees on developers of nonresidential development projects in the City, inclusionary housing requirements and alternative means of compliance, requirements for inclusionary units, and administration and enforcement measured for the program. The requirements of this Chapter do not replace other regulatory, development and processing fees or exactions; funding required pursuant to a development agreement or reimbursement agreement; or assessments charged pursuant to special assessments or benefit assessment district proceedings, unless so specified.

17.30.020 Housing Impact Fees

- A. **Applicability.** A housing impact fee is imposed on all developers of nonresidential development projects and conversions, except for nonresidential projects that fall within one or more of the following categories:
1. Projects that are the subject of previously approved development agreements currently in effect with the City;
 2. The nonresidential uses are described either in a building permit application accepted as complete by the City prior to the adoption of Resolution 2003-65 on May 27, 2003, or in a Minor or Conditional Use Permit or similar discretionary approval approved prior to the adoption of Resolution 2003-65 on May 27, 2003. However, any extension or modification of such approval or permit after such date shall not be exempt;
 3. The portion of a project located on property owned by the State of California, the United States of America or any of its agencies used exclusively for governmental or educational purposes;
 4. A project to the extent it has received a vested right to proceed without payment of housing impact fees pursuant to State law;
 5. Projects operated by nonprofit organizations which provide food storage, meal service and/or temporary shelter to the homeless;
 6. Projects for which no nexus can be established;
 7. Any building which is damaged or destroyed by fire or natural catastrophes so long as the gross floor area of the building remains the same.
 8. The following specific uses are exempt from the housing impact fee requirement;
 - a. Child day care facilities serving six or fewer children;
 - b. Non-profit organizations and schools;
 - c. Public elementary or secondary schools, colleges, or universities;
 - d. Public library, art galleries, museums, or other nonrecreational public facilities;
 - e. Public parking lot;

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- f. Public works, major
 - g. Public works, minor;
 - h. Community assembly uses; and
 - i. Wineries, large and small.
- B. **Fee Payment.** Unless otherwise preempted by law, the housing impact fee shall be paid according to the master fee schedule prior to the issuance of a building permit. For good cause shown, the City Council may allow for the fee to be paid at the time of a final inspection or prior to issuance of a certificate of occupancy.
- C. **Alternative to Payment of Housing Impact Fee.** As an alternative to payment of the housing impact fee, a developer of a nonresidential development project may submit a request to mitigate the impacts of such development through the construction of residential units, the dedication of land, or mixed use or other resources. Such requests may be approved by the City Council, if the City Council determines that such alternative will further affordable housing opportunities in the City to an equal or greater extent than payment of the housing impact fee.
- D. **Processing Requirements.**
 - 1. Each discretionary permit for a project subject to this Section shall contain an express condition requiring compliance with this Section. Notwithstanding this subsection, failure to include the condition does not excuse compliance with this Chapter.
 - 2. No application for building permits or discretionary permits for any project subject to this Section shall be deemed complete unless the application contains:
 - a. A statement of the number of gross square feet in a nonresidential development project to be constructed, added, or placed that are subject to the requirements of this Section, together with documentation sufficient to support the application;
 - b. The intended use or uses for the nonresidential development project by gross square feet; and
 - c. A statement of any exemptions applicable to the project.
 - 3. The Community Development Director may require similar information for completeness of other City permits or licenses as necessary or convenient to implement this Section.

17.30.030 Inclusionary Housing Requirements

- A. **Inclusionary Requirement.** At least 20 percent of all new dwelling units in a residential development project shall be affordable units, which shall be constructed and completed concurrently with the related market rate units. The affordable units developed pursuant to this Chapter shall be of the same tenure as the market rate units, meaning that affordable rental units shall be developed to satisfy the requirement for rental developments, and affordable owner-occupied units shall be developed to satisfy the requirement for owner occupied developments. In the event that a development is comprised of both rental and

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owner-occupied units, the requirement to develop 20 percent the new dwelling units as affordable units shall be applied to the rental and owner-occupied components of the development project separately. The requirement to construct and complete affordable units pursuant to this Chapter shall not be satisfied by designating accessory dwelling units as affordable units, and accessory dwelling units constructed as part of the development project shall not be counted as dwelling units for purposes of calculating the required number of affordable units. The affordable units may be constructed in phases if the market rate units are constructed in phases, provided that the percentage of inclusionary units to be developed in each phase shall be equivalent to or greater than the total percentage of inclusionary units to be developed as part of the residential development until such time that all the inclusionary units have been built. For fractions of affordable units, including fractions resulting from construction of less than five dwelling units, the developer may elect, at his or her option, to construct the next higher whole number of affordable units, perform an alternative equivalent action which has received the approval of the City Council pursuant to subsection B, or pay the housing in-lieu fee specified in subsection E for such fraction. Notwithstanding the above, this Section shall not apply to projects which fall into one or more of the following categories:

1. A residential development project to the extent it has received a vested right to proceed without payment of housing impact fees pursuant to State law;
2. Building permits for residential development projects if compliance with this Section for such project has already been satisfied including, but not limited to, building permits on newly created lots where the subdivider has built affordable units or otherwise satisfied this Section;
3. Replacement or rehabilitation of any dwelling unit which is damaged or destroyed so long as the square footage and use of the building remains the same. Upon the remodeling or rebuilding of a residential dwelling to add additional square footage, the housing impact fee shall be paid on the additional square footage (except for a one-time exclusion of 850 square feet per residence);
4. The one-time remodeling of any dwelling unit for which the gross square floor area of the structure is increased by 850 square feet or less;
5. New dwelling units less than 850 square feet.

B. Alternative Equivalent Action Proposal.

1. A developer of any residential project may propose to meet the requirements of subsection A with an alternative equivalent action, subject to the review and approval of the City Council. Proposals for alternative equivalent actions may include, but are not limited to, dedication of vacant land, the construction of affordable units on another site, or acquisition and enforcement of required rental/sales price restrictions on existing standard dwelling units consistent with this Section. Any proposal shall show how the alternative equivalent action will further affordable housing opportunities in the City to an equal or greater extent than compliance with the express requirements of subsection A or payment of the appropriate housing in-lieu fee.
2. Alternative equivalent action proposals for single-family and multi-family residential developments shall be considered on a case-by-case basis by the City Council, and

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may be approved at the City Council's sole discretion, if the City Council determines that such alternative will further affordable housing opportunities in the City to an equal or greater extent than compliance with the express requirements of subsection A.

- C. **In-Lieu Housing Fee.** A developer of four or fewer residential dwelling units which are the whole of a residential development project may meet the requirements of subsection A through payment of a housing in-lieu fee.

A developer of any other residential project may propose to meet the requirements of subsection A through payment of a housing in-lieu fee by showing good cause that it is not feasible to construct the required units. A written request shall be submitted with the developer's application for a discretionary approval or building permit, whichever comes first. The request shall include: a statement identifying all overriding conditions that prevent the developer from meeting the requirement to construct the affordable units; sufficient independent data, including appropriate financial information, to support the developer's claim that it is not feasible to construct the required affordable units; and a detailed analysis of why any concessions and incentives available to the developer pursuant to Chapter 17.29, Density Bonus, and California Government Code § 65915 cannot mitigate the conditions that are preventing the developer from constructing the affordable units. The Community Development Director shall review all such requests and prepare a recommendation for the City Council. Such requests shall be considered on a case-by-case basis by the City Council, and may be approved if the council determines that there are overriding conditions which prevent the developer of a multi-family residential project from meeting the requirement to construct affordable units, and that payment of the housing in-lieu fee will further affordable housing opportunities to an equal or greater extent.

- D. **Time of Payment of Housing In-Lieu Fee.** Unless otherwise preempted by law, the housing in-lieu fee shall be paid prior to the issuance of a building permit. For good cause shown, the City Council may allow for the fee to be paid at the time of final inspection/certificate of occupancy.
- E. **Calculation of Housing In-Lieu Fee.** The housing in-lieu fee shall be charged on a percentage basis of the projected construction costs of market rate dwelling units. The amount and calculation of the housing in-lieu fee shall be established by resolution of the City Council. Construction costs of market rate dwelling units is determined in accordance with the definition in Section 17.32, Definitions of Terms. Construction costs shall be separately calculated for each dwelling unit in attached single-family residential and rental residential development projects, and the appropriate fee paid for each unit within the residential project. The housing in-lieu fee required by this Section may be satisfied either by cash payment or, upon the recommendation of the Community Development Director and approval of the City Council, by an alternative which will provide the City with a value equal to or greater than the amount of the required in-lieu fee.
- F. **Requirements for Rental Affordable Units.**
1. If under subsection A, the developer is required to build three or fewer units of affordable rental housing, the following requirements apply:
 - a. If the developer is required to build only one affordable unit, that unit shall be affordable for a very low-income household.

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- b. If the developer is required to build two affordable units, one unit shall be affordable for a very low-income household and one unit shall be affordable for a low-income household.
 - c. If the developer is required to build three affordable units, one unit shall be affordable for a very low-income household, one unit shall be affordable for a low-income household, and one unit shall be affordable for a moderate-income household.
 - d. Notwithstanding the foregoing, if the City's goals for providing its fair share of affordable housing as determined through the Regional Housing Needs Assessment and set forth in the Housing Element of the General Plan, have been met for the lowest income category, any required units shall be affordable in the next higher income category in which there is an unmet fair share requirement.
 - 2. If under subsection A, the developer is required to build four or more units of affordable housing, the number of affordable units which are required to be constructed in very low, low or moderate units shall be determined by the ratio of units needed in each of those categories in order to satisfy the City's fair share housing goals. Where the number of required affordable units in each category is a fractional number, the fractional units shall be carried to the category in which there is the greatest number of units needed. For instance, [as of March 17, 2022], the City's fair share housing goals require the City to provide for 104 very low (55 percent), 59 low (31 percent), and 26 moderate (14 percent) units to satisfy its fair share requirements. Therefore, a project that requires nine affordable units would be required to build five very low units, three low units and one moderate unit.
 - 3. With respect to any particular rental residential project, the City Council may, upon the recommendation of the Community Development Director, forgive all or a portion of the affordability requirement set forth in subsection A upon a showing by the applicant that imposition of such requirement on the residential project will cause undue hardship and that such residential project will contribute significantly to affordable housing opportunities in the City.
- G. Requirements for Owner-Occupied Affordable Units.**
- 1. One-half of the affordable units that are required to be constructed in connection with the construction of market rate units, intended for owner-occupancy shall be available at affordable sales prices to households whose annual household income does not exceed 100 percent of median income. If one-half of the affordable units required are made available by the developer at affordable sales prices to households whose annual household income does not exceed 80 percent of median income, the developer shall be entitled to an additional density bonus of five percent for the proposed development, beyond any density bonus to which the developer would be entitled pursuant to Chapter 17.29, Density Bonus, and California Government Code Section 65915 et seq.
 - 2. As an alternative to receiving an additional density bonus of five percent, a developer may submit a request for another incentive in lieu of the density bonus. Such requests shall be considered on a case-by-case basis by the City Council and shall be approved,

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at the City Council's sole discretion, if the City Council determines that such alternative incentive will further affordable housing opportunities.

3. The remaining one-half of the required affordable units shall be available at affordable sales prices to moderate-income households. Where the number of required affordable units is an odd number, the number of units affordable to moderate-income households may be one greater than the number affordable at or below 100 percent of median income.

H. Basic Requirements for Owner-Occupied and Rental Affordable Units.

1. Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project.
2. The gross floor area of affordable units and interior features in affordable units need not be the same as or equivalent to those in market rate units in the same residential project, so long as they are of comparable quality and comply with applicable base and overlay zone objective standards.
3. Affordable units shall receive a certificate of occupancy at the same time as market rate units.

I. Continued Affordability.

1. If the affordable units are owner-occupied, prior to the issuance of certificates of occupancy or approval of the final inspection for affordable units, regulatory agreements or resale restrictions, deeds of trust and/or other documents, all of which must be in a form prepared and approved by the Community Development Director and City Attorney and consistent with the requirements of this Chapter, shall be recorded against parcels having such affordable units for the benefit of the City and shall be effective for a minimum of 45 years.
2. Resale restrictions shall be recorded upon each resale of an affordable unit, and the effective period shall be an additional 45 years from the date of resale.
3. Income eligibility of the owners and title in the affordable unit may change over time due to circumstances including death. Upon the death of one of the owners, title in the property may transfer to the surviving joint tenant without respect to the income-eligibility of the household. Upon the death of a sole owner or all owners and inheritance of the affordable unit by a non-income-eligible child or stepchild of one or more owners, there will be a one-year compassion period between the time when the estate is settled and the time when the property must be sold to an income-eligible household. Inheritance of an affordable unit by any other person whose household is not income-eligible shall require resale of the unit to an income-eligible household as soon as is feasible, but not more than 180 days.
4. If the affordable units are rental units, prior to the issuance of certificates of occupancy or approval of the final inspection for affordable units, regulatory agreements, deeds of trust and/or other documents, all of which must be in a form prepared and approved by the Community Development Director and City attorney and consistent with the requirements of this Chapter, shall be recorded against parcels having such affordable units for the benefit of the City and shall be effective in perpetuity.

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5. Notwithstanding any other provision in this Section:
 - a. The maximum sales price permitted on resale of an affordable unit intended for owner-occupancy shall not exceed the seller's purchase price, adjusted for the percentage increase in median income since the seller's purchase, plus the market value of substantial structural or permanent fixed improvements to the property as determined by an independent appraisal, plus the cost of reasonable seller's broker fee as determined by the Housing Director. For purposes of this subsection, median income shall be calculated based upon the presumed occupancy levels used to determine affordable sales price.
 - b. The resale restrictions shall provide that in the event of the sale of an affordable unit intended for owner-occupancy, the City shall have the right to purchase or assign its right to purchase such affordable unit at the maximum price which could be charged to an eligible household. In its sole discretion, the City shall also have the right to postpone its right to purchase without waiving that right.
 6. No household shall be permitted to occupy an affordable unit, or purchase an affordable unit for owner-occupancy, unless the Housing Authority has approved the household's eligibility or has failed to make a determination of eligibility within the time or other limits provided by a regulatory agreement or resale restrictions. If the Housing Authority maintains a list of eligible households, households selected to occupy affordable units shall be selected first from that list to the extent provided in the regulatory agreement or resale restrictions.
- J. **Annual Monitoring and Transfer Fees.**
1. For each rental affordable unit provided hereunder, the current owner may be required to pay an annual monitoring fee for the term of required affordability. Such fee shall be specified in the regulatory agreement(s) required hereunder.
 2. For each owner-occupied affordable unit provided under this Section, the current owner may be required to pay a transfer fee for any change of ownership during the term of required affordability. Such fee shall be specified in the resale restrictions required by subsection I.
- K. **Discretionary Permit Requirements.** Every discretionary permit for a residential development project approved after the effective date of the ordinance codified in this Chapter shall contain a condition detailing the method of compliance with this Chapter. Every final and parcel map shall bear a note indicating whether compliance with the requirements of this Section must be met prior to issuance of a building permit for each lot created by such map. Notwithstanding this subsection, failure to include such condition or note does not excuse compliance with this Chapter.
- L. **Requirements for Certificate of Occupancy/Final Inspection.**
1. No temporary or permanent certificate of occupancy shall be issued, final inspection approved or release of utilities authorized for any new market rate dwelling unit in a residential development project until the developer has satisfactorily completed the requirements hereunder, i.e., on-site construction of affordable units, alternative equivalent action(s) or payment of the housing in-lieu fee.

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2. No temporary or permanent certificate of occupancy shall be issued, final inspection approved or release of utilities authorized for a dwelling unit described in subsection A.1 until the builder or owner has made a showing acceptable to the Housing Director that such an exemption is appropriate. The Housing Director shall develop and implement regulations designed to ensure that such initially exempt dwelling units remain in compliance with the terms of the exemption throughout the first two years of occupancy. A builder or owner of a dwelling unit found to be out of compliance at any time during such two-year period shall be required to pay 125 percent of the then current in-lieu fee for that dwelling unit, as specified by resolution of the City Council. Such payment, however, shall not limit the City's ability to proceed against any party pursuant to Section 17.30.050.C, or other applicable law.

17.30.040 Inclusionary Housing Compliance Procedures

- A. **Submittal of Inclusionary Housing Plan.** The applicant for a residential project subject to this Chapter shall submit an Inclusionary Housing Plan in conjunction with its application for discretionary approvals required of the City for the residential development, or if no discretionary approvals are required, in conjunction with the application for the first administrative or ministerial permit or approval required for the residential development. The Inclusionary Housing Plan shall be in a form as required by the City, must include an Affordable Housing Agreement to implement the Inclusionary Housing Plan, and must include the following information as applicable based on the applicant's method of compliance with this Chapter:
 1. How the inclusionary housing requirement will be satisfied pursuant to this Chapter;
 2. The number, unit type, tenure, number of bedrooms, approximate location, size and design, construction, and completion schedule of all inclusionary units;
 3. Phasing of inclusionary units in relation to market rate units;
 4. The amount of in-lieu fees to be paid by the applicant, if applicable;
 5. Any other information reasonably requested by the Community Development Director to assist with evaluation of the plan under the requirements of this ordinance; and
 6. Acknowledgement that an instrument as specified by the City restricting the inclusionary unit(s) as affordable shall be recorded against every inclusionary unit and that a recordable affordable housing agreement shall be entered into by the applicant and any other necessary party, and/or that all required in-lieu fees shall be paid at the time set forth in Section 17.30.030, Inclusionary Housing Requirements.
- B. **Approval of Inclusionary Housing Plan.**
 1. In the event that the residential development requires discretionary approvals in order to be developed, the Inclusionary Housing Plan shall be considered with the application for such inclusionary approvals by the Approval Authority and may be appealed in accordance with the appeals procedures established for such approvals except as provided in subsection B.3.

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2. In the event that the residential development does not require discretionary approvals in order to be developed, the Inclusionary Housing Plan shall be considered by the Community Development Director and must be approved prior to the issuance of any administrative or ministerial permits required for the residential development. The Community Development Director's decision is final unless a written appeal is filed with the Community Development Department within 10 days from the date of issuance of the Community Development Director's decision. The City Council's decision on appeal shall be final.
 3. In the event the applicant desires to comply with this Chapter by means of a method that specifically requires City Council approval pursuant to this Chapter, the Inclusionary Housing Plan shall be considered by the City Council either prior to or concurrently with consideration by the required Approval Authority for the approvals required for the residential development.
- C. **Form of Restrictions.** The forms of the affordable housing agreement and any related declarations, resale restrictions, deeds of trust, and other documents authorized by this Section shall be in a general form as prescribed by the City, and shall be approved by the Community Development Director and approved as to form by the City Attorney prior to being executed for any residential development subject to this program.
- D. **Recording of Affordable Housing Agreements.**
1. An affordable housing agreement in a form approved by the City Attorney must be recorded against inclusionary units or the residential development in its entirety, as deemed appropriate by the Community Development Director in consultation with the City Attorney, prior to the issuance of any building permit for the residential development. The affordable housing agreement shall ensure that the applicant develops the required inclusionary housing units and complies with all other terms of the approved Inclusionary Housing Plan and this Chapter.
 2. Resale restrictions, deeds of trust, and/or other documents as deemed necessary or appropriate by the Community Development Director shall be recorded against for-sale inclusionary units to ensure the continued affordability of the for-sale inclusionary units in compliance with this Chapter.
- E. **Building Permits.** The City shall not issue a building permit for a residential development subject to the requirements of this Chapter without an affordable housing agreement executed by the owner, the applicant (if not the owner), and the Community Development Director, and approved as to form by the City Attorney, and recorded against the property, or payment of in-lieu fees in accordance with this Chapter.

17.30.050 Administration and Enforcement of Affordable Housing Program

- A. **Affordable Housing Trust Fund Established.** The City affordable housing trust fund (the "housing fund") is established to increase and improve the supply of housing affordable to households of moderate, low and very low income households in the City. Separate accounts within the housing fund may be created from time to time to avoid commingling as required by law or as deemed appropriate to further the purposes of the housing fund.

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1. **Administration of Fund.** The housing fund shall be administered by the Administrative Services Director who shall have the authority to govern the housing fund consistent with this Chapter, and to prescribe procedures for such purpose, subject to approval by the City Council.
2. **Purposes and Use of Funds.**
 - a. Monies deposited in the housing fund along with any interest earnings on such monies shall be used solely to increase and improve the supply of housing affordable to households of moderate, low and very low income households, including, but not limited to:
 - i. Acquisition of property and property rights;
 - ii. Cost of construction including costs associated with planning, administration, and design, as well as actual building or installation, as well as any other costs associated with the construction or financing of affordable housing;
 - iii. Reimbursement to the City for such costs if funds were advanced by the City from other sources; and
 - iv. Reimbursement of developers or property owners who have been required or permitted to install facilities which are beyond that which can be attributed to a specific development. To the maximum extent possible, all monies should be used to provide for additional affordable housing and services.
 - b. Monies may also be used to cover reasonable administrative expenses not reimbursed through processing fees, including reasonable consultant and legal expenses related to the establishment and/or administration of the housing fund and reasonable expenses for administering the process of calculating, collecting, and accounting for inclusionary fees and any deferred City fees authorized by this Section. No portion of the housing fund may be diverted to other purposes by way of a loan or otherwise.
 - c. Monies in the housing fund shall be used to construct, acquire, rehabilitate or subsidize very low, low and moderate income housing and/or to assist other governmental entities, private organizations or individuals in the construction, rehabilitation, reimbursement of City advanced funds, reimbursement of developer supplied infrastructure capacity, location or subsidy of very low, low and moderate income housing. To the extent possible, as determined by the council, monies shall be targeted to benefit households identified as a need in the Housing Element of the General Plan. Monies in the housing fund may be disbursed, hypothecated, collateralized or otherwise employed for these purposes from time to time as the Community Development Director and City Attorney and City Council determine is appropriate to accomplish the purposes of the housing fund. These uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases, or other public/private partnership arrangements. The

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housing fund monies may be extended for the benefit of rental or owner-occupied housing or housing services.

- d. Expenditures by the Finance Department from the housing fund shall be controlled, authorized, and paid in accordance with general City budgetary policies. Execution of contracts related to the use or administration of housing fund monies shall be in accordance with standard City Council policy.
3. ***Location of Housing Units and Housing Services to be Assisted with Housing Fund Monies.*** With respect to monies generated by the housing impact fee established by Section 17.30.020, Housing Impact Fees, these criteria shall also consider a reasonable geographical linkage between the nonresidential development projects subject to such fee and the housing assistance provided with the housing fund monies collected in connection with the projects, such that those receiving the housing assistance could reasonably commute to the commercial locations.
- B. **Bi-annual Review.** The housing impact fee, housing in-lieu fee, and inclusionary requirements authorized by this Chapter and implementing resolution(s) shall be reviewed every two years by the City Council. Failure to perform the review does not excuse compliance with this Chapter.
- C. **Enforcement.**
 1. It is unlawful, a public nuisance, and a misdemeanor for any person to sell or rent an affordable unit at a price or rent exceeding the maximum allowed under this Chapter or to a household not qualified under this Chapter, and such person shall be subject to a fine for the first offense of \$100.00 per day per unit from the date of original noncompliance until the affordable unit is in compliance with this Section. A second offense by the same owner for the same unit shall be subject to a fine of \$1,000.00 per day per unit.
 2. The City Attorney's office or the Napa County district attorney, as appropriate, shall be authorized to abate violations of this Chapter and to enforce the provisions of this Chapter and all implementing regulatory agreements and resale controls placed on affordable units by civil action, injunctive relief, and any other proceeding or method permitted by law.
 3. The remedies provided for in this Chapter shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.
- D. **Adjustment and Appeal.**
 1. A developer of any project subject to the requirements in this Chapter may appeal to the City Council for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of the development and either the amount of the fee charged or the inclusionary requirement.
 2. A developer subject to the requirements of this Chapter who has received an approved tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary approval and who submits a new or revised tentative subdivision

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or parcel map, Minor or Conditional Use Permit or similar discretionary approval for the same property may appeal for a reduction, adjustment or waiver of the requirements with respect to the number of lots or gross floor area of construction previously approved. No reduction, adjustment, or waiver shall be approved by the City Council for a new tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary approval on property with an approved tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary permit unless the City Council finds that the new tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary approval is consistent with the approved project both in its design and its mitigation of environmental impacts. The decision of the City Council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee or inclusionary requirement.

3. Any appeal under this Section shall be made in writing and filed with the City Clerk not later than 10 days before the first public hearing on any discretionary approval or permit for the development, or if no such discretionary approval or permit is required, or if the action complained of occurs after the first public hearing on such permit or approval, then the appeal shall be filed within 10 days after payment of the fees objected to. The appeal shall set forth in detail the factual and legal basis for the appeal. The City Council shall consider the appeal at the public hearing on the permit application or at a separate hearing within 60 days after the filing of the appeal, whichever is later. The appellant shall bear the burden of presenting substantial evidence to support the appeal including comparable technical information to support appellant's position.

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Chapter 17.31 Two-Unit Projects

17.31.010 Purpose

The purpose of this Chapter is to allow and appropriately regulate two-unit projects in accordance with California Government Code § 65852.21. (Ord. 21-7 § 4 (Exh. B))

17.31.020 Definition

“Two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this Chapter. (Ord. 21-7 § 4 (Exh. B))

17.31.030 Application

- A. An application for a two-unit project must be submitted on the City's approved form.
- B. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
- C. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Chapter of the Code, in accordance with applicable law. The City Council may establish and change the fee by resolution. The fee must be paid with the application. (Ord. 21-7 § 4 (Exh. B))

17.31.040 Approval

- A. An application for a two-unit project is approved or denied ministerially, by the Community Development Director, without discretionary review.
- B. The ministerial approval of a two-unit project does not take effect until the City has confirmed that the required documents have been recorded, such as the deed restriction and easements.
- C. The approval must require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.
- D. The approval must require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this Code. (Ord. 21-7 § 4 (Exh. B))

17.31.050 Requirements

A two-unit project must satisfy each of the following requirements:

- A. **Map Act Compliance.** The lot upon which the two-unit project will be located must have been legally subdivided.

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- B. **Zone.** The two-unit project must be located in a single-family residential zone. For purposes of this Section, single-family residential zones include the following zoning districts in the City: MR, LR, LR-1A, and WW.
- C. **Lot Location.** The two-unit project may not be located on a site that is any of the following:
1. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 2. A wetland.
 3. Within a very high fire hazard severity zone, unless the site complies with all fire hazard mitigation measures required by existing building standards.
 4. A hazardous waste site that has not been cleared for residential use.
 5. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection Building Code standards.
 6. Within a 100-year flood hazard area, unless the site has either:
 - a. Been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
 - b. Meets Federal Emergency Management Agency requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program.
 7. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 8. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 9. Habitat for protected species.
 10. Land under conservation easement.
- D. **Not Historic.** The two-unit project must not be located on a historic property or within a historic district that is included on the California Historical Resources Inventory. Further, the property upon which the two-unit project will be located also may not be or be within a site that is designated by ordinance to be within a historic preservation district, as a City or county landmark or as a historic property or district.
- E. **Not Impact on Protected Housing.** The two-unit project must not require or include the demolition or alteration of any of the following types of housing:
1. Housing that is income-restricted for households of moderate, low, or very low income.
 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 3. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (California Government Code §§ 7060 through 7060.7) at any time in the 15 years prior to submission of the urban lot split application.

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4. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a sworn statement as to this fact with the application for the parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including, but not limited to, surveying owners of nearby properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

F. Unit Standards.

1. **Floor Area Ratio, Height Limitations, Lot Coverage and Open Space Requirements.** All existing standards in this Title related to floor area ratio, height limitations, lot coverage and open space requirements shall apply to units constructed pursuant to this Chapter, except to the extent that such standards would prevent two units of at least 800 square feet each to be constructed on the lot upon which the units will be located.
2. **Demolition Cap.** The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.
3. **Setbacks.**
 - a. Generally. All setbacks must conform to those objective setbacks that are imposed in the underlying zone.
 - b. *Exceptions.* Notwithstanding subsection F.3.a of this Section:
 - i. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - ii. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.
 - iii. Front Setback Area. Notwithstanding any other part of this Code, dwellings that are constructed pursuant to this Chapter must be consistent with the front setback requirements of the underlying zoning district.
4. **Parking.** Required parking as set forth below must be on the same lot as the residential unit served. Each new dwelling unit constructed pursuant to this Chapter must have at least one off-street parking space per unit unless one of the following applies:
 - a. The parcel is located within one-half mile walking distance of either:
 - i. A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours; or

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- ii. A site that otherwise qualifies as a high-quality transit corridor as defined in § 21155(b) of the Public Resources Code, or a major transit stop as defined in § 21064.3 of the Public Resources Code.
 - b. The parcel is located within one block of a permanent, marked location for car-share vehicle pick-up and drop-off.
- 5. **Replacement Parking Required.** When an existing garage, carport, or other covered parking structure is converted or demolished in order to construct a new unit, the required parking spaces that are displaced by the conversion or demolition shall be replaced on the same lot, and may be either covered or uncovered, in order to satisfy the automobile parking requirement of the existing residential unit.
- 6. **Design Standards.** Each new dwelling unit constructed pursuant to this Chapter shall comply with all objective standards as set forth in this Title as applicable in the underlying zoning district. Additionally, all units constructed pursuant to this Chapter shall comply with all of the following:
 - a. All exterior lighting must be limited to fully-shielded light fixtures.
 - b. If a new dwelling is constructed pursuant to this Chapter and any portion of the dwelling is less than 30 feet from a property line that is not a public right-of-way line, then all windows and doors in that portion 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 opaque glass.
 - c. No rooftop decks shall be allowed on new dwelling units constructed pursuant to this Chapter.
 - d. Upper story unenclosed landings, decks and balconies greater than 20 square feet that face or overlook an adjoining property shall be located a minimum of 15 feet from the interior lot lines.
 - e. A two-unit residential project constructed pursuant to this Chapter may not include a request for an exception to any objective standards by applying for a variance, modification, exception, waiver or other discretionary approval for height, density, setbacks, open yard, land use, or similar development standard.
 - f. On a site already developed with an existing residential unit, the new unit shall be designed and constructed to match the existing paint color and exterior building materials, including but not limited to siding, windows, doors, roofing, and exterior light fixtures.
 - g. If a two-unit residential project is proposed on a lot where no residential units currently exist, the units shall be constructed using the same architectural style, exterior building materials, colors and finishes.
- 7. **Landscaping.** Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots along interior lot lines (but not rights-of-way) as follows:

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- a. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every ten linear feet of exterior wall.
 - b. Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least six feet in height may be installed. All landscaping must be drought tolerant.
 - c. A complete landscaping and irrigation plan shall be submitted and approved by the Community Development Department prior to the issuance of building permits for a two-unit residential development.
- 8. **Building Separation.** Unless attached to and made part of another main building pursuant to the definition of accessory building in Chapter 17.32, Definition of Terms, no detached main building shall be closer than ten feet to any other main building on the same lot; and no detached accessory building shall be closer than five feet to any other main or accessory building on the same lot; provided, that the requirements of this subsection shall not apply if doing so would preclude the construction of two units of at least 800 square feet each on the lot upon which the units will be located.
- 9. **Building and Safety.** All two-unit residential projects must comply with all current local building standards.
- 10. **Stormwater and Runoff Pollution Control.** All construction activity or development that occurs in furtherance of a two-unit project shall comply with all requirements of St. Helena Municipal Code Chapter 13.32, Stormwater and Runoff Pollution Control.
- G. **Separate Conveyance.**
 - 1. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
 - 2. Condominium airspace divisions and common interest developments are not permitted within the lot.
 - 3. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.
- H. **Notice of Construction.**
 - 1. At least 30 business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
 - a. Notice that construction has been authorized;
 - b. The anticipated start and end dates for construction;
 - c. The hours of construction;
 - d. Contact information for the project manager (for construction-related complaints); and
 - e. Contact information for the Building Division.

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2. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under State law, the City has no discretion in approving or denying a particular project under this Section. This notice requirement is purely to promote neighborhood awareness and expectation.
- I. **Deed Restriction.** Prior to obtaining a building permit for a two-unit project pursuant to this Chapter, the owner must record a deed restriction, acceptable to the City, that does each of the following:
1. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
 2. Expressly prohibits any nonresidential use of the lot.
 3. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
 4. If the lot is not created by an urban lot split, expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
 5. States that the property is formed by an urban lot split and is therefore subject to the City's urban lot split regulations, including all applicable limits on dwelling size and development.
- J. **Basis for Denial—Specific, Adverse Impacts.**
1. Notwithstanding anything else in this Section, the City may deny an application for a two-unit project if the Chief Building Official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
 2. "Specific, adverse impact" has the same meaning as in California Government Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
 3. The Chief Building Official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.
- K. **Remedies.** If a two-unit project violates any part of this Code or any other legal requirement:
1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
 2. The City may:
 - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.

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- b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
- c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000.00, or both; or a misdemeanor.
- d. Record a notice of violation.
- e. Withhold any or all future permits and approvals.
- f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the City's Code. (Ord. 21-7 § 4 (Exh. B))

PART V: DEFINITIONS AND RULES OF MEASUREMENT

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Part V: Definitions and Rules of Measurement

Chapter 17.32 Definitions of Terms

This chapter provides definitions for terms that are commonly used throughout this Title. Refer to Chapter 17.33, Definitions of Uses, for definitions of all uses established in the use tables in Part III, District Regulations.

Abutting. See “Adjacent.”

Access drive. See Section 17.26.020, Definitions.

Accessory dwelling unit (ADU). See Section 17.22.030, Accessory Dwelling Units.

Accessory structure. A structure that is accessory and incidental to a dwelling located on the same lot.

Accessory use. A use that is customarily associated with, and is incidental and subordinate to, a primary use and located on the same lot as a primary use.

Accessory use, commercial. Any customarily incidental and clearly subordinate element of a commercial business operation that; (a) is compatible with the purpose(s) for which the zoning district was established; and (b) is not listed as a prohibited use in that district. Customarily incidental uses are those commonly found with other, similar primary uses; for example: greeting cards are commonly found in pharmacies. Clearly subordinate uses shall encompass no more than 15 percent of the business floor area and shall generate no more than 15 percent of the gross revenue receipts. A business may have more than one accessory use, but each accessory use must comply with the limitations on floor area space and gross receipts, and the total combined area of shall not exceed 30 percent of the business floor area and the total combined revenue from the accessory uses shall not exceed 30 percent of the gross receipts.

ADA. The Americans with Disabilities Act, as amended.

Addition. A building, structure, or floor area added to the original structure at some time after the completion of the original structure.

Adjacent. Directly adjoining, having a common boundary or property line, or contiguous to.

Affordable housing. Housing for which “affordable rent” or an “affordable sales price” is required to be charged.

Affordable housing agreement. A legally binding agreement between an applicant and the City, in a form and substance satisfactory to the City Manager and City Attorney and suitable for recording, setting forth those provisions necessary to ensure that the requirements of this Title are, and will continue to be, satisfied.

Affordable housing cost. The housing cost for for-sale inclusionary units as defined by California Health & Safety Code § 50052.5 for owner occupied housing, as applicable to the moderate-income households.

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Affordable rent. The affordable rent for rental dwelling units as defined in California Health and Safety Code § 50053.

Affordable sales price. The maximum sales price for which a for sale inclusionary unit may be sold, that will result in the purchaser paying an affordable housing cost for the for sale inclusionary unit, assuming a benchmark mortgage interest rate and minimum down payment as may be established by the City from time to time.

Affordable unit. Dwelling units which are required to be rented at affordable rents or purchased at an affordable sales price to specified households.

Agency. An office or commercial establishment in which goods, materials or equipment is received for servicing, treatment or processing elsewhere.

Agent. Any authorized person acting for the property owner or applicant.

Agricultural employee. As defined in California Labor Code § 1140.4, an agricultural employee is one engaged in agriculture, as such term is defined in subdivision (a). However, nothing in this subdivision shall be construed to include any person other than those employees excluded from the coverage of the National Labor Relations Act, as amended, as agricultural employees, pursuant to § 2(3) of the Labor Management Relations Act (§ 152(3), Title 29, United States Code), and § 3(f) of the Fair Labor Standards Act (§ 203(f), Title 29, United States Code).

Alteration. Any change, addition or modification in construction.

Amendment. A revision, addition, or deletion in the wording of this Title, or the General Plan; or a change in the zone classification or zoning district boundary upon the Zoning Map, or a change in the land use designation upon the General Plan map.

Annexation. The addition of parcels into the City with a resulting change in the boundaries of the City.

Annual household income. The combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

Apartment. See “Multi-family dwelling in Chapter 17.33, Definitions of Uses.

Apiary. A place where one or more honeybee colonies are kept.

Applicant. Any person, firm, partnership, association, joint venture, corporation or any entity, combination of entities or consortium who seek approval of a City permit, license or other entitlement for use of property. Also includes an authorized agent of any of the above.

Application, complete. An application shall be deemed complete when it contains all maps, drawings and other information requested by the Community Development Department and, where necessary, an environmental assessment.

Arbor. A shade-providing structure with a roof and perhaps sides formed by trees or climbing plants trained over a framework.

Area Median Income. The annual median household for Napa County, adjusted for household size, as published periodically in the California Code of Regulations, Title 25, § 6932, or its successor provision.

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Attic. A room or space immediately below the roof of a building that is not habitable and is utilized only for storage.

Awning. A roof-like cover that projects from the wall of a building, shielding a doorway or window from the elements.

Balcony. An open platform, enclosed by a parapet or railing and projecting from an exterior wall of a building.

Basement. Any floor level below the first story in a building in which the finished floor level directly above is less than four feet above finished grade on all sides. See Section 17.34.030, Measuring Height.

Bedroom. Any habitable room with no less than 70 square feet of floor area and no dimension less than seven feet in a dwelling other than bathroom(s), kitchen, living and dining room. Unless specifically designed to exclude its use as a bedroom (e.g., no closet, enlarged entryway without doors, no windows open to the exterior, etc.), any den, study or other room meeting the above definition of a bedroom shall be considered a bedroom for the purpose of meeting the regulations and standards of the code.

Beehive. A series of rectangular boxes stacked one on top of the other, which house a colony. Standard dimensions of these boxes are 20 by 16.5 by nine and one-half inches.

Block. The collection of assessor's parcels that share the same block number on the Napa County Assessor's map.

Building. A structure intended for any use or occupancy with substantial walls and roof.

Building area or **Building site.** The portion of a lot where the principal building can be located. Excludes the setbacks required by the zoning district.

Building face or **Building façade.** The outer surface of the main exterior wall of a building. For example, a building with a rectangular plan has four exterior walls and four building faces or facades.

Building permit. A permit issued pursuant to Title 15, Chapter 15.04 of the St. Helena Municipal Code.

Building, principal or **Building, primary.** A building in which the principal use of the lot is conducted.

Bulk storage. The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.

CalGreen. California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations.

Canopy. A structural, ornamental roof-like appendage, attached to a building or that may be freestanding, including roof overhangs, but excluding awnings or metallic hoods.

Carport. A roofed structure providing space for the parking or storage of motor vehicles and open on one or more sides.

Center line. See "Street, center line of."

Certificate of Occupancy. The permit issued by the Community Development Department authorizing the initial occupancy of a residential unit or a nonresidential use, including a temporary certificate of occupancy.

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Chief Building Official. The Chief Building Official of the City of St. Helena, or designee, charged with the administration and enforcement of the building, housing, plumbing, electrical and related codes, as provided by the St. Helena Municipal Code.

City. The City of St. Helena.

City Council. The Council of the City of St. Helena.

City Engineer. The Director of the City Engineering Department of the City of St. Helena, or designee.

Common usable open space. Land within or related to a development, not individually owned or dedicated for public use, which is designated and intended for the common use or enjoyment of the residents of the development. May be located on the ground, roof, deck or porch which is designed and used for outdoor living or recreation and may include such complimentary structures and improvements as are necessary.

Community Development Director. The Director of the Community Development Department of the City of St. Helena, or designee.

Concession or incentive. As defined in California Government Code § 65915, a concession or incentive means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with § 18901) of Division 13 of the California Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in § 50052.5 of the California Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory incentives or concessions proposed by the developer or the City, county, or City and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in § 50052.5 of the California Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

Conditional use. A use, structure or other development for which a Conditional Use Permit is required.

Conditional Use Permit. A discretionary permit which may be granted by the appropriate City authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of a discretionary review process and, where necessary, the imposition of special conditions of approval. See Section 17.05.020, Conditional Use Permit.

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Condominium project. As defined in subdivision (f) of § 1351 of the California Civil Code, a condominium project means a development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to (1) boundaries described in the recorded final map, parcel map, or condominium plan, (2) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof, (3) an entire structure containing one or more units, or (4) any combination thereof. The portion or portions of the real property held in undivided interest may be all of the real property, except for the separate interests, or may include a particular three-dimensional portion thereof, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property.

Construction costs. The estimated cost per square foot of construction, as established by the Building Department for use in the setting of regulatory fees and building permits, multiplied by the total square footage, minus the garage floor area, to be constructed.

Construction work. Any work for which a building permit is required, and also includes grading, landscaping and the erection, installation, or painting of signs or public art.

Conversion. Conversion of an existing residential building to a nonresidential use, excluding home occupations as defined in Chapter 17.33, Definitions of Uses, or 3,000 square feet of floor area or more of a nonresidential building from one use category to another.

Cooperative. A form of multiple ownership of real estate in which a corporation or business trust entity holds title to a property and grants occupancy rights to particular units to shareholders by means of proprietary leases or similar arrangements.

Cottage food products. Non-potentially hazardous foods, including foods that are limited to and described in State of California Health and Safety Code § 114365.5 and that are prepared for sale in the kitchen of a cottage food operation.

Cupola. A small, usually domed structure surmounting a roof for decorative purposes only. It does not contain flooring nor does it serve as a story.

Decibel (dB). A unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base of 10 of the ratios of the pressure of the sound measured to the reference pressure, which is 20 micro pascals.

Deck. A platform requiring ground supports usually extending from the main wall of the structure and used as exterior floor space.

Deed restriction. A restriction on the use of land set forth in the deed.

Demolition. The intentional removal of all or part of a building or structure when a building or structure is a designated historic landmark or located in a designated historic district. In all other areas of the City “demolition” means the intentional destruction and removal of 50 percent or more of the

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enclosing finished floor exterior walls and 50 percent of the roof structure of any building or structure. The percentage of this definition is determined using linear feet of finished floor.

Density. See “Residential density.”

Density bonus. Except as applied to a condominium project or a senior housing development, means a density increase of at least 20 percent unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density for the site under the applicable zoning district and land use element of the General Plan. The amount of the density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 17.29.040, Application. For each one percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half percent up to a maximum of 35 percent. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half percent up to a maximum of 36 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number.

Density bonus, Condominium project. For a condominium project in which at least 10 percent of total units are reserved for moderate income households, is a density increase of at least five percent, unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density for the site under the applicable zoning district and land use element of the General Plan.

Density bonus, Senior housing development. For a senior housing development, as defined in §§ 51.3 and 51.12 of the California Civil Code or any successor statutes, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code § 798.76 or § 799.5 or any successor statutes, shall be twenty percent of the number of senior housing units, unless a lesser percentage is elected by the developer.

Density bonus units. Dwelling units approved in a residential development pursuant to California Government Code § 65915 et seq. and Chapter 17.29, Density Bonus, that are in excess of the maximum residential density otherwise permitted by the City's General Plan or this Title, and any applicable Specific Plan.

Development. Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

Development project. Any project undertaken for the purpose of development, including the issuance of a permit or approval for construction, reconstruction, use or operation whether or not the permit or approval is ministerial or discretionary in nature.

Discretionary permit. Any permit or license issued by the City for a project which requires the exercise of judgment or deliberation wherein the City decides to either approve or disapprove a particular activity in accordance with applicable laws, including but not limited to use permits, and the approval or modification of tentative, or tentative parcel maps pursuant to St. Helena Municipal Code Title 15, Buildings and Construction.

District, Zoning District, or Zone. A portion of the territory of the City within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Title.

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Drive-through use. An establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods including food, or be entertained while remaining in their motor vehicles is a drive-in use.

Driveway, residential. See Section 17.26.020, Definitions.

Duplex. A two-family dwelling designed or used exclusively as a residence. Includes two separate but attached dwelling units. Also known as a two-unit project.

Dwelling, attached. A single-family dwelling attached to one or more single-family dwellings by a common vertical wall.

Dwelling, detached. A single-family dwelling which is not attached to any other dwelling by any means.

Dwelling unit. A building or portion of a building including one or more rooms which is designed or used as a residence for one family or housekeeping unit with facilities for living, sleeping, cooking and dining.

Easement. A limited right of one person or class of persons to use real property owned or occupied by another, which right is described specifically as to location and entitlement to use.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Effective date. The date upon which this Zoning Code is in full force and effect from and after its adoption by the City Council.

Eligible household. Any household or applicant which the Community Development Department has determined meets the eligibility standards for affordable housing pursuant to the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

Employee. Each person engaged in the operation or conduct of any business, whether as owner, any member of the owner's family, partner, agent, manager, solicitor and any and all other persons employed or working in such business.

Enlargement. An increase in the size of an existing building or structure or an increase in the physical area occupied by the use of land.

Erect. To construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance, including refinishing, is not included in this definition.

Erosion, soil. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, and gravity.

Family. One or more persons living together as a single housekeeping unit in a dwelling unit.

Farmworker. See "Agricultural Employee".

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technical factors.

Fence. A barrier enclosing or defining an area, as separating or screening areas, usually made of posts and wires or wood and including walls or like structures.

Finance Director. The Director of the Finance Department of the City of St. Helena, or designee.

Fire Chief or Official. The Chief of the St. Helena Fire Department, or designee.

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Final inspection. An inspection performed by the Building Division of the Community Development Department to verify completion of the project per approved plans; a precondition to occupancy.

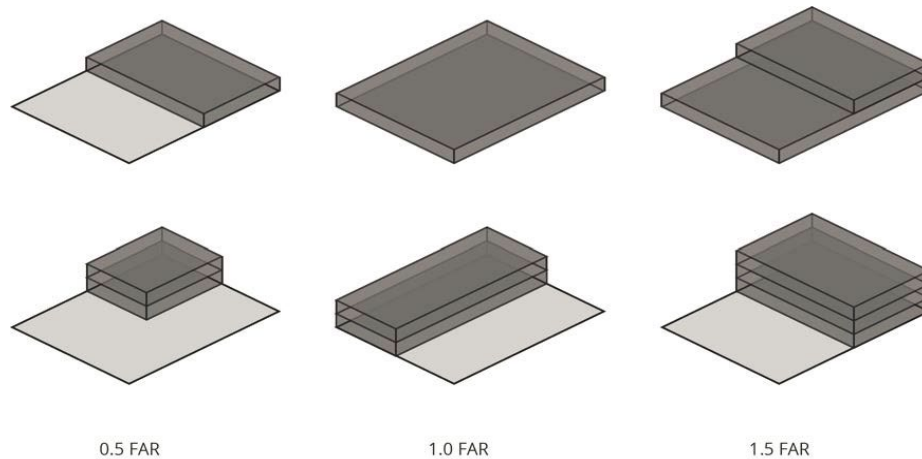
Flag lot. A lot in which the buildable portion of the lot is connected to and accessible from a public or private right-of-way by a narrow strip of land. The wider, buildable portion of the lot is situated behind adjoining lots which front on the same public or private street. Also known as a “panhandle lot.”

Flea market. An occasional or periodic selling of goods held in an open area or structure where groups of individual sellers offer new and used goods for sale to the public.

Floor area. The sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings. See also Section 17.34.050, Measuring Floor Area and Floor Area Ratio.

Floor area ratio (FAR). The ratio of building gross floor area divided by net parcel area. For example, one building or a group of buildings with a total of 20,000 square feet of floor area on a 40,000 square foot lot would translate to a 0.50 FAR.

Figure 17.32.A: Floor Area Ratio (FAR)



For-sale. Any dwelling unit, including but not limited to a condominium, townhome, other attached or detached single family dwelling unit, for which a parcel or tentative and final map is required for the lawful subdivision of the parcel upon which the dwelling unit is located for the creation of the unit in accordance with the Subdivision Map Act (California Government Code §§ 66410 et seq.).

Frontage, building. The lineal dimension, parallel to the ground, of a building directly facing a right-of-way.

Garage. An accessory structure or portion of a main structure, enclosed on three or more sides and containing accessible and usable enclosed space designed, constructed, and maintained for the parking and storage of one or more motor vehicles.

General Plan. The General Plan of the City of St. Helena. This is a comprehensive, long-term plan for the orderly physical development of the land and the preservation of open space in the City according to California Government Code § 653009 et seq. The plan is an integrated, internally consistent and

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compatible statement of land use policies, consisting of maps and texts stating principles, standards, proposals, and objectives contained in the area plans, required elements, or other permitted elements.

Glare. The effect produced by brightness sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

Grade. See "Slope."

Grade, average. The average of the finished ground level (i.e. finished grade) at the outermost corners of a building or building segments of stepped or terraced buildings.

Grade, finished. The elevation of the ground surface in its final state, after manmade alterations.

Grade, natural. The elevation of the undisturbed natural surface of the ground adjoining a building or structure as determined by the site grading plan.

Gross floor area. The total horizontal area in square feet of each floor within the exterior walls of all buildings on a parcel, as measured at the exterior face of the enclosing walls.

Guest house. An accessory building or portion of an accessory building, used for living quarters, which is clearly subordinate and incidental to the principal building(s) on the same lot, without facilities for cooking, and which is not separately rented, let or leased for direct or indirect compensation.

Guest room. Any room or rooms used or intended to be used by a guest for sleeping purposes in a principal or detached accessory building, but without kitchen or cooking facilities.

Habitable. Meeting the requirements of the California Administrative Code, Title 24, including, but not limited to, insulation, heating, ventilation, and lighting (in relation to building construction).

Hardscape area. All exterior surfaces such as walkways, pools and pool decks, driveways, at-grade patios, or tennis courts that are constructed with non-porous materials such as asphalt or concrete.

Height. The vertical distance from a point on the ground below a structure to a point directly above. See Section 17.34.030, Measuring Height.

Helipad. A landing area for helicopters on public or private lands or buildings, for the picking up and discharging of passengers or freight.

Honeybee colony. A cluster of worker-bees with a queen and drones.

Household pets. Small animals of the type generally accepted as pets, including dogs, cats, rabbits, domesticated pigs, pigeons, hens, and the like; but not including roosters, quacking ducks, geese, pea fowl, goats, hogs, apiaries, or the presence of animals for commercial purposes.

Household. One person living alone or two or more persons sharing residency.

Housing Authority. The Napa Valley Housing Authority.

Housing costs. The monthly mortgage principal and interest, property taxes, association fees, and required homeowner's insurance, for ownership units and the monthly rent for rental units.

Housing impact fee. The fee established pursuant to Section 17.30.020, Housing Impact Fees, for nonresidential development projects.

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Housing in-lieu fee. The fee established pursuant to Section 17.30.030, Inclusionary Housing Requirements, for residential development projects.

Housing unit. See "Dwelling unit."

Hydrozone. A portion of the landscaped area having plants with similar water needs.

Inclusionary Housing Fund. The City of St. Helena Affordable Housing Trust Fund established pursuant to Section 17.30.050, Administration and Enforcement of Affordable Housing Program, and designated by the City to maintain and account for all funds received pursuant to this Title, including but not limited to all in-lieu fees.

Inclusionary Housing Plan. A plan containing all the information specified in and submitted in conformance with Section 17.30.040, Inclusionary Housing Compliance Procedures, specifying the manner in which inclusionary units will be provided in conformance with this Title.

Inclusionary unit. A dwelling unit that is designated to meet the requirements set forth in this Code, and that must be made available at an affordable housing cost or an affordable rent to eligible moderate-, low- or very low-income households, as applicable to the unit.

Junior accessory dwelling unit (JADU). See Section 17.22.030.C.

Kitchen. An area within any structure, including, but not limited to, dwelling units, equipped to allow the storage, cooking, refrigeration of food and/or intended for the preparation of food.

Land disturbance. Any activity involving the clearing, cutting, excavating, filling or grading of land or any other activity which alters land topography or vegetative cover.

Landscaping. The use of land for permanent, planned planting with, for example, shrubs, trees, or ground cover plants.

Light fixture, fully-shielded. Light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal plane. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Light fixture, partially-shielded. A light fixture constructed and mounted such that most light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane. Light emitted at or above the horizontal direction (sideways or upwards) arises only from incidental decorative elements or strongly colored or diffusing materials such as "honey" or colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded.

Livestock. All domesticated horses, mules, donkeys, cows, pigs, sheep, goats and similar species.

Living quarters. An accessory structure without kitchen facilities designed and used exclusively by persons and families employed on the premises.

Loft. A floor space directly beneath the roof of a structure raised above the main floor. See Section, 17.34.030, Measuring Height.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the Napa County, and which is recognized as a separate legal

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entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

Abutting Lot. A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

Corner Lot. A lot or parcel bounded by two or more adjacent street lines, or two parts of the same street, that have an angle of intersection of not more than 135 degrees.

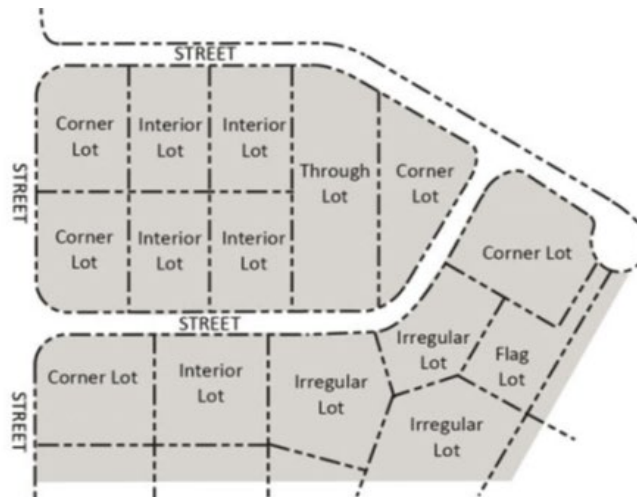
Flag Lot. A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

Interior Lot. A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than a corner lot.

Irregular Lot. A lot which is shaped in manner that it does not match the regular pattern of lots on a block, such as a lot with a shape that is not square or rectangular.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

Figure 17.32.B: Lot Types



Lot area. The gross area of the lot, measured horizontally between lot lines and including any public or private easements contained within the lot lines. See Section 17.34.040, Measuring Lots.

Lot coverage. The land area covered by all buildings or structures on a lot, including all projections excluding eaves, and except as provided in Section 17.34.060, Measuring Lot Coverage.

Lot depth. The horizontal distance between the front and rear property lines of a site measured midway between the side property lines. See also Section 17.34.040, Measuring Lots.

Lot line. The property line bounding the lot.

Front Lot Line, or Lot frontage. On an interior lot, the line separating the lot from the right-of-way, public plaza, or parking lot. On a corner lot, the shorter lot line abutting a right-of-way.

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On a through lot, the lot line abutting the right-of-way providing the primary access to the lot. On a flag lot, an interior lot line most parallel to and nearest the right-of-way from which access is obtained. In unusual cases, however, where the location and relationship of the lot to abutting public or private right-of-way (e.g., double frontage or narrow dimension located on local street while wide dimension located on arterial or collector) make it difficult to establish the front of the lot, the Community Development Department shall make a determination, subject to appeal and review by the Planning Commission.

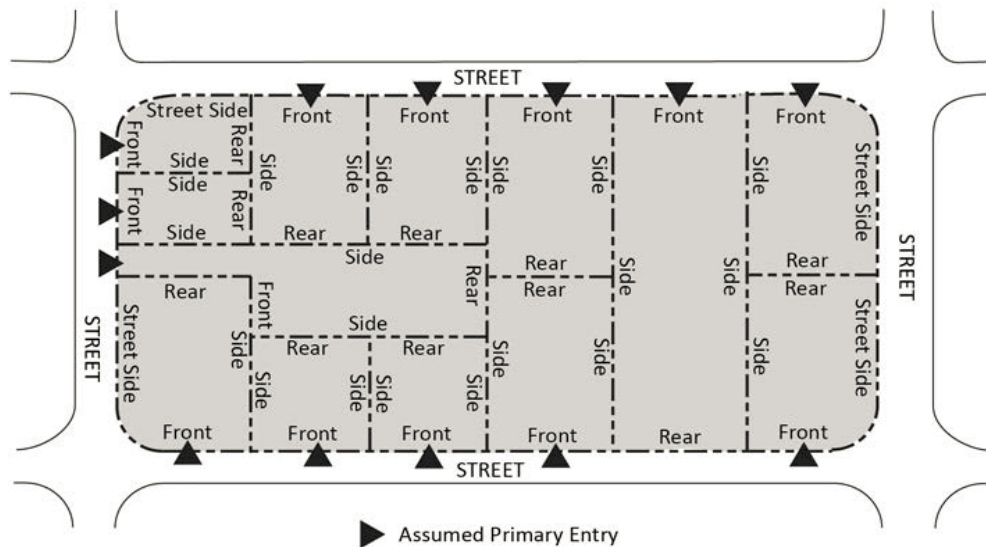
Interior Lot Line. Any lot line that is not adjacent to a right-of-way.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed a rear lot line for establishing a minimum rear yard.

Side Lot Line. Any lot line that is not a front or rear lot line.

Street Side Lot Line. A side lot line of a corner lot that is adjacent to a right-of-way.

Figure 17.32.C: Lot Lines



Lot, substandard. Any lot in any district with less than the minimum dimensions or area for the district in which it is located, unless the reduction is specifically authorized under the provisions of this Title.

Lot width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line. See also Section 17.34.040, Measuring Lots. When not applicable due to irregularity of lot shape, lot width shall be determined by the Community Development Director, subject to appeal and review by the Planning Commission.

Low-income household. A household whose income does not exceed the qualifying limits for lower income families as established and amended from time to time for Napa County pursuant to Section

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8 of the United States Housing Act of 1937. The income limit for low-income households, adjusted for family size, is published periodically in the California Code of Regulations, Title 25, § 6932.

Low-income unit. A dwelling unit that is required to be sold or rented to a low-income household at an affordable sales price or an affordable rent, as applicable.

Lower income households. Defined by § 50079.5 of the California Health and Safety Code.

Lumen. The unit used to measure the actual amount of light which is produced by a lamp.

Manufacturing. The establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling or component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

Manufactured housing. A residential building, dwelling unit or habitable room thereof which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on site, in accordance with regulations adopted by the Commission of Housing and Community Development of the state of California pursuant to California Health and Safety Code § 19990 et. seq.

Market-rate unit. A dwelling unit in a residential development that is not an inclusionary unit.

Marquee. A structural flat roof structure attached to and supported by a building and projecting over public property.

Median income. The median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, § 6932 (or its successor provision) by the United States Department of Housing and Urban Development.

Minor Use Permit. An administrative permit which may be granted by the appropriate City authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of an administrative review process and, where necessary, the imposition of special conditions of approval. See Section 17.05.090, Minor Use Permit.

Mixed-use development. The development of a tract of land or building or structure with two or more different uses with a residential use such as, but not limited to office, manufacturing, retail, public or entertainment, in a compact, integrated urban form. Uses can be arranged vertically in one building, or horizontally in one building or separate buildings.

Mobile home. See Chapter 17.33, Definitions of Uses.

Mobile home lot. As defined by § 18210 of the California Health and Safety Code, means any area or tract of land or portion of a mobile home park designated or used for the occupancy of one manufactured home, mobile home, or recreational vehicle.

Mobile home park. As defined in § 18214 of the California Health and Safety Code, means an area of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobile homes.

Mobile home space. A plot of ground within a mobile home park abutting one or more access drives, designed for the accommodation of one mobile home.

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Mobile recycling unit. An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also shall mean the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

Mobile Vending Unit. A readily movable food service establishment such as a push cart, van, trailer, or a temporary/movable structure approved for mobile food vending by Napa County. It provides space for limited storage, handling, and/or dispensing of foods or other goods.

Modal shift. A change from one mode of transport to another mode of transport.

Moderate-income household. See definition for "persons and families of low or moderate-income" as set forth in California Health & Safety Code § 50093. The income limit for moderate-income households, adjusted for family size, is published periodically in the California Code of Regulations, Title 25, § 6932.

Moderate-income unit. A dwelling unit that is required to be sold or rented to a moderate income household, or a low-income unit that is able to qualify to rent or purchase the moderate income unit.

Monthly owner-occupied housing payment. The sum equal to the principal, interest, property taxes, homeowner's insurance and homeowner's association dues paid on an annual basis divided by 12.

Motor vehicle. Any automobile, truck, or motorcycle.

Multi-Family Dwelling. See Chapter 17.33, Definitions of Uses.

Muntin. A strip of wood or metal used to separate panes of glass within a window.

Neighborhood. An area of a community with characteristics that distinguish it from other community areas and which may include distinct ethnic or economic characteristics, schools or social clubs, or boundaries defined by physical barriers such as major highways and railroads or natural features such as rivers. Where none of the conditions or characteristics described above apply a neighborhood is assumed to be the area within a radius of approximately one-half mile of a specified site.

Net parcel area. The total horizontal area included within the property lines of a parcel, excluding area within vehicular rights-of-way and vehicular easements.

Nightclub. A commercial establishment which serves alcoholic beverages for on-site consumption and which provides entertainment, whether live or mechanical as its principal use or as an adjunct use to another use; provided, however, that no such commercial establishment shall be considered a nightclub unless dancing by patrons occurs.

Nonconforming lot. A legal parcel of land having less area, frontage, or dimensions than required in the zone in which it is located.

Nonconforming structure. A building or structure which was lawfully erected prior to the adoption of this Title, but which, under this Title, does not conform to the standards of coverage, yards, setbacks, height of buildings or structures, or distances between buildings or structures prescribed in the regulations for the district in which the building or structure is located.

Nonconforming use. A use of a structure or land, which was lawfully established and maintained prior to the adoption of this Title, but which, under this Title, does not conform with the use regulations for the district in which it is located.

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Occupancy. The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. A change of occupancy is not intended to include change of tenants or proprietors without an accompanying change of use.

Office. A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

Open storage. The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for an extended period of time.

Overhang. The part of a roof (see "Eave") or wall which extends beyond the facade of a lower wall. It can also mean that portion of a vehicle extending beyond the wheel stops or curb.

Owner. A person, persons or corporation holding fee title to property within the City as shown on the most recent Assessor's role in the County of Napa.

Parcel. A lot or tract of land. "Parcel" or "assessor's parcel" is also a term for a unit of land created and assigned a number by the Napa County Assessor. Since Assessor's parcels are established for assessment purposes only, they are not necessarily lots of record.

Parking definitions. See Section 17.26.020, Definitions.

Parking area. An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the storage of operable motor vehicles for a period of 72 hours or less.

Perimeter. The boundaries or borders of a lot or lots if developed as a unit.

Persons. Individual persons and any form of organization, including but not limited to sole proprietorships, partnerships, corporations, trusts and any other form of commercial or noncommercial enterprise; person applies to any person who is the owner, lessee, sublessee, manager of premises, to any other person who is in possession of or in charge of premises, and to any person who has management or supervisory authority or responsibility to direct construction work or any other activity or use taking place on premises.

Planning Commission. The Planning Commission of the City of St. Helena.

Planned development. An area developed according to an approved planned development permit with unique development standards pursuant to the PD zoning overlay established for the development.

Porch. A roofed approach to a doorway usually extending from the exterior wall of the structure and requiring ground supports.

Pre-prohibition winery. A building that was used as a winery prior to Prohibition but has since been abandoned from use as a winery. For purposes of this Section, Prohibition took effect on January 16, 1920. Also referred to as a "ghost winery."

Private wine marketing event. Marketing event which is hosted by a Small Winery owner/operator for members of the wine trade.

Processing. The preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

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Processing fee. The charges for staff time, transmission and communication costs, including but not limited to charges for postage, telephone, fax, transportation, etc., as well as the costs of production or reproduction of materials, exhibits, etc., used in the investigation, processing, inspection or review of development projects or the enforcement of regulations and conditions to development projects. Also referred to as "processing costs."

Public. A building or land use open to the public, whether free or on a fee basis.

Public hearing. A meeting noticed as required by this Title in which testimony and arguments are presented publicly before any of the City's hearing bodies, including the Planning Commission and City Council.

Public recreation. Any recreational use that is not private.

Public Works Director. The Director of the Public Works Department of the City of St. Helena, or designee.

Publicly owned. Land or building owned or operated by a governmental or other public agency.

Pump island. A facility, generally a raised concrete apron, designed primarily to hold motor vehicle fuel dispensing devices, and separated from other pump islands by sufficient space for the maneuvering of an automobile.

Qualifying resident. As defined in § 51.3 of the California Civil Code, a qualifying resident or senior citizen means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

Reconstruction. The repair or renewal of any part of an existing structure for the purpose of work necessary due to damage in same footprint where rebuilding structure.

Recreational trailer. Any camping trailer and any trailer designed for transporting boats, airplanes, motorcycles, horses or other livestock which horses or livestock are intended solely for recreational use, tents, and any other recreational equipment.

Recreational vehicle. As defined in California Government Code § 18010, recreational vehicle means both of the following:

1. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:
 - a. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
 - b. It contains 400 square feet or less of gross area measured at maximum horizontal projections.
 - c. It is built on a single chassis.
 - d. It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.
2. A park trailer, as defined in California Government Code § 18009.3.

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Rehabilitation. The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Rental. A dwelling unit that is not a for-sale dwelling unit, and does not include any dwelling unit, whether offered for rental or sale, that may be sold as a result of the lawful subdivision of the parcel upon which the dwelling unit is located or creation of the unit in accordance with the Subdivision Map Act (California Government Code § 66410 et seq.).

Resale restriction agreement. A legally binding agreement between the City and the purchaser of a for-sale inclusionary unit, in a form as approved by the City Attorney, which requires that the inclusionary unit to be occupied by the purchaser for the term of the agreement or sold to another moderate-income household at an affordable sales price.

Residential condominium project. A community apartment project, a condominium, a condominium project, a stock cooperative or a planned development as those terms are defined by California Civil Code § 783, California Business and Professions Code, respectively. A residential condominium project does not mean or include:

- Financing or leasing of apartments, offices, stores or store space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks;
- Mineral, oil or gas leases; or
- Land dedicated for cemetery purposes under the California Health and Safety Code.

Residential density, or Density. A computation expressing number of dwelling units per acre, based on the gross lot area prior to the dedication of any rights of way, public parks or other public areas. Primary and accessory units are included in the calculation of residential density.

Residential development. Any development project for which an application for any ministerial or discretionary permit has been submitted to the City and where the development would create new or additional dwelling units by the construction or alteration of structures, the conversion of a use to residential from any other use, or the conversion of a use to for-sale residential from rental residential use.

Reverse vending machine. An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. A bulk reverse vending machine is a type of reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

Review Authority. Body or entity responsible for making decisions on applications.

Rezoning or Reclassification. See "Amendment."

Right-of-way. An area of land acquired by reservation, dedication, prescription or condemnation and is intended to be occupied or is occupied by a street, road or other similar public utility or use. The right-of-way generally includes the area behind the curb (i.e., planting strip, sidewalk and sometimes the area behind the sidewalk).

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Riparian. Land and vegetation which is located adjacent to a natural or man-made water course or body of water.

Roof. The outside top covering of a building.

Run with the land. A covenant, restriction, permit, or entitlement to the use of the land contained in a deed or other recorded instrument which is binding on the present and future owners of the property.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another or from the public right-of-way by fencing, walls, berms or densely planted vegetation.

Section 8 of the Housing and Urban Development Act of 1965. A federal rent subsidy program (or its successors) in which eligible, very low-income and low-income households receive financial assistance to rent housing units.

Service station. A parcel of land, or any portion of a parcel of land, developed exclusively for the purpose of, and with facilities for, the sale of motor vehicle fuels; and which may also provide lubricants, tires, batteries, accessory items and other customary services for motor vehicles, the delivery of which is made directly to the vehicle. The servicing of motor vehicles shall be generally limited to lubrication, nonmechanical washing, the replacement of spark plugs, lamps, fan belts and batteries, the repair or replacement of tires and tubes; and minor motor vehicle repair.

Setback. The distance between a property line and a building or structure that must be kept clear or open, except for such encroachments as are specifically permitted by this Title.

Setback, front. The area extending the full width of the lot as measured from, and perpendicular to, a front lot line.

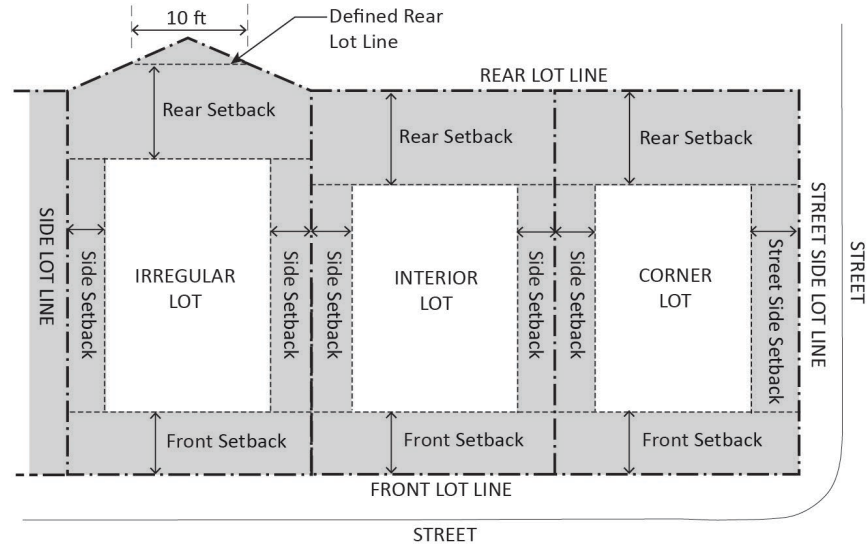
Setback, interior side. The area extending from a front setback line to a rear setback line as measured from, and perpendicular to, an interior side property line. An interior side setback does not abut a street.

Setback, street side. The area extending from a front setback line to a rear setback line as measured from, and perpendicular to, a street side property line.

Setback, rear. The area extending the full width of the lot as measured from, and perpendicular to, a rear lot line. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from a front lot line, will be deemed a rear lot line for establishing a minimum rear yard.

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Figure 17.32.D: Setbacks



Shopping center. A type of integrated commercial center specifically designed for occupancy or occupied by a minimum of five separate uses devoted predominantly to retail and personal service activities which are characterized by common parking, access, function and appearance. Shopping centers may also include other nonretail uses (i.e., restaurants, real estate offices, travel agencies, law offices, etc.) when permitted by district regulations. Also referred to as "Integrated commercial center."

Sign terms. See Section 17.27.020, Sign Definitions.

Single housekeeping unit. A dwelling unit in which the residents of the dwelling unit satisfy the following criteria:

1. They have established ties and familiarity and interact with each other.
2. Membership in the single housekeeping unit is fairly stable as opposed to transient or temporary.
3. They share meals, household activities, expenses, and responsibilities.
4. All adult residents have chosen to jointly occupy the entire premises of the dwelling unit, and they each have access to all common areas.
5. If the dwelling unit is rented, all adult residents are named on and party to a single written lease that gives them each joint use and responsibility for the premises.
6. Membership of the household is determined by the residents not by a landlord, property manager, or other third party.
7. The residential activities of the household are conducted on a nonprofit basis.

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8. They do not have separate entrances, nor do they have separate food-storage facilities, such as separate refrigerators or food-prep areas.

Slope. The degree of deviation of a surface from the horizontal, usually expressed as a percentage, degrees, or a ratio. Slope is referenced or measured in the following ways:

Percent slope: The change in elevation or rise (in feet) divided by the horizontal distance or run in feet multiplied by 100 (e.g., 50 feet/480 feet x 100 = 10.4 percent).

Degrees. The angle of deviation from the horizontal which ranges from zero degrees for horizontal to 90 degrees for vertical (e.g., a 50 percent slope is equal to 26.5 degrees).

Slope ratio: The ratio between the horizontal or run in feet and vertical or rise in feet (e.g., a three to one slope (expressed as 3:1) shall mean three horizontal feet to one vertical foot; a 100 percent slope is the same as a slope ratio of 1:1 and is the same as 45 degrees).

Small lot development. Residential development on lots which are smaller than the minimum lot size of the zoning district, including but not limited to those specifically designed to accommodate bungalow court developments, garden court development, and zero lot line dwellings (single-family dwellings attached at a common wall located on a side lot line) and meeting the standards of Section 17.16.030, Development Standards, and Section 17.16.040, Design Standards.

Specific Plan. Specific plans are planning documents that guide the development of a particular geographic area within the City. They are separate from, but must be consistent with, a jurisdiction's adopted general plan. Specific plans implement the general plan by providing a special set of planning policies and development standards. Refer also to the provisions of California Government Code, §§ 65450 et seq.

Stable, Private. Any building, barn, corral, or paddock used or designed to shelter or keep livestock.

Stable, Public or Riding. An establishment where livestock is kept, boarded, groomed or trained, rented for riding, or bred for profit.

Staff. The employees, agents, contractors, and consultants of the City.

Step-back A term used to describe an upper-story portion of a building façade that is closer to the interior of a property than the portion of the façade immediately below.

Storage. The placement of material objects on a site for any period in excess of seven consecutive days or the parking of a vehicle in the same approximate location for a period of 72 hours or more.

Story. Portion of a building included between the upper surface of any floor and the upper surface of the floor next above; except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. See Section 17.34.030, Measuring Height.

Story, Half. A partial story under a gable, hip or gambrel roof, of which the wall plates of two opposite exterior walls are not more than four feet above the floor.

Street, Center Line of. The line drawn at points midway between the face of curbs of an improved street; or as determined by the City Engineer, in the case of unimproved or partially improved streets.

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Street, Private. A right-of-way or easement, approved by the City Council, in private ownership, not dedicated or maintained as a public street, and not an alley, and which affords the principal shall mean of access to two or more sites. See “Access drive.”

Street, Public. A way, the entire width of which is within a publicly owned right-of-way and which contains pedestrian, vehicular and utility improvements, facilities and appurtenances. The term shall include avenue, drive, road, circle, parkway, boulevard, highway, thoroughfare or any other similar term. Also any dedicated street accepted by the City for maintenance.

Structural alterations. Any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters.

Structure. Anything constructed or erected, except fences, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. (Note: All buildings are structures, but not all structures are buildings. See “Building.”)

Subdivision. The division, by any subdivider, or any unit or units of improved or unimproved land or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. The term subdivision includes a “condominium project,” as defined in § 1350 of the California Civil Code, a “community apartment project,” as defined in § 11004 of the Business and Professions Code, or the conversion of five or more existing dwellings to a “stock cooperative,” as defined in § 11003.2 of the Business and Professions Code.

Supportive housing. As defined in California Health and Safety Code § 50675.14, supporting housing means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

Swarming. The natural method of honeybee colonies to reproduce, resulting in the departure of part of the bee population with a queen to create a new honeybee colony.

Swimming pool. An outdoor pool or artificial body of water designed, constructed or used for swimming, dipping, or immersion purposes, and having a depth in excess of 24 inches or a surface area exceeding 100 square feet.

Townhouse. A single dwelling unit in a townhouse group, located or capable of being located on a separate lot; and being separated from the adjoining dwelling unit by an approved wall, extending from the foundation through the roof and structurally independent of the corresponding wall of the adjoining unit.

Transitional housing. As defined in California Government Code Section § 50801, transitional housing means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

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Transitory Lodging. Lodging provided for a period of up to 30 days.

Triplex. A three-family dwelling designed or used exclusively as residences. Includes three separate but attached dwelling units.

Top of bank. The highest elevation of land which confines to their channel waters flowing in an intermittent or perennial stream or river.

Turf. A ground cover surface of mowed grass.

Unenclosed. Open on at least one side.

Urban Limit Line. A parcel-specific boundary that marks the limit of where urban development is permitted within the incorporated area of St. Helena. The intent of the Urban Limit Line is to discourage urban sprawl by containing urban development within designated areas during the planning period.

Use, Accessory. See "Accessory use."

Utilities. Garbage collection, sewer, water, electricity, gas and other heating, cooling, cooking and refrigeration fuels.

Vacancy rate. The number of uninhabited dwelling units that are available and suitable for occupancy expressed as a ratio to the total number of housing units.

Variance. The term applied to the procedure whereby the strict application of the provisions of this Title relating to height, area, yard requirements or other requirements of this Title may be modified in a particular instance. The term "variance" does not apply to a use modification.

Vehicle. A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. The definition of vehicles includes motor vehicles, recreational vehicles, recreational trailers and boats.

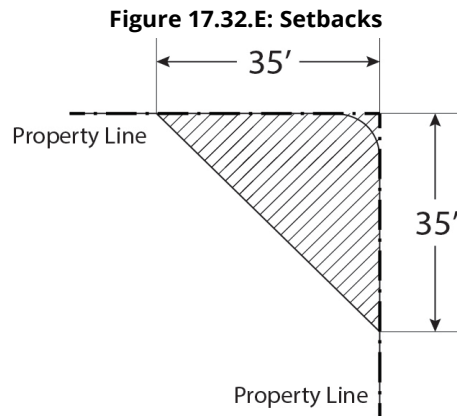
Very low-income household. A household whose income does not exceed the qualifying limits for very low-income families as established and amended from time to time pursuant to § 8 of the United States Housing Act of 1937. The income limits for very low-income households, adjusted for family size, is published periodically in the California Code of Regulations, Title 25, § 6932.

Very low-income unit. Unit that is required to be rented to a very low-income household at an affordable rent.

Video game center. A commercial establishment which offers six or more electronic games as a form of entertainment.

Visibility triangle. On a corner lot, the triangle formed by the property lines extended to their intersection and a line connecting such property line extensions measured 35 feet from their point of intersection.

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Wall. The vertical exterior surface of a building; or the vertical interior surfaces which divide a building's interior space into rooms.

Warehouse. A building used primarily for the storage of goods and materials.

Waterway. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

Wetlands. Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wine production. A winery's total annual production equals either: (1) the sum of all wine created through fermentation in a given year, plus the net total of all fermented bulk wine received and shipped in the same year, or (2) the amount of wine bottled on the premises in the same given year, whichever is greater.

Wine marketing event. Any activity conducted at a small winery for the purpose of educating members of the wine trade and persons who have pre-established business relationships with the small winery or its owner/operator about the wine produced at the Small Winery in order to increase the amount of wine sold to those individuals. Marketing activities may include food service without charge when provided in association with such education and development but shall not include cultural and social events unrelated to such education and development.

Xeriscape. A style of landscape design requiring little or no irrigation or other maintenance. Xeriscape principles are listed in Chapter 17.25, Landscaping.

Zero lot line. The location of a building on a lot line in such a manner that one or more of the building's sides rest directly on a lot line. See "Small lot development."

Zone. See "District."

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Zoning map. The officially adopted zoning map or maps of the City, together with all amendments subsequently adopted.

Zoning Code. Title 17 of the St. Helena Municipal Code consisting of the Code text and the official adopted Zoning Map.

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Chapter 17.33 Definitions of Uses

This chapter provides definitions for all uses established in the use tables in Part III, District Regulations. Refer to Chapter 17.32, Definitions of Terms, for definitions of the terms commonly used throughout this Title.

Accessory dwelling unit (ADU). See Section 17.22.030, Accessory Dwelling Units.

Active agricultural use. Includes animal husbandry, animal keeping, beekeeping, and cultivated agriculture.

Adult entertainment. An establishment of concern that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

Agriculture.

Animal husbandry. The use of land for the care and raising of livestock, equine, poultry, and dairy animals. This also includes any animal-related production uses incidental to the foregoing, including processing, drying, storage, and sales, excluding animal slaughter, meat cutting and packing, stockyards or the commercial feeding of garbage or offal to swine or other animals.

Animal keeping. The raising or keeping of domestic animals as provided in Title 6, Animals of the Municipal Code and Section 17.22.060, Animal Keeping.

Beekeeping. The keeping or propagation of honeybee hives for collection of honey or other bee products.

Cultivated agriculture. The planting, growing, and harvesting of crops or plants, or the preparation of land for this purpose, of more than one-half acre of land for viticulture, horticulture, pasturage, floriculture, or similar farming where a crop or final product is produced (but not necessarily offered for sale) for consumption.

Agricultural employee housing. Employee housing as set forth in California Health and Safety Code § 17008 for farmworkers.

Agricultural supply sales. An establishment or place of business primarily engaged in the retail or wholesale sale from the premises of farm supply, feed, grain, fertilizers, pesticides, and similar goods as well as the provision of agriculturally related services with incidental storage on a lot other than where the service is rendered.

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Amphitheater. An open building with a central space surrounded by tiers of seats for spectators, for the presentation of dramatic, sporting, or other events.

Animal boarding facility/kennel. A facility for keeping, boarding, training, breeding, or maintaining, generally overnight or in excess of 24 hours, animals not owned by the owner or operator of the facility.

Automobile/Vehicle sales and services.

Auto rental. An establishment providing for the rental of automobiles, motorcycles, or other vehicles. Typical uses include car rental agencies. Excludes large vehicles and equipment.

Auto sales. A retail or wholesale establishment for the display and sale of new or used automobiles, small trucks and vans, motorcycles, and other motor vehicles. Excludes large vehicles and equipment.

Auto service and repair. The service and repair of automobiles, trucks, motorcycles, motor homes, boats, and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts.

Car wash. A facility for and a process involving the washing or cleaning of automobiles or other motor vehicles. A car wash may, but need not, include drying facilities. Car wash does not include a casual or occasional use of the premises to wash or clean automobiles or other motor vehicles that is done as a convenience or accommodation to customers or other persons and that constitutes a secondary use.

Large equipment sales, service, and rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, farming/agricultural, or landscape gardening activities.

Service station. An establishment primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile vehicle repair services; selling automotive oils, replacement parts, and accessories; or providing incidental food and retail services. Major motor vehicle repair (engine rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender repair; over-all painting) is not permitted. This facility may include a “mini-mart” or a convenience store that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles.

Towing and impound yard. An establishment primarily engaged in towing light or heavy motor vehicles, both local and long distance. This establishment may provide incidental services, such as vehicle storage and emergency road repair services.

Bank or financial institution. A financial institution providing retail banking services. This classification includes only institutions that serve walk-in customers or clients, including banks, savings, and loan institutions, check-cashing services, and credit unions. Includes facilities that provide self-serve facilities; excludes drive-through facilities.

Business services.

Cleaning and janitorial services. An establishment that offers professional cleaning services.

Equipment rental and leasing. A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental or leasing.

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General business services. An establishment primarily engaged in providing personal services and commercial services to other businesses on a fee or contract basis, including advertising and mailing, legal document services, model building, and taxi services or delivery services with two or fewer fleet vehicles on-site.

Printing and copy services. An establishment providing printed or copied materials from digital or hard copy format originals, including printing and distribution of envelopes, business cards, and similar business products.

Security services. A service establishment that offers monitoring, theft prevention, or protection of individuals or property.

Caretaker residence. A building which is used as a residence by a security guard or caretaker of a commercial, industrial, public, or semi-public use, which is located on or adjacent to the premises occupied by the use, and which is reasonably necessary to provide adequate security for the use.

Catering. An accessory service to a restaurant that provides food or beverages at social events or other large gatherings.

Cemetery. An establishment primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Cinema/theater. A facility for the indoor display of motion pictures on single or multiple screens and stage productions such as plays, ballets, and musical performances. This classification may include incidental food and beverage service to patrons as well as an auditorium within a building.

College or trade school. An institution of higher education primarily for adults providing curricula of a general, religious, or professional nature, granting degrees or professional certifications and including junior colleges, business and computer schools, management training, and technical and trade schools. This classification excludes Instructional Services.

Commercial laundry. A facility where articles of fabric are laundered by commercial grade machinery. Does not include Laundromat, Self Service.

Communication facility.

Audio/video recording studio. An indoor facility including radio, television or music recording studios.

Telecommunications. See Section 17.22.270, Wireless Telecommunication Facilities.

Community assembly. A facility for public or private meetings and gatherings, including community centers, union halls, places of worship, meeting halls, and membership organizations. This classification includes the use of functionally related facilities for the use of members and attendees, such as kitchens, multi-purpose rooms, classrooms, and storage. Includes social halls, lodges, fraternal organizations, and clubs when owned and operated by nonprofit organizations.

Community garden. An area where neighbors and residents have the opportunity to contribute to and manage the cultivation of plants, herbs, vegetables, and fruits. May consist of individually tended plots on a shared parcel or many be communal on a single plot.

Contractor shop. An establishment for specialized business activities related to building construction. This classification includes establishments for trades such as painting, carpentry, plumbing, heating, air-conditioning, roofing, landscaping, cabinetmaking, and sign-making.

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Contractor's office and showroom. An office or showroom of a business related to building construction. This classification excludes storage yards.

Contractor's yard. Premises used by any person for the storage, maintenance, repair and processing of equipment, materials and other items involved in construction of physical facilities or in the operation of a fleet of rolling stock.

Cottage food operation. An enterprise where an individual prepares or packages non-potentially hazardous foods in his or her private home for sale to consumers and as it is defined in California Health and Safety Code §113758.

Crop services. An establishment that provides agriculturally related services including pesticide application and tree maintenance.

Cultural institution. A public or private institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts facilities, community centers, arenas, auditoriums, event and conference spaces, spaces for display or preservation of objects of interest in the arts or sciences, libraries, museums, and historical sites. This classification excludes schools or institutions of higher education providing curricula of a general nature (see College or Trade School).

Custom and artisan manufacturing. An establishment primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include metalworking, pottery and ceramic studios with a kiln, glass furnace, or woodworking.

Day care facility. A commercial establishment providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Dry cleaning facility. A facility engaged in the cleaning of fabrics in an essentially non-aqueous solvent by means of one or more washes in solvent and extraction of excess solvent. Does not include Dry Cleaners, Drop-Off and Pick-Up.

Eating and drinking establishment.

Bar. A business, whether called a bar, nightclub, lounge, or other, that serves alcoholic beverages for consumption on the premises as a primary use, including on-sale service of alcohol including beer, wine, and mixed drinks and amplified music as an accessory use. This subclassification excludes formula businesses.

Brewpub. An establishment that is a hybrid between a restaurant and a brewery engaged in the small-scale production of specialty or craft beer that sells at least 25 percent of the beer produced on-site with significant food services in a restaurant or bar. Brewpubs may also sell beer to go or distribute it to offsite destinations.

Mobile food vendor. A business engaged in the sale of prepared, pre-packaged or unprepared, unpackaged food or foodstuffs from a mobile vending unit on private or public property.

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Restaurant, full service. An establishment where food and beverages are served to patrons on-site. This subclassification excludes formula businesses.

Restaurant, limited counter service. A restaurant where more than 50 percent of food, frozen desserts, or beverages intended for immediate consumption is available after a short waiting time and is packaged or presented in such a manner that it may be readily eaten off the premises as well as on the premises where it is sold; and where the facilities for on-premises consumption of the food items are insufficient for the volume of customers purchasing such items. This subclassification includes, but is not limited to, cafes, coffee shops, ice cream shops, delicatessens, bakeries, and sandwich shops, and by-the-slice pizza parlors with indoor or outdoor seating for customers. This subclassification excludes formula businesses.

Emergency services. Facilities for parking and the dispatch of emergency medical transport services, including ambulance, fire, police, and rescue. May include offices and facilities for cooking and sleeping of on-duty personnel.

Emergency shelter. As defined in California Health and Safety Code § 50801(e), emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care. No individual or household may be denied emergency shelter because of an inability to pay.

Family day care, large. As defined in California Health and Safety Code Section § 1596.78, a large family daycare home means a facility that provides care, protection, and supervision for seven to 14 children inclusive, including children under 10 years of age who reside at the home, as set forth in § 1597.465 and as defined in those regulations.

Family day care, small. As defined in California Health and Safety Code Section § 1596.78 a small family daycare home means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in § 1597.44 and as defined in those regulations.

Food and beverage sales.

Farmers market. Temporary but recurring outdoor retail sales of primarily raw, unprocessed fruits, vegetables, nuts, plants, flowers, and prepared products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them. Also includes sale of non-food items (processed food, artisan items, clothing, leather, art, etc.)

Fruit and vegetable market. A retail establishment that primarily sells fresh produce.

Grocery store. A store limited to 10,000 square feet in gross floor area with retail sales of meat, produce, dairy, baked goods, and groceries with accessory sales of household goods and delicatessen items.

Liquor store. A retail establishment that primarily sells alcoholic beverages.

Public market. A retail location made up of small independent retail or food/drink businesses where each shop or stall is owner-operated.

Roadside stand. An open-air retail establishment that sells agricultural products produced on-site.

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Winery tasting room. An establishment that sells wines on behalf of one or more wineries and enables consumers to taste wine (with and without charge) as a regular part of the sales process. The wines for tasting and for sale must be made from a minimum of 75 percent Napa Valley grapes and must be labeled Napa Valley or be a sub-appellation of the Napa Valley. The permit requires a Type 02 ABC license. Food may be provided if it is at no cost to the consumer, is made off premises, and the facilities are approved by Napa County Environmental Management.

Wine shop. An establishment that purchases and sells wines from multiple wineries and distributors. Wines may be made in other counties in California, other states, or other countries. Beer sales may occur in a wine shop. Incidental wine tastings may occur in wine shops. Wine shops are not owned by wineries and must possess a Type 20, 21, or 42 license from Alcoholic Beverage Control.

Food preparation. An establishment preparing and/or packaging food for off-site consumption only, including catering kitchens, small-scale specialty food production, and commercial kitchens. This classification excludes establishments with an industrial character in terms of processes employed, waste produced, water used, and traffic generation. May include ancillary retail sales of items prepared on the premises.

Formula business. A business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs, trademark, name, or other similar standardized features which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations. Does not include formula restaurants, which are prohibited.

Formula restaurant. “Formula restaurant” means a restaurant devoted to the preparation and offering of food and beverage for sale to the public for consumption either on or off the premises and which is required by contractual or other arrangement to offer any of the following: standardized architecture or standardized external signs which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location.

Fuel storage. A facility engaged in the storage of gasoline or other fuel sources.

Funeral home or mortuary. An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of human remains and conducting memorial services. This subclassification includes funeral parlors, crematories, and mortuaries, but excludes cemeteries and burial parks.

Government office. An administrative, clerical, or public contact office of a government agency, including postal facilities and courts, along with the storage and maintenance of vehicles. Includes public and quasi-public noncommercial uses (open to the public but privately owned), buildings and facilities of an administrative, educational, religious, cultural, communications or public service nature. This classification excludes corporation yards, equipment service centers, and similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment.

Health club or fitness center. A facility used for sports, health, and recreational uses, including tennis or racquetball courts, swimming pools, weight training, exercise classes, health spas, and other similar uses.

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Heavy equipment repair. An establishment engaged in the repair of heavy-duty vehicles, construction equipment and apparatus, as well as equipment associated with any form of heavy manufacturing.

Home occupation. A commercial use conducted on residential property by the residents that is incidental to the primary residential use of the dwelling.

Hospital or clinic. A State-licensed facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs and teen crisis counseling centers, as well as training, research, and administrative services for patients and employees. This classification excludes veterinary and animal hospitals (see Veterinary Clinic).

Indoor recreation. An establishment that provides indoor amusement or recreation services conducted within an enclosed building. This classification includes but is not limited to arcades, bingo halls, bowling alleys, billiard parlors, video game center, card rooms, and ice- and roller-skating rinks.

Industrial, general. An establishment engaged in the manufacturing of non-edible products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. Toxic, hazardous, or explosive materials may be produced or used in large quantities as part of the manufacturing process. These industrial activities may produce impacts on nearby properties, such as noise, gas, odor, dust, or vibration. This classification includes manufacturing for biomass energy conversion, commercial cosmetics and perfumes, electrical appliances, apparel and textile mills, leather and allied products manufacturing, wood and paper, glass and glass products, chemical products, medical/pharmaceutical products, plastics and rubber, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.

Instructional services. An establishment that offers specialized programs in personal growth and development such as music, martial arts, vocal, fitness, dancing, reading, and math instruction. Attendance is typically limited to hourly classes rather than full-day instruction. These establishments do not grant diplomas or degrees, though instruction could provide credits for diplomas or degrees granted by other institutions. Includes art, dance, photography, or music studio offering instruction, including retail as an accessory use. This classification also includes tutoring facilities which offer academic instruction to individuals or groups.

Live/work. An integrated housing unit and working space occupied and utilized by a single household in a structure designed or structurally modified to accommodate joint residential occupancy and work activity.

Laundromat, self-service. A facility where patrons wash, dry, or iron clothing or other fabrics in machines operated by the patron.

Lodging.

Bed and breakfast inn. A home occupation in an owner-occupied residence in which transitory lodging and breakfast is provided to guests for compensation.

Boarding house. A dwelling unit, other than a hotel, bed and breakfast, or condominium hotel, used in whole or in part to provide short-term or long-term lodging for compensation under multiple separate written or oral agreements.

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Hotel. An establishment with two or more rooms or suites that are used to provide overnight or extended-stay lodging to transient patrons.

Short-term rental. The rental of any residential structure or any portion of any residential structure for occupancy for dwelling, lodging, or sleeping purposes for 30 or fewer consecutive calendar days.

Low barrier navigation center. A housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing. (See California Government Code § 65660.)

Maker's space. A workspace for an artist or artisan or for a group of artists or artisans practicing an applied art or craft, including but not limited to candle-making, pottery and ceramics (no kiln allowed), jewelry, or multi-media, with incidental retail sales of items produced on the premises. Uses in a maker's space typically do not produce significant odors, fumes, noise, or other disturbances.

Manufacturing, packaging, and processing. An establishment engaged in the production, processing, packaging, or manufacturing of food or beverage products and where instruction, direct sales, tasting, or on-site consumption are incidental to the food or beverage production activity. This classification excludes wineries and the slaughtering of animals which is not allowed.

Micro-brewery. An establishment engaged in the small-scale and independent manufacturing that produces 15,000 barrels or less of specialty or craft beer per year. A small tasting room or bar for visiting consumers is allowed on site although a minimum of 75 percent of the beer produced must be sold in off-site locations through any one of the following ways:

1. Wholesale, i.e. the brewer sells to a wholesaler who in turn sells to a retailer or the brewer acts as a wholesaler and sells directly to a retailer;
2. Direct sales, i.e. the brewer sells directly to the consumer via carry-outs or sales from an onsite taproom or restaurant.

Micro-distillery. A small, often boutique-style facility established to produce beverage grade spirit alcohol from any source or substance that is licensed to manufacture, store, and sell spirits produced in single batches (as opposed to larger distillers' continuous distilling process).

Mining.

Gravel mining operations. A facility engaging in the extracting, producing, handling, milling, or other processing of gravel.

Mining and quarrying of nonmetallic minerals. A facility engaging in the extracting, producing, handling, milling, or other processing of nonmetallic minerals.

Mobile home. As defined in § 18008 of the California Health and Safety Code or manufactured home as defined in § 18007 of the California Health and Safety Code, a movable dwelling constructed on a chassis, designed for use without a permanent foundation, and designed to be connected to utilities. Excludes manufactured modular housing designed to be placed on a permanent foundation and recreational vehicles, recreational vehicles as defined in § 799.24 of the California Civil Code and § 18010 of the California Health and Safety Code, commercial coaches, and or factory-built housing, as defined in § 19971 of the California Health and Safety Code.

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Model home sales office. A dwelling temporarily used as a sales office for on-site sales for a residential development under construction.

Multi-family dwelling. Two or more attached dwelling units on a single lot. Types of multi-family dwellings include duplexes, single room occupancy units, townhouses, and apartment buildings.

Office.

Business, professional, and technology. An office of a firm, organization, or agency providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal, and tax preparation.

Medical and dental. An office providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors or dentists; medical and dental laboratories that see patients; licensed acupuncturists; and similar practitioners of medical and healing arts for humans licensed by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

Walk-in clientele. An office providing direct services to patrons or clients without prior appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (see Bank or Financial Institution).

Wholesale office. An office of a wholesale firm excluding storage or on-site shipping and receiving of products.

Winery office (off-site). An office performing off-site administrative functions for a winery.

On-site storage facilities. The indoor or outdoor storage of any materials, products, or equipment on the premises.

Outdoor dining. An area set up outside the confines of a commercial structure with tables, chairs, and other furnishings for the purpose of offering seating to patrons while selling, offering for sale, and serving food and beverages by an adjoining restaurant in which the same food and beverages are offered for sale, sold, and served.

Outdoor display and sales. The display or sale of any materials, products, or equipment outside of a building.

Parking facility. A surface lot or structure with five or more parking spaces situated contiguous to one another or in close proximity, providing parking as the primary use of a site, typically for a fee. Excludes parking provided incidental to another on-site activity.

Personal services.

Hair salon/Nail salon/Spa. A service establishment that offers hairstyling, manicuring, spa treatments, or similar services. May include retail sales.

Dry cleaners, drop-off, and pick-up. A facility operated for the primary purpose of dry cleaning clothing and other fabrics utilizing a process that involves the use of dry cleaning solvents. May include tailoring.

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Laundromat, self-service. A self-serve clothes washing establishment containing one or more washers and drying, ironing, finishing, or other incidental equipment.

Massage establishment. An establishment having a fixed place of business where any person engages in or carries on any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Such establishment shall have health enhancement as part of its purpose. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist (State-licensed professions or vocations) who are duly State-licensed to practice their respective professions in the State of California.

Tanning salon. A commercial establishment where patrons can expose themselves to ultraviolet light to darken their skin.

Tattoo and piercing. An establishment whose principal business activity is one or more of the following: (1) using ink or other substances that result in the permanent coloration of the skin using needles or other instruments designed to contact or puncture the skin; or (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Processing of agricultural products primarily produced on the premises. A facility engaging in the processing of crops primarily grown on-site, excluding Large Wineries.

Public services, major. Services for the public that include water treatment facility, wastewater treatment facility, corporation yard, warehouse, and other services that provide major public infrastructure services for urban development.

Public services, minor. Services for the public that include utility substations, pumping stations and other transmission and distribution facilities.

Recreational facility, active. A public or private play field, athletic fields and facilities, including baseball/softball diamonds, basketball courts, volleyball courts, tennis courts, golf courses, bicycle courses, rollerblade and skateboard courses, swimming pools and boating/fishing facilities.

Recreational facility, passive. A park, playground, trail, botanical garden, or related open space.

Research and development. A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing conducted entirely within an enclosed building. This classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities, in addition to involving the production of experimental products.

Retail.

Art gallery. A commercial establishment exclusively engaged in the sale, loan, and exhibition of paintings, sculpture, photography, video art, or other works of art.

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Building materials and supply. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales, or equipment rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This subclassification does not include Construction and Material Yards, Auto Rental, hardware stores less than 10,000 square feet in gross floor area, or plant nurseries.

Firearms sales. A business engaged in the selling, transferring, or leasing any firearm or ammunition, either directly or indirectly.

Furniture store. A retail store primarily selling home furnishings including draperies, floor coverings, furniture, glass and chinaware.

General retail and merchandise. The retail sale or rental of merchandise not specifically listed under another use classification. This subclassification includes retail establishments such as clothing stores, small hardware stores (with 10,000 square feet or less of gross floor area), and businesses retailing the following goods: antiques, household pets and pet supplies, toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), pharmacies, electronic equipment, sporting goods, department stores, kitchen utensils, hardware, appliances, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and parts replacement. Retail sales may be combined with other services such as office machine, computer, electronics, bicycle, and similar small-item repairs.

Health care equipment. An establishment that offers for sale primarily medical equipment and supplies.

Nursery, lawn, and garden supply store. An establishment primarily engaged in retailing nursery and garden products, accessory garden supplies, and trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves.

Saddle and equestrian store and repair. An establishment that offers for sale primarily equipment and supplies related to equestrian uses. May include repairs of such equipment.

Tobacco/smoke shop. An establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia.

Used merchandise store. An establishment engaged in the purchase, barter, exchange, or sale of any secondhand merchandise of value, or which deals in secondhand goods. Does not include Antique Store.

Reupholstery and furniture repair. An establishment engaged in the maintenance or repair of upholstery, furniture, and similar items.

School. A facility for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

Senior center. A facility that offers services and activities to promote the physical, mental and social well-being of seniors.

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Short-term rental. A use in which overnight accommodations are provided to guests for compensation for periods of less than 30 days in a single-family dwelling.

Single-family dwelling. A building designed exclusively for and occupied exclusively by one single housekeeping unit. Includes site-built homes and modular homes.

Single room occupancy (SRO). Housing (consisting of single- room dwelling units) that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of nonresidential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants. A project's designation as an SRO cannot be inconsistent with the building's zoning and building code classification.

Small recycling facility. A recycling facility accessory to a primary use devoted exclusively to the collection of recyclable materials from the public. A small recycling facility does not include the processing of recycled products. A small recycling facility may include: mobile recycling units, reverse vending machines and groupings of reverse vending machines (including bulk reverse vending machines), kiosk type units (may be permanent), and unattended containers placed for the donation of recyclable materials. See Section 17.22.220, Small Recycling Facilities.

Solar energy system. Any solar energy collection device and all associated appurtenances, including energy storage, used for the purposes of heating or cooling or generating electricity for a primary or accessory structure.

Storage, personal. A facility offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage, and records or inventory storage for businesses. This classification includes moving company businesses which offer storage and transporting services, but excludes workshops, hobby shops, manufacturing, or commercial activity.

Timeshare. See Section 17.22.260, Time Share Uses.

Transit station and terminal. A facility for passenger transportation operations, including rail stations, bus terminals, taxi, and scenic and sightseeing facilities. Includes truck, bus, taxi, van and limousine terminals and service centers. This category excludes maintenance centers.

Veterinary clinic. An infirmary for the treatment of small animals, including overnight care.

Warehousing, wholesale, and distribution. An establishment engaged in selling merchandise to retailers and other contractors; industrial, commercial, institutional, farm, or professional business users; other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. This category does not include freight forwarding terminals.

Wildlife sanctuary. An area of land managed as a nature reserve that serves as a place of refuge for wildlife. Includes wildlife sanctuaries, botanical gardens, outdoor nature areas and other similar facilities and uses for passive use.

Winery event center. A facility for major public assembly events such as concerts, art festivals, banquets and special wine tastings. Winery event centers are an accessory use to a large winery.

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Winery, large. An agricultural processing facility used for wine production and the fermenting and processing of grape juice into wine, the refermenting of still wine into sparkling wine, and processes and practices used in the creation of ports, sherries, and the like. Includes manufacturing, packaging, commercial sales, and grape sampling facilities; crushing of grapes; fermenting and processing of grape juice; ageing and processing of wine; distillation; bottling of wine; on-site disposal of winery waste generated on a site; and warehousing and shipping of wine. Uses accessory to a winery, including offices, laboratories, equipment maintenance shops, employees' eating facilities, cooperage repair shops, wine storage tanks, scales, and boiler rooms, are allowed.

Winery, small. An agricultural processing facility used for wine production and the fermenting and processing of grape juice into wine, and the refermenting of still wine into sparkling wine. Small wineries are an accessory use to a residential use.

Winery visitor center. A day use area including tour and tasting facilities, retail sales of wines and wine-related items, catering shops, cafes, restaurants, delicatessens, and drinking places. Must be conducted within structures specifically designated for such uses. Winery visitor centers are an accessory use to a large winery.

Wine warehousing. A building used for the wholesale storage or distribution of wine and allied wine products from any source.

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Chapter 17.34 Rules of Measurement

17.34.010 Measuring Fractions

Whenever this Code requires calculation of distances or the number of parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

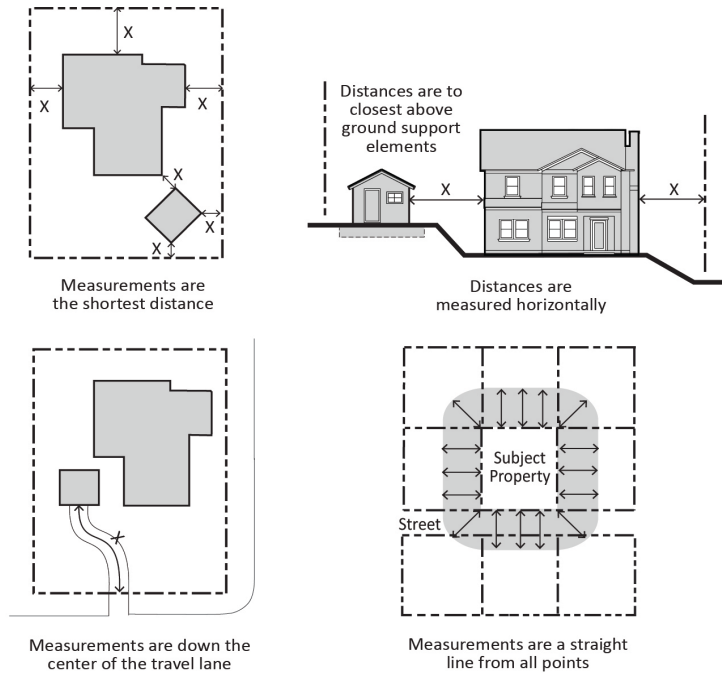
- A. **General Rounding.** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
- B. **Exception for State Affordable Housing Density Bonus.** The calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to California Government Code § 65915 or any successor statute, and Chapter 17.29, Density Bonus, any fractional number of units shall be rounded up to the next whole number.

17.34.020 Measuring Distances

- A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
- B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
- C. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
- D. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
- E. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

Part V: Definitions and Rules of Measurement

Figure 17.34.020: Measuring Distances

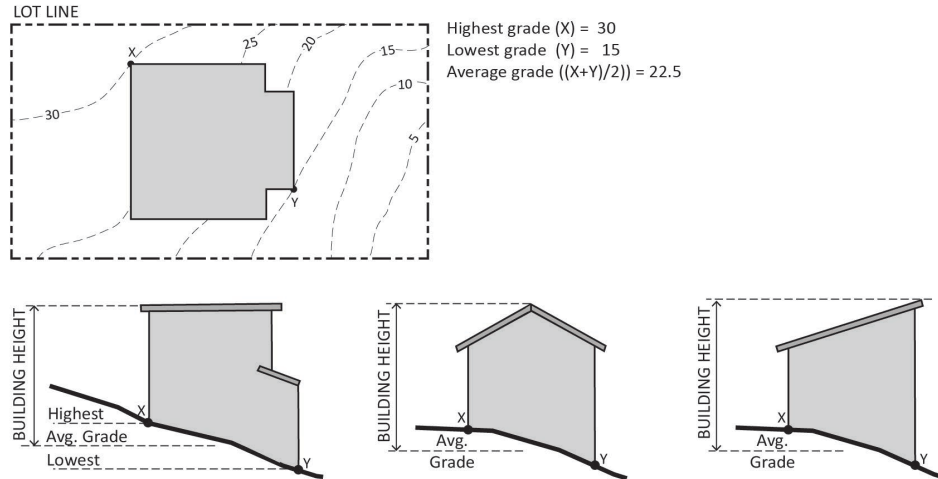


17.34.030 Measuring Height

- A. **Parapet or Flat Roof.** For buildings with a parapet or flat roof, building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls touch existing or finished grade, whichever is lower, to the highest point on the roof, the top of the parapet wall, the wall coping of a flat roof, or the deck line of a mansard roof.
- B. **Sloped Roof.** For buildings with a hipped, gabled, gambrel, or other sloped roof design, building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls touch existing or finished grade, whichever is lower, to the highest point on the highest ridge.

Part V: Definitions and Rules of Measurement

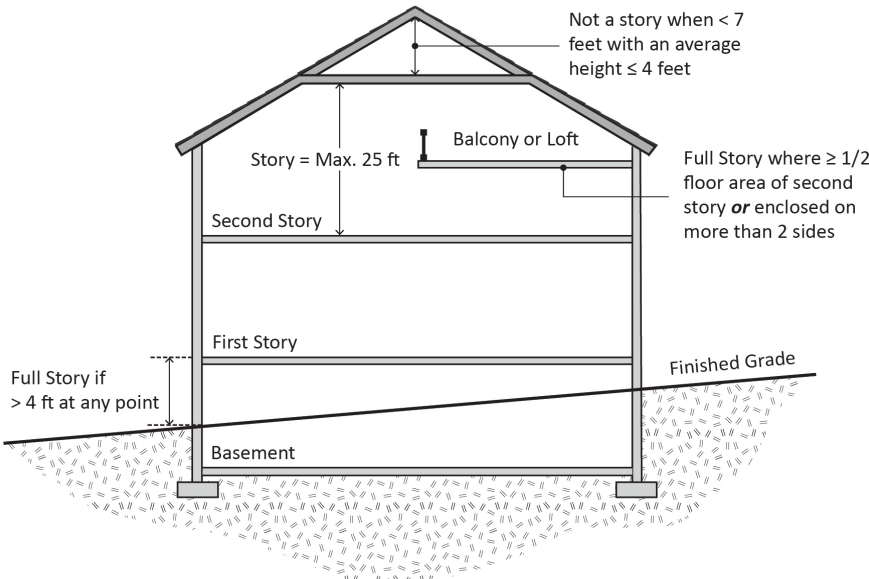
Figure 17.34.030.A: Measuring Building Height



- C. **Stories.** In measuring the number of stories in a building, the following rules shall apply:
1. An interior balcony or loft shall be counted as a full story if its floor area exceeds one-half of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.
 2. A basement shall be counted as a full story if the vertical distance between finished grade and the finished surface of the floor above the basement is more than four feet at any point.
 3. A story shall not exceed 25 feet in height from the upper surface of the floor to the ceiling above.
 4. An attic is not considered a story provided it is unconditioned, unfinished, and less than seven feet at its highest point with an average height not exceeding four feet.

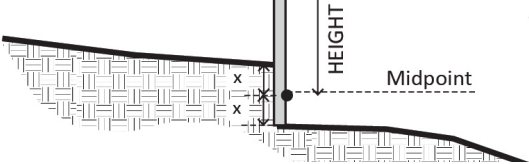
Part V: Definitions and Rules of Measurement

Figure 17.34.030.B: Measuring Building Stories



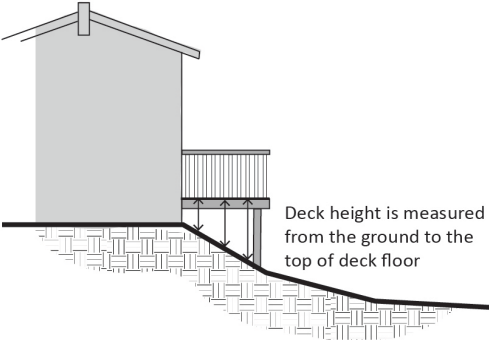
- D. **Fences and Walls.** The height of fences, walls, and other landscape structures shall be measured as the vertical distance from the midpoint between the highest and lowest natural grade immediately adjacent to both sides of the fence or wall to the highest point of the fence or wall.

Figure 17.34.030.C: Measuring Height of Fences or Walls



- E. **Decks.** Deck height is determined by measuring from the ground to the top of the floor of the deck directly above the ground below.

Figure 17.34.030.D: Measuring the Height of Decks

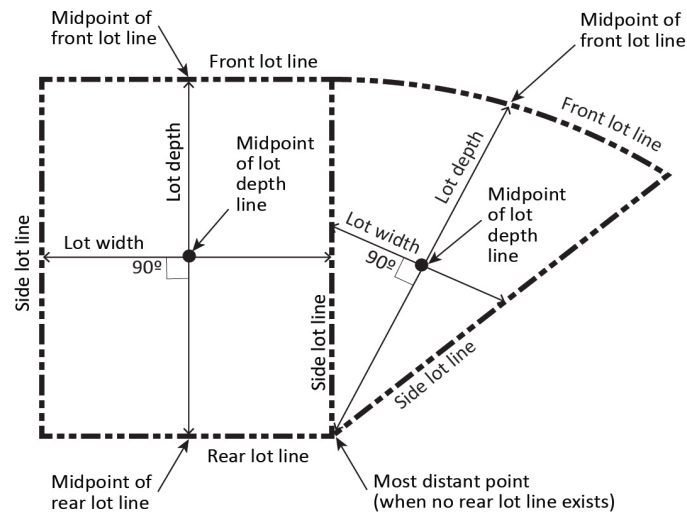


Part V: Definitions and Rules of Measurement

- F. **Antennas.** The height of antennas shall be measured as described in Section 17.22.270, Wireless Telecommunication Facilities.

17.34.040 Measuring Lots

- A. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- B. **Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

Figure 17.34.040: Measuring Lot Width and Depth

- C. **Average Slope.** The average slope of a parcel is calculated using the following formula:

$$S = 100(I)(L)/A$$
 where:
1. S = Average slope (in percent)
 2. I = Contour interval (in feet)
 3. L = Total length of all contour lines on the parcel (in feet)
 4. A = Area of subject parcel (in square feet)

17.34.050 Measuring Floor Area and Floor Area Ratio

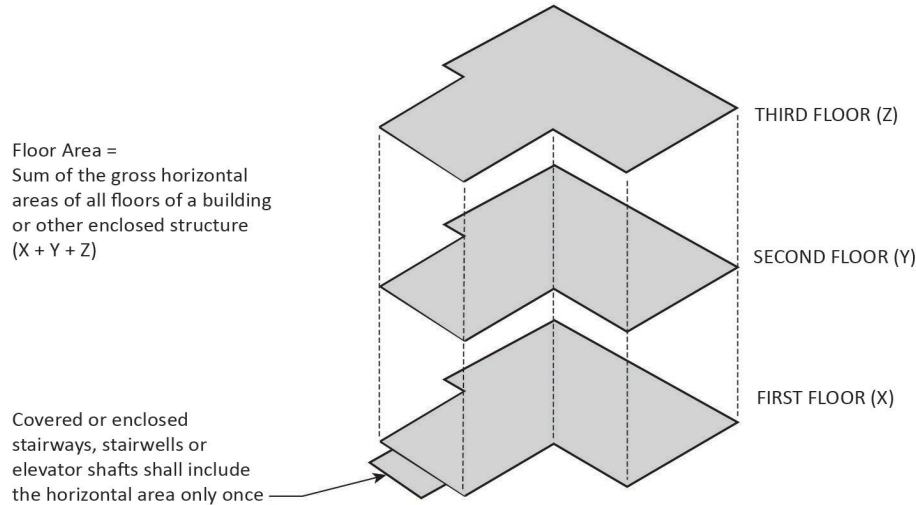
- A. **Areas included in floor area measurement.** The floor area is measured as the sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings. Areas included and excluded from floor area are listed below.

Part V: Definitions and Rules of Measurement

1. ***Included in Floor Area Calculation.***
 - a. All habitable space (as defined in the Building Code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof.
 - b. In cases where no walls exist, the area covered by the roof excluding two feet on each side of the structure for a standard roof projection.
 - c. Interior walkways or corridors, interior courtyards, walkways, paseos, or corridors covered by a roof or skylight.
 - d. All floors of enclosed stairways, stairwells or elevator shafts.
2. ***Excluded from Floor Area.***
 - a. Mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area.
 - b. Bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater.
 - c. Any areas that satisfy the landscape and open space base zone requirements.
 - d. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.
 - e. In non-residential buildings, areas used for off-street parking spaces or loading spaces, driveways, and maneuvering aisles that are located below the finish grade of the property.
 - f. Arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.
 - g. Outside areas used for sales and/or display (e.g., plant nurseries, building materials, auto sales, wine production, etc.).
 - h. A building or structure consisting of nonusable floor space such as a garage, carport, or storage shed.
 - i. Unfinished attics, crawlspaces, and basements shall not be included unless converted and finished as usable floor space.

Part V: Definitions and Rules of Measurement

Figure 17.34.050: Measuring Floor Area



- B. **Floor Area Ratio (FAR).** The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all primary and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0. The following are excluded from Floor Area in calculating FAR.
1. **Underground Areas.** Floor area located below finished grade.
 2. **Parking.** Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is less than six feet.
 3. **Small Accessory Structures.** Accessory structures up to 120 gross square feet.
 4. **Unenclosed Porches.** Porches where at least one of the longest dimensions is unenclosed.

17.34.060 Measuring Lot Coverage

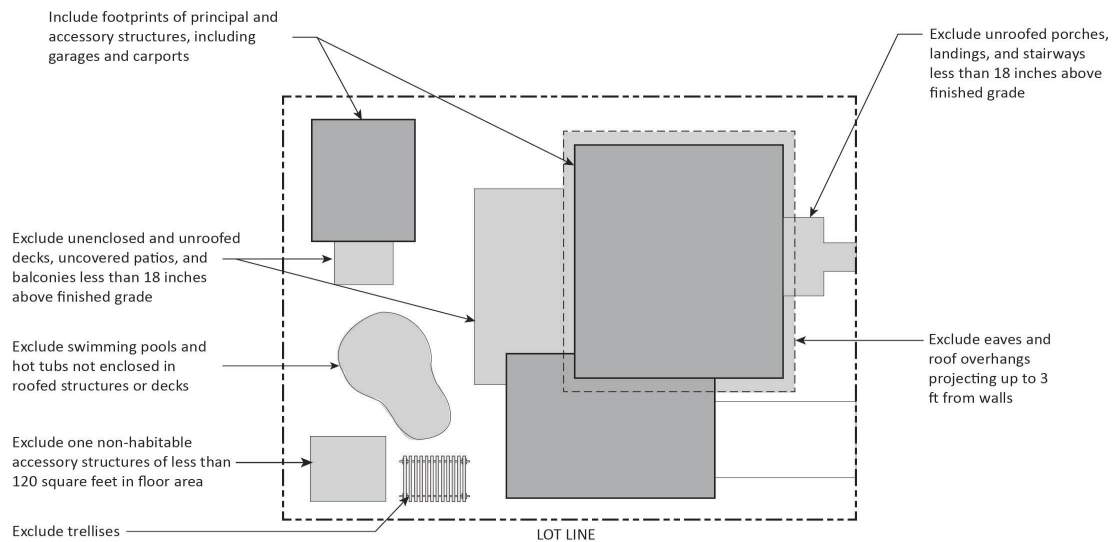
Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including, but not limited to, garages, carports, covered patios, and roofed porches, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculation:

- A. Unenclosed and unroofed decks, uncovered patio slabs, unroofed porches, landings, balconies and stairways with an elevation of less than 18 inches above finished grade;
- B. Eaves and roof overhangs projecting up to three feet from a wall;

Part V: Definitions and Rules of Measurement

- C. Trellises, pergolas, and similar structures that have roofs that are at least 50 percent open to the sky with uniformly distributed openings;
- D. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and
- E. One small, non-habitable accessory structure under 120 square feet. More than one small non-habitable accessory structure shall be included in lot coverage.

Figure 17.34.060: Determining Lot Coverage



17.34.070 Determining Lot Frontage

- A. **Corner Lot.** The front of a lot is either of the two lines adjacent to the streets as platted, subdivided, or laid out, except that the front lot line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then as determined by the Community Development Director, either may be considered the front of the lot, but not both.
- B. **Through Lot.** The front of a through lot abuts the street that neighboring lots use to provide primary access.

17.34.080 Measuring Setbacks

A setback line defining a required setback is parallel to and at the specified distance from the corresponding front, side, or rear property line, as shown in Figure 17.34.080.A: Determining Setbacks – Interior Lot and Figure 17.34.080.B: Determining Setbacks – Corner Lot. Required setbacks shall be unobstructed from the ground to the sky except where allowed pursuant to this Title, subject to compliance with the Building Code. All required setbacks shall be determined by their relationship to the front of a lot.

Part V: Definitions and Rules of Measurement

Figure 17.34.080.A: Determining Setbacks – Interior Lot

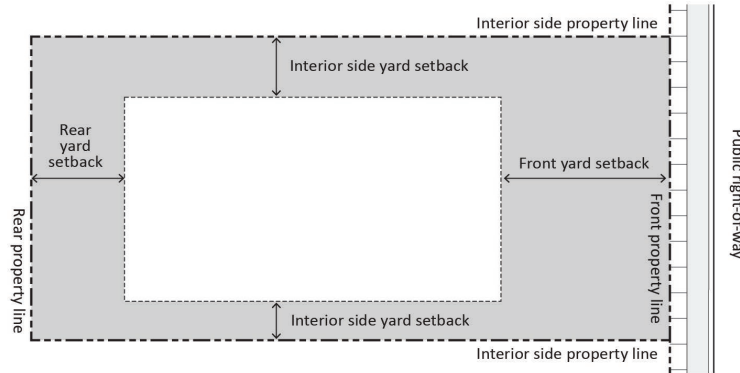
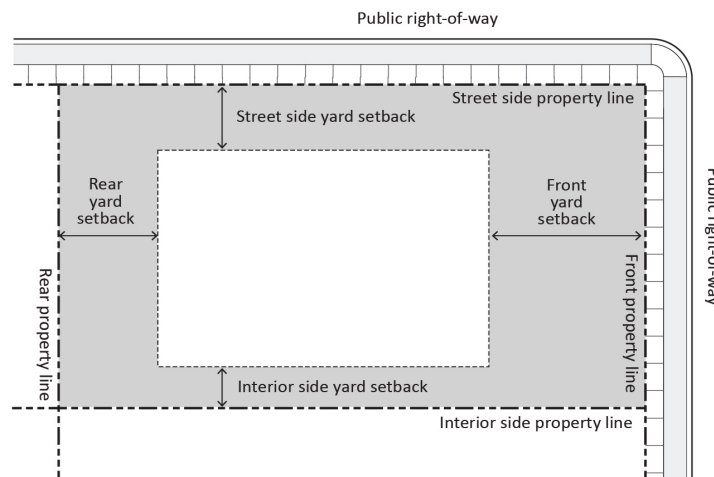


Figure 17.34.080.B: Determining Setbacks – Corner Lot



The following special regulations for determining required setbacks apply when a lot abuts a proposed street or alley.

- A. **Setback Abutting Planned Street Expansions.** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the property line.

Part V: Definitions and Rules of Measurement

B. Setbacks abutting Alleys.

1. If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.
2. In computing the minimum setback for any lot where such setback abuts an alley, no part of the width of the alley may be considered as part of the required setback.

C. Flag lots.

1. The panhandle portion of the lot shall be excluded when determining the required setbacks and yards.
2. The Planning Commission may waive the minimum setback requirements of existing units after review of the location of the proposed panhandle, the width of the landscape area and the location of buildings in the vicinity.

D. Exceptions. In unusual cases, the Community Development Director shall have the authority to establish the location of the setback and yard standards in relation to any existing or proposed buildings or structures.

17.34.090 Measuring Signs

The calculation of measurements related to signs are described in Chapter 17.27, Signs.

Part V: Definitions and Rules of Measurement

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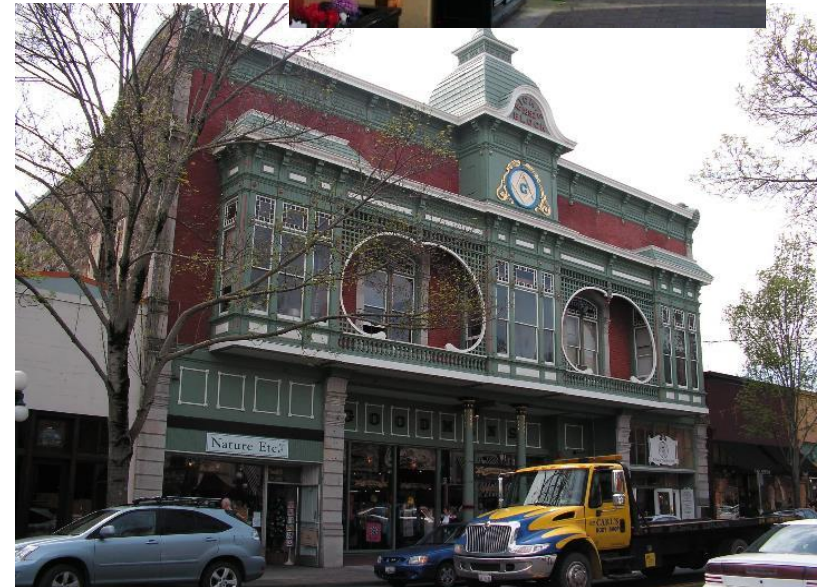
**Zoning Code Update
Planning Commission Public Hearing:**

**August 15, 2023
6:00 PM**



Today's Agenda

1. Introduction and Zoning Code Accomplishments
2. Process Overview
3. Overview of Comment Trackers
4. Zoning Code Table of Contents
5. Detailed Overview by Part
6. Zoning Map and Historic Preservation Overlay Map
7. CEQA Memo
8. Public Comment, Discussion, Recommendation



What does the Zoning Code Accomplish?

1. Consistent with St. Helena General Plan

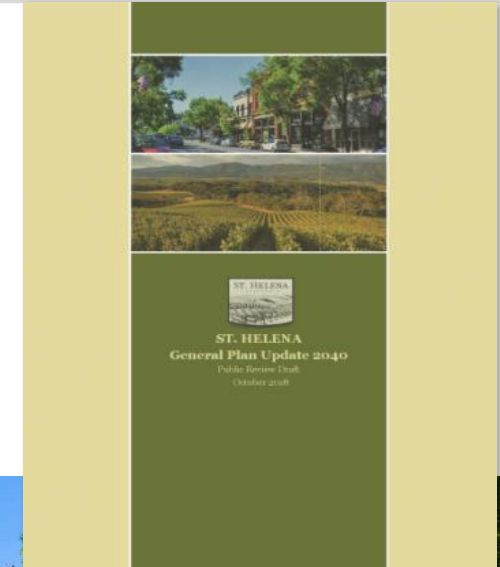
- *Important implementation tool*
- *Adds new Mixed-Use zone consistent with General Plan Land Use Element*

2. Economic development tool

- *Highest and best use on Main Street*
- *Design standards provide certainty*
- *Expanded list of uses and more by right*
- *Parking Exemption Overlay*

3. Streamlines permit processes

- *More staff level review*
- *Eliminates arbitrary major design review findings - objective*



Source: St. Helena Historical Society

What does the Zoning Code Accomplish?

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3. Streamlines permit processes

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4. Facilitates multi-family development

- *New objective design standards*
- *Ministerial review*
- *Reduced parking*

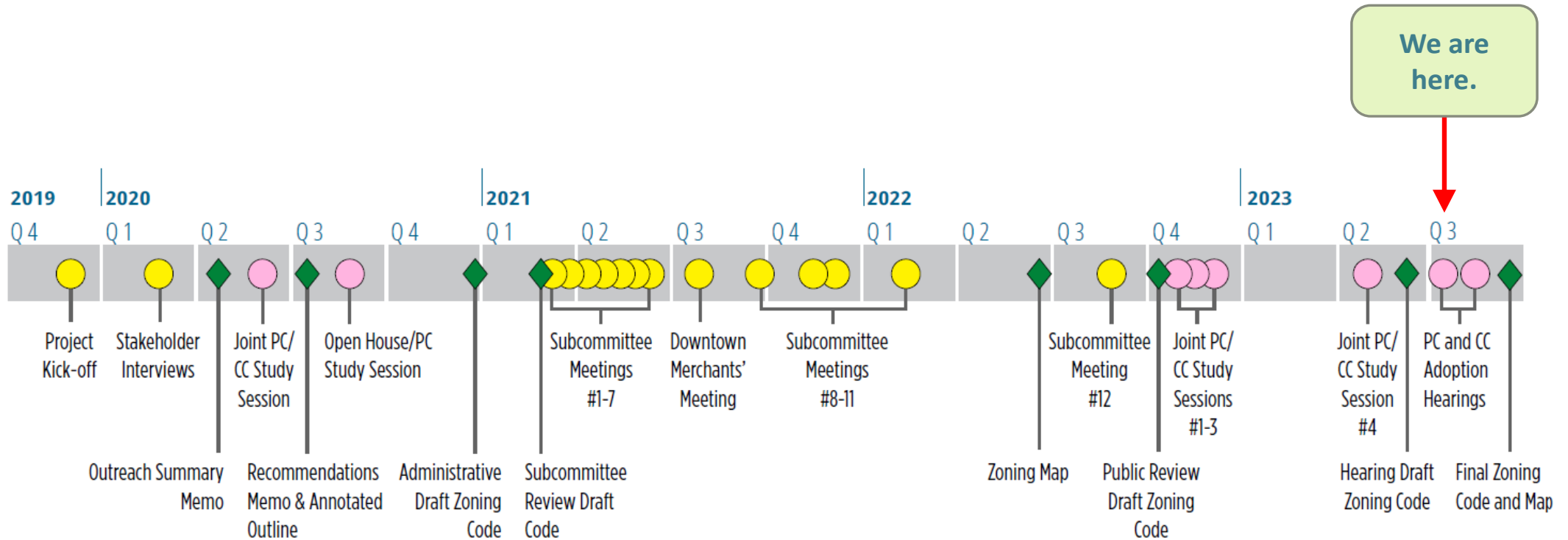
5. Compliant with federal, state, and case law

- *Telecommunications Act*
- *Recent Ca. legislative actions on housing*
- *Sign code – Reed v. Gilbert, 2015*

6. Ease-of-use

- *Land use tables*
- *Illustrations and graphics*
- *Rules of measurement*

Process



Overview of Comment Trackers

- **Track PC, CC, and Public Comments**

- October 26, 2022
- November 16, 2022
- December 7, 2022
- May 10, 2023

- **Separate Trackers**

- All public comments
- Mr. Dan Hale
- Mr. Joe McGrath
- Mr. Greg Desmond
- May 10th Joint PC/CC Meeting

- Comments were mostly inserted as written – content maintained

- Gold background identifies recommended edits to the Code

440+
comments
tracked

City of St. Helena - Zoning Code Update		Colored cells indicate recommended changes to the Public Hearing Draft	
Tracking Public Comments - City Council/Planning Commission Work Sessions			
Name of commenter	Comment	Chapter/Section/ Page	Response/Action
Kelly Wheaton	Concern that water neutrality is not included in the ZC.	--	Recommend no action. Chapter 13.12 of SHMC is the Water Efficiency Ordinance and new development must comply with this ordinance even though it is not in the zoning ordinance. https://www.codepublishing.com/CA/StHelena/#!/StHelena13/StHelena1312.html#13.12
Gary Rose (citizen)	Add more precise cross-references to Codes referred to in the ZC, e.g., subdivision ordinance and hyperlinks.	Global edit	Online code publisher to provide all requested hyperlinks.
Pam Smithers (email)	Regarding a cathedral type roof which is not technically a second story, please confirm how this relates to the plate height standards in the code?	Section 17.34.030	Paragraph C states that any height <u>above 25 ft</u> clear is considered 2 stories. Mostly in MR. Therefore, if the cathedral ceiling/2-story volume is over 25 feet it would be considered a second story and does not meet the requirement for a 10 foot stepback on the front. Essentially then, based on the standard in 17.16.040.A.2 which requires a second story stepback, this would not be allowed. No edit recommended.
Alex Mitchell (public comments)	Industrial uses - he owns a business and wants to expand; Code should be permissive to industrial uses. He will have more specific comments next meeting.	Chapter 17.18 Business and Industrial Districts	None at this time - waiting on more specific comments/direction.
Jerry Hyde (email)	The requirements of the current STR Code were created on the basis of serious, broad-based debate and public input. Even with the current system, mitigating impacts on nearby neighbors can be a problem, but there are at least mechanisms to deal with them when the City takes them seriously. The proposed changes will negate the enforcement and review provisions we all agreed to, and they should therefore BE REJECTED. KEEP THE CURRENT STR CODE IN PLACE, as it was and remains the will of all who participated in the process, which occurred before the arrival of our current Planning Director.	Section 17.05.100.H.4	The proposed STR amendments included as an attachment to the December 7, 2022 zoning code staff report were included in the review materials and staff was not directed to make any additional changes. See row #33.

Table of Contents

Part I: General Provisions

Part II: Administration and Procedures

Part III: District Regulations

Part IV: Citywide Standards

Part V: Uses and Definitions

- **All edits in the PHD are in Track Changes;** includes all minor typos, punctuation, etc.

Title 17 ZONING

Chapters:

17.04	General Provisions and Definitions
17.08	Administrative Procedures
17.12	Zoning and General Plan Amendment Procedures
17.16	Zoning Districts Generally
17.20	Twenty-Acre Agriculture (A-20) District
17.24	Winery (W) District
17.28	Agricultural Preserve (AP) District
17.32	Low Density Residential (LR) District
17.36	Low Density Residential One Acre Minimum (LR-1A) District
17.40	Medium Density Residential (MR) District
17.44	High Density Residential (HR) District
17.48	Central Business (CB) District
17.52	Service Commercial (SC) District
17.56	Business and Professional Office (BPO) District
17.60	Industrial (I) District
17.64	Woodlands and Watershed (WW) District
17.68	Public and Quasi-Public (PQP) District
17.72	Parks and Recreation (PR) District
17.76	Open Space (OS) District
17.80	Rural-Residential Overlay (RR) District
17.84	Specific Plan Overlay (SP) District
17.88	Flood Plain Overlay (FP) District
17.92	Historic Preservation Overlay (HP) District
17.96	Planned Development Overlay (PD) District
17.100	Mobilehome Park Overlay (MHP) District
17.104	Parking Impact Overlay (PI) District
17.108	Drainage Improvement Benefit Zone
17.112	General Site Design and Development Standards
17.114	Two-Unit Projects
17.116	Accessory Buildings, Structures, Dwellings and Uses
17.120	Walls, Fences and Hedges
17.124	Parking and Loading Requirements
17.126	Marijuana Facilities
17.128	Adult Entertainment Facilities
17.132	Bed and Breakfast Inns
17.134	Short-Term Rentals
17.136	Miscellaneous Provisions

Part I: General Provisions

- **Part I includes:**
 - **Title, Authority and Purpose**
 - **Reserved**

Chapter 17.01	Title, Authority, and Purpose	3
17.01.010	Title	3
17.01.020	Authority.....	3
17.01.030	Purpose	3
17.01.040	Applicability.....	4
17.01.050	Relationship to the General Plan	4
17.01.060	Interpretation of the Zoning Code	5
17.01.070	Zoning Map	5
17.01.080	Interpretation of District Boundaries	5
17.01.090	Severability.....	6
Chapter 17.02	Reserved	7

There are no substantive edits in this Part

Part II: Administration and Procedures

- **Part II includes:**
 - **Zoning Code Administration**
 - **Common Procedures**
 - **Planning Permits and Approvals**
 - **Amendments to the General Plan**
 - **Amendments to the Zoning Map and Text**
 - **Specific Plans**
 - **Nonconforming Provisions**
 - **Historic Designation**
 - **Minor Modifications and Variances**
 - **Procedures for Appeals**
 - **Enforcement**
 - **Reserved**

Substantive changes are included in the underlined sections.

Section 17.05.080, Minor Design Review

Section 17.05.080.B Applicability

- **Subsection 8.** Added – reconstruction of a single-family residence destroyed by an act of God.

Section 17.05.100, Short-Term Rental Permit

Section 17.05.100.C Public Hearing and Procedures

- **Subsection 1.** Added that the Planning Commission shall hold a public hearing for discretionary review for a new STR Permit.

Section 17.09.030, Nonconforming Uses

Section 17.09.030.F Certificate of Present Extent of Legal Nonconformity for Uses

- Allows an owner to apply for a certificate determining the present extent of a legal nonconforming use (also the Director under certain conditions).
- **Subsection 3.** The PRD required review and approval by the Planning Commission at a public hearing.
- **Subsection 4/5.** Amended to make the Director the approval authority; Director must make a written report to the Planning Commission (which is posted to the consent agenda) who decides if they want to review/consider the application.
- **Subsection 8.** The Director may also refer the request to the Planning Commission for a decision at a noticed public hearing.

Section 17.11.010, Minor Modifications & Variances

Section 17.11.010 Minor Modifications to Development Standards

- Table 17.11.010.A Types of Minor Modifications.
- Change minor deviation from ~~façades~~ to objective design standards.

Part III: District Regulations

- **Part III includes:**
 - Establishment of Base Zoning Districts
 - Residential Zoning Districts
 - Commercial and Mixed-Use Zoning Districts
 - Business and Industrial Zoning Districts
 - Community Agricultural and Natural Resource Zoning Districts
 - Public and Open Space Zoning Districts
 - Overlay Districts
 - Specific to Uses
 - Reserved

Substantive changes are included in the underlined sections.

Section 17.15.020, Establishment of Base Zoning Districts

Table 17.15.020.A Base Zoning Districts

- Added back the **Low Density Residential One Acre Minimum (LR-1A)** zone – uses and development standards with some updates.

Use Classification	LR-1A	LR	MR	HR	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed					
Residential Uses					
Single-family dwelling	<u>P</u>	P	P	—	
Multi-family dwelling	=	—	P	P	
Single room occupancy	=	—	—	P	Sec. 17.22.210, Single Room Occupancy Units
New small lot development	=	—CUP	CUP ¹	CUP ¹	
Mobile home	<u>CUP</u>	CUP	CUP	CUP	Sec. 17.22.160, Mobile Homes and Sec. 17.21.020, Mobile Home Park Overlay
Commercial Uses					
Lodging					
Bed and Breakfast Inn	<u>CUP</u>	CUP	CUP	—	Sec. 17.22.080, Bed and Breakfast Inns
Boarding house	=	CUP	CUP	CUP	
Short-term rental	<u>P</u>	P	P	P	Sec. 17.22.200, Short-term Rentals
Model Home Sales Office	<u>MUP</u>	MUP	MUP	MUP	
Transportation, Communications and Utilities					
Public services, major	=	CUP	CUP	CUP	
Public services, minor	<u>MUP</u>	MUP	MUP	MUP	
Solar energy system	Sec. 17.22.240, Solar Energy Systems				
Telecommunication Facilities	Sec. 17.22.270, Wireless Telecommunication Facilities				
Agricultural and Extractive					
Community garden	<u>P</u>	P	P	MUP	Sec. 17.22.100, Community Gardens
Public/Institutional Uses					
Child day care facility					

Section 17.16.020, Use Regulations

Table 17.16.020.A Use Regulations – Residential Zoning Districts

- Added a new statement clarifying that any projects that qualify for ministerial approval under State law will be processed ministerially as required by State law.
- Applies to all zoning districts in which residential uses are allowed:
 - Residential zones
 - Commercial and mixed-use zones
 - Business and industrial zones
 - Community agricultural and natural resource zones

Section 17.16.030, Development Standards

Table 17.16.030.B Development Standards – Residential Zoning Districts

- LR-1A - Max Building Gross Floor Area (excludes accessory structures):
 - Lots < 1 acre (New Table)
 - Lots ≥ 1 acre, max. 6,069 sf (same as current code)
- LR – adjusted max. gross floor area lots ≥ 11,000 sf

Table 17.16.030.C: Primary Building Footprint Standards in the LR-1A and LR Zoning Districts			
LR-1A Zoning District		LR Zoning District	
<u>Lot Size</u>	<u>Max. Gross Floor Area (excludes accessory structures)</u>	<u>Lot Size</u>	<u>Max. Gross Floor Area (excludes accessory structures)</u>
≥ 7,000 – 14,999 sq ft	3,900 sq ft	< 7,000 sq ft	2,400 sq ft
≥ 15,000 – 21,999 sq ft	4,425 sq ft	≥ 7,000 – 7,999 sq ft	2,400 sq ft
≥ 22,000 – 28,999 sq ft	4,950 sq ft	≥ 8,000 – 8,999 sq ft	2,700 sq ft
≥ 29,000 – 35,999 sq ft	5,475 sq ft	≥ 9,000 – 9,999 sq ft	2,950 sq ft
≥ 36,000 – 43,559 sq ft	6,000 sq ft	≥ 10,000 – 10,999 sq ft	3,300 sq ft
		≥ 11,000 – 11,999 sq ft	3,480 sq ft
		≥ 12,000 – 12,999 sq ft	3,640 sq ft
		≥ 13,000 – 13,999 sq ft	3,780 sq ft
		≥ 14,000 – 14,999 sq ft	3,900 sq ft
		≥ 15,000 sq ft	3,900 sq ft

Section 17.16.030, Development Standards

Table 17.16.030.B Development Standards – Residential Zoning Districts

- MR - Added ground floor max. ceiling height standard of **15 feet** for principal structures.
- LR-1A and LR - Amended minimum interior side setback upper stories from ~~10 feet~~ to **5 feet**. Removed standard in the HR Zone.
- Removed – ~~Max. 2nd story floor area standard~~
- Removed – ~~maximum building frontage requirement in all zones.~~
- Amended – multi-family private ground floor open space from ~~120~~ to **80 sf** per unit in the MR Zone and ~~120~~ to **60 sf** per unit in the HR Zone.
- MR – Amended min. garage or carport setback from a building façade from ~~10 feet~~ to **5 feet**.
- LR-1A and MR – removed max. primary building footprint.



Source: iStock

Section 17.16.030, Development Standards

Table 17.16.030.B Development Standards – Residential Zoning Districts

- Added a new End Note ⁴: MR Zone - max. building gross floor area (all floors) standard in the Medium Density Residential (MR) Zone for single-family residences (including accessory structures) based on lot size.
- Added new End Note ⁵:
All zones
 - ⁵ The following additional standards apply for existing development and new construction in the LR-1A, LR, MR, and HR zoning districts:
 - a. The max. building gross floor area may be increased by 400 sf for construction of an ADU.
 - b. The following buildings and areas are exempt from max. building gross floor area:
 - i. One covered parking space with a max. floor area of 200 sf;
 - ii. Non-habitable accessory buildings less with a max. floor area of 120 sf;
 - iii. A non-habitable basement or attic; and
 - iv. A balcony, porch, deck, or other structure that is unenclosed on at least three sides.

End Note ⁴:

Lots < 6,000 sf: 1,995 sf

Lots 6,000 – 9,999 sf: 2,945 sf

Lots 10,000 – 14,999 sf: 3,705 sf

Lots 15,000 – 19,999 sf: 3,971 sf

Lots ≥ 20,000 sf: 4,000 sf

Section 17.16.040, Design Standards

What has Changed or Been Deleted?

A. Design Standards for All Residential Development Types

- 2. Required 2nd-story stepbacks, LR and MR
- 3. Building Orientation
- 4. Wall Planes (formerly Bldg. Transparency)
~~Roofline and Roof Design~~
- 5. Exterior Building Materials
- 6. Landscaping
- 9. Private Outdoor Open Space
- 10. Required Play Areas
~~Sustainability and Energy Efficiency~~

B. Design Standards Specific to Small Lot Development

- 4. Small Lot Entrances
- 7. Small Lot Landscaping
- 8. Small Lot Private Open Space

C. Design Standards Specific to Multi-Family Development

- 1. Design
- 3. Entry Design
- 4. Common Outdoor Recreation Space
~~Universal Design~~

Section 17.16.040, Design Standards

Section 17.16.040.A.2 Required Second Story Step-backs in the LR and MR Districts

- Removed – ~~required stepbacks from side and rear.~~
- Added – an exception for front elevations with porches that have a minimum depth of 68 feet that extends 80 percent or more of the width of the front elevation, excluding a garage.



Section 17.16.040, Design Standards

Section 17.16.040.A.3 Building Orientation

- Amended – clarifies that the building entrance orientation is oriented to the public right-of-way/internal walkways.
- Amended – windows, decks, and balconies must be min. 12 feet from existing residences for privacy.



Section 17.16.040, Design Standards

Section 17.16.040.A.4 Wall Planes

- Replaces former “Building Transparency” standards.
- New standards for the articulation of a building’s wall.
- Added requirements for design features and materials to reduce building massing.
- Amended – Director approval for building offsets, roof overhangs, bay windows, and use of materials to reduce building mass.

Section 17.16.040.A Roofline and Roof Design

- Section removed from the Code.



Source: Rocket Mortgage



Source: Lancia Homes

Section 17.16.040, Design Standards

Section 17.16.040.A.5 Exterior Building Materials

- Amended – building materials must support St. Helena’s architectural vernacular.
- Expanded list of allowed materials appropriate in St. Helena
- Corrugated metal as a roof material in all districts; siding material in A-20, MR, and HR.
- Removed the color requirements.
- Prohibited materials are unplastered, unpainted or painted concrete block, and vinyl and aluminum siding.



Source: Western States Metal



Source: Bridger Steel

Section 17.16.040, Design Standards

Section 17.16.040.A.6 Landscaping

- Clarified that front and street side setback areas must be landscaped, excluding driveways, walkways, etc.
- Drought tolerant landscape materials in compliance with Chapter 17.25, Landscaping.



Source: Gardenista

Section 17.16.040.A.9 Private Ground Floor Outdoor Open Space

- Clarified the standard applies to ground floor units only; added patios and garden areas, and deleted balconies.



Source: One Kindedesign

Section 17.16.040, Design Standards

Section 17.16.040.A Sustainability and Energy Efficiency

- Deleted – already included in the Building Code.

Section 17.16.040.A.10 Required Play Areas

- Removed – requirement for ~~single-family developments~~ with 15+ dwelling units to include children play areas.
- Only applies to multi-family developments.

Section 17.16.040, Design Standards

Section 17.16.040.B.7 Small Lot Landscaping

- Removed the ~~25% of total site area landscape requirement.~~
- Added the use of drought tolerant landscape materials in compliance with Chapter 17.25, Landscaping.

Section 17.16.040, Design Standards

Section 17.16.040.B.8 Small Lot Private Open Space

- Reduced the minimum required area of ground-level open space from ~~120~~ square feet to 100 square feet.

Section 17.16.040, Design Standards

Section 17.16.040.C.1 Design

- **Subsection i:** Added requirement for when buildings are ≤ 12 feet apart, windows, balconies, and other open space must be offset to increase privacy.
- **Subsection j:** Clarified that private storage space may be placed inside or outside of a building.

Section 17.16.040, Design Standards

Section 17.16.040.C.1 Design (MFR)

- Clarified – roof line on the longest building elevation shall include a vertical offset of min 18” for each unit or for each pair of units on the elevation.
- Deleted – ~~requirement for 6-foot building height articulation.~~

Figure 17.16.040.1j: Roofline, Attached Single Unit and Multi-Unit Development



The roof line for each elevation shall be offset at least 18 inches for each one to three units exposed on that elevation.

Section 17.16.040, Design Standards

Section 17.16.040.C.1 Design (MFR)

- **Subsection c:** Amended to replace “complementary” with consistent level of detailing and quality of materials on building facades visible from ROW.
- **Subsection d:** Added awning as an option for building features.
- **Subsection f:** Added requirement for a material or color change along 75% or more of a public facing façade.
- **Subsection g:** Reduced required windows facing open space from ~~two~~ to one.

Section 17.16.040, Design Standards

Section 17.16.040.C.3 Entry Design (MFR)

- **Subsection a:** Modified shared entrance visibility requirement applies to the ROW or shared walkways.
- **Subsection c:** Modified exterior entrance requirements to allow access to 4 units, rather than the previous standard of 3 units.
- **Subsection d:** Replaced “single-family neighborhoods” with specific zones, i.e. LR-1A, LR, and MR zones regarding individual front door standard.

Section 17.16.040, Design Standards

Section 17.16.040.C.4 Common Outdoor Recreation Space (MFR)

- **Subsection c.** Changed title from “Accessibility” to “**Visibility**” and reduced the number of units from “all” to **50 percent** that must view common outdoor space.

Section 17.16.040.C Universal Design

- Deleted – already included in the City’s Building Code.

Section 17.16.040, Design Standards

“What if a person does not want to follow objective design standards?”

- Options for compliance include:
 - State law now only allows the City to adopt objective standards for housing development.
 - Worked to balance between inexpensive materials and materials that are appropriate in St. Helena.
 - State law doesn't allow the City to provide any discretionary relief from those objective standards.
 - But state law (Density Bonus Law) also guarantees developers a certain number of incentives or concessions that may be used to waive objective standards that may make a project too expensive if affordable housing units (5 or more) are included in the project.

Section 17.17.020, Use Regulations

Table 17.17.020.A Use Regulations – Commercial and Mixed-Use Zoning Districts

- Added **micro-distilleries** as allowed use in the CB, SC, and MU zones subject to CUP in all commercial zones
- Add **rooftop bars** as allowed use subject to CUP in CB and MU zones.
- Delete these bullets in End Note 4:
 - ~~Establishments primarily preparing beverages for food or consumption off the premises.~~
 - ~~Drive-in or walk-up window for take-out service.~~



Section 17.17.040, Design Standards

- Updated to be consistent with Section 17.16.040 for residential uses.
 - E.g. Exterior building materials and colors.
 - Deleted Universal Design.

Section 17.18.020, Use Regulations

Table 17.18.020.A Use Regulations – Business and Industrial Zoning Districts

- Amended – allow emergency shelters by right in BPO zone consistent with AB 2339 and HCD recommendation to allow this use in the City.
- Added – micro-distilleries as allowed use with CUP in the I zone.
- Added – mobile food vendors with a CUP in the BPO and I zones.



Source: New York Times

Section 17.19.20, Design Standards

Section 17.19.020.A Use Regulations – Community Agriculture and Natural Resource Zoning Districts

- Added a new End Note ³ for tanks associated with winery uses in the W zone.



Source: Jeff Runquist Wines

³ If the new tanks increase wine production volume beyond what is established in an existing CUP or Certificate of Legal Non-Conforming Use, a new CUP is required. If there is no increase in wine production as a result of the proposed new tanks, no CUP is required. Design review is not required for new tanks placed indoors.

Section 17.19.030, Development Standards

Table 17.19.030.B Development Standards – Community Agriculture and Natural Resource Zoning Districts

- Added new distinction based on lot area:
- **Lots <2 acres** – apply the standards of the LR-1A zone

	Lots 2 to ≤ 5 acres	Lots > 5 acres
Density:	1 unit per 5 acres	1 unit per 5 acres
Max. Lot coverage:	0.5 acres	1 acre
Max 2 nd story floor area:	35% of ground floor area	20% of ground floor area
Max. ground level floor area:	4,500 sq ft	5,000 sq ft
(excludes acc. structures)		

- **Updated End Note ³:**
No more than 0.25 acres for lots 2 - ≤5 acres and 0.5 acre for lots > 5 acres of any one parcel may be removed from potential, historical, or active agricultural use. All structures, driveways (except for a 16-foot wide driveway no greater than 2/3 the length of the parcel), parking areas, patios, pools, lawn areas, or other nonagricultural uses are included in the 0.25 acre or 0.5 acre maximum per parcel.

Section 17.19.030, Development Standards

Table 17.19.030.B Development Standards – Community Agriculture and Natural Resource Zoning Districts

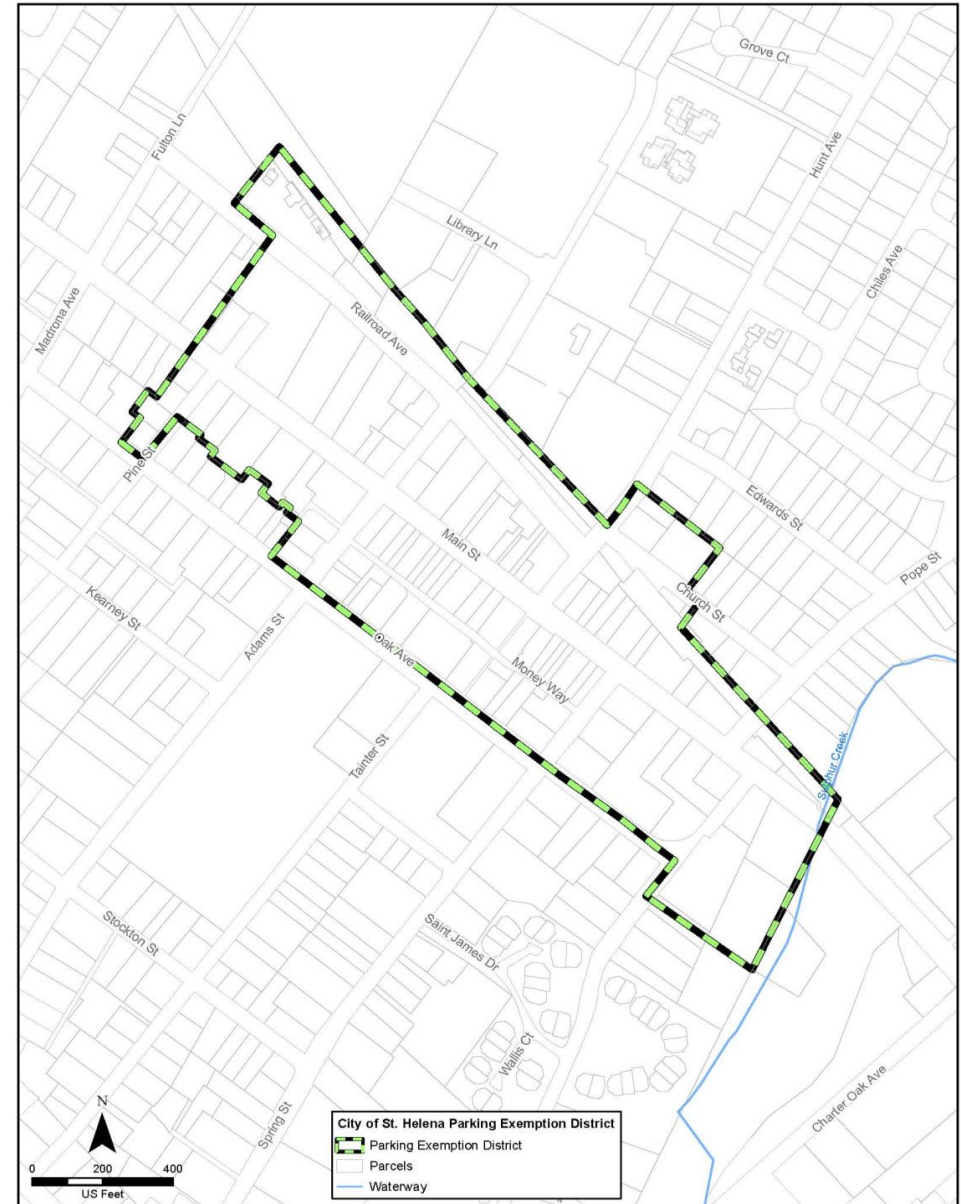
- Added new Accessory structure height standard:
 - Max 20. ft for an accessory structure
 - ADU – height refer to Section 17.22.030.E.9.
- Added new habitable space standard – End Note ⁴:

“The habitable space in accessory structures may not exceed 50% of the gross floor area of the primary structure.”

Parking Exemption Map

Section 17.21.030 Parking Exemption District (PED)

- Added a new map showing the boundary



Chapter 17.22, Specific to Uses

Section 17.22.030 Accessory Dwelling Units

- Inserted the City's previously adopted ADU standards consistent with Ca. Government Code §§ 65852.2. and 65852.22.
- Minor edits to ensure consistency with the format of the new Zoning Code.



Source: City of St. Helena

Chapter 17.22, Specific to Uses

Section 17.22.050 Alcoholic Beverage Sales

- **C. Hours of Operation.** Changed to be consistent with State law.
- Deleted: ~~from 8:00 AM to 10:00 PM Sundays through Thursdays and from 8:00 AM to 11:00 PM on Fridays and Saturdays.~~
- Updated: from 6:00 AM to 2:00 AM seven days a week.

Chapter 17.22, Specific to Uses

Section 17.22.230 Small Wineries

E. Development and Use Standards

- **Subsection 2:** Removed the requirement that ~~the residential use must be the primary residence of the winery owner.~~
- **Subsection 5:** Amended the grape source requirement:
 - Deleted ~~“a minimum of 85% of the group source must be grown on premises or on the parcel of the use”.~~
 - Amended as ... “grapes must be sourced from within the City limits”.



Source: Cellar Angels

Part IV: Citywide Standards

- **Part IV includes:**
 - **General Site Standards**
 - **Landscaping**
 - **Parking and Loading**
 - **Signs**
 - **Performance Standards**
 - **Density Bonus**
 - **Affordable Housing Program**
 - **Two-Unit Projects**

Substantive changes are included in the underlined sections.

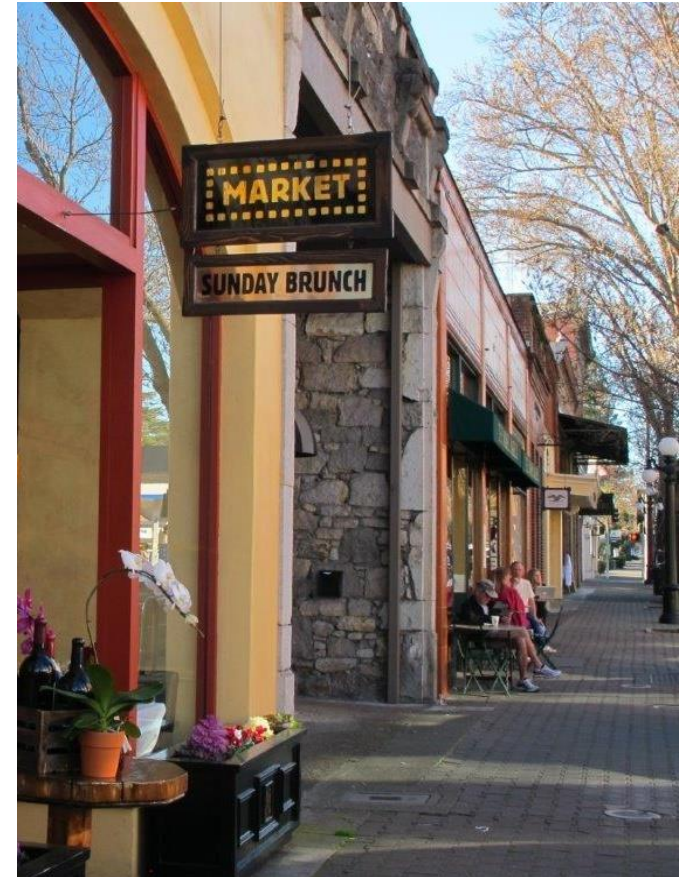
Chapter 17.25, Landscaping

Section 17.25.020.A.2 and A.3 Applicability

- Deleted – ~~distinction between developer versus private owner for landscape installations.~~

Section 17.25.050.C Applicability

- **Subsection C.1.a.** Added – new landscape standard stating that landscaped areas are not required when buildings are located at the back of the sidewalk or within two feet of a property line for properties with frontages on Main Street in the CB and MU districts.



Chapter 17.31, Two-Unit Projects

Chapter 17.31 Two-Unit Projects

- Inserted the City's previously adopted Two-Unit Project (i.e. duplex) standards.



Source: listwithclever.com

Part V: Definitions and Rules of Measurement

- Part V includes:
 - Definitions of Terms
 - Definitions of Uses
 - Rules of Measurement

Substantive changes are included in the underlined sections.

Chapter 17.32, Definitions of Terms

Chapter 17.32 Definitions of Terms

- **Hardscape area** – All exterior surfaces such as walkways, pools and pool decks, driveways, at-grade patios, or tennis courts that are constructed with non-porous materials such as asphalt or concrete.
- **Wine production** – A winery's total annual production equals either (1) the sum of all wine created through fermentation in a given year, plus the net total of all fermented bulk wine received and shipped in the same year, or (2) the amount of wine bottled on the premises in the same given year, whichever is greater.,
~~including all bottled wine received on the premises during the same year.~~

Chapter 17.33, Definitions of Uses

Chapter 17.33 Definitions of Uses

- **Active agricultural use** – Includes animal husbandry, animal keeping, beekeeping, and cultivated agriculture.
- **Agriculture:**
 - **Animal husbandry** – The use of land for the care and raising of livestock, equine, poultry, and dairy animals. This also includes any animal-related production uses incidental to the foregoing, including processing, drying, storage, and sales, excluding animal slaughter, meat cutting and packing, .stockyards or the commercial feeding of garbage or offal to swine or other animals..
 - **Cultivated agriculture** – The planting, growing, and harvesting of crops or plants, or the preparation of land for this purpose, of more than one-half acre of land for viticulture, horticulture, pasturage, floriculture, or similar farming where a crop or final product is produced (but not necessarily offered for sale) for consumption. ~~A commercial facility for the cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers or for growing flowers, trees, and ornamentals. Includes farming, pasturage, horticulture, floriculture, and viticulture.~~

Chapter 17.33, Definitions of Uses

Chapter 17.33 Definitions of Uses

- **Emergency shelter.** As defined in California Health and Safety Code § 50801(e), emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care. No individual or household may be denied emergency shelter because of an inability to pay.
- **Formula restaurant.** “Formula restaurant” means a restaurant devoted to the preparation and offering of food and beverage for sale to the public for consumption either on or off the premises and which is required by contractual or other arrangement to offer any of the following: standardized architecture or standardized external signs which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location.

Chapter 17.33, Definitions of Uses

Chapter 17.33 Definitions of Uses

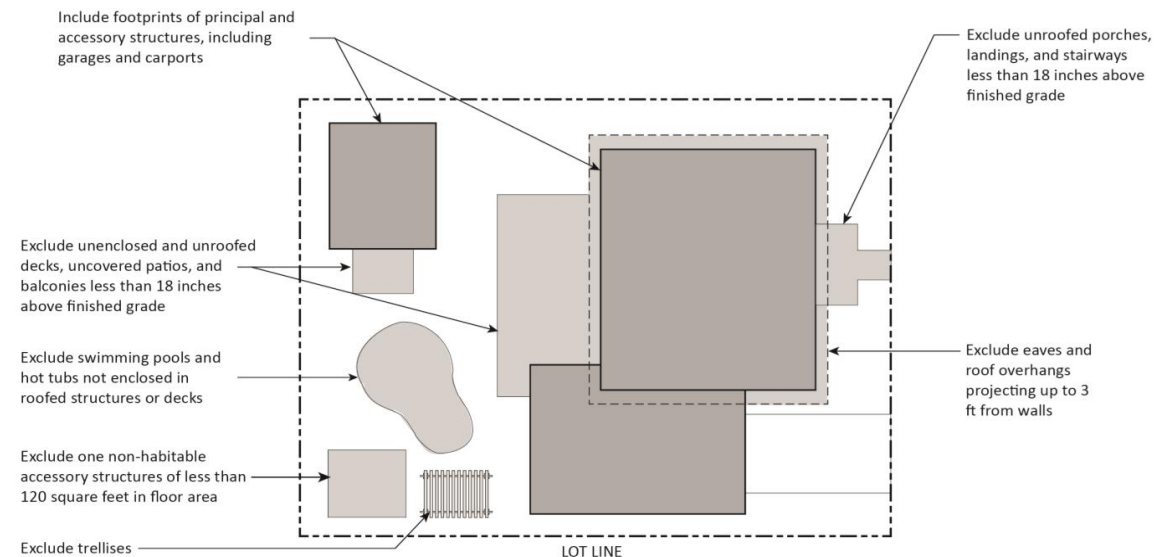
- **Micro-distillery** – A small, often boutique-style facility established to produce beverage grade spirit alcohol from any source or substance that is licensed to manufacture, store, and sell spirits produced in single batches (as opposed to larger distillers' continuous distilling process).
- **Multi-family dwelling:** Two or more attached dwelling units on a single lot. Types of multi-family dwellings include duplexes, single-room occupancy units, townhouses, and apartment buildings.
- **Wine shop** – An establishment that purchases and sells wines from multiple wineries and distributors. Wines may be made in other counties in California, other states, or other countries. Beer sales may occur in wine shops. Incidental wine tastings may occur in wine shops. Wine shops must possess a Type 20, 21, or 42 license from Alcoholic Beverage Control.

Chapter 17.34, Rules of Measurement

Section 17.34.060.A Measuring Lot Coverage

- **Subsection A.** Clarified – excluded from lot coverage are certain structures including **unenclosed** porches, i.e. a minimum of three sides are unenclosed.
- Updated Figure 17.34.060. Determining Lot Coverage

Figure 17.34.060. Determining Lot Coverage



Chapter 17.34, Rules of Measurement

Section 17.34.080 Measuring Setbacks

- Added a new graphic to show corner lot setbacks.

Figure 17.34.080.A: Determining Setbacks – Interior Lot

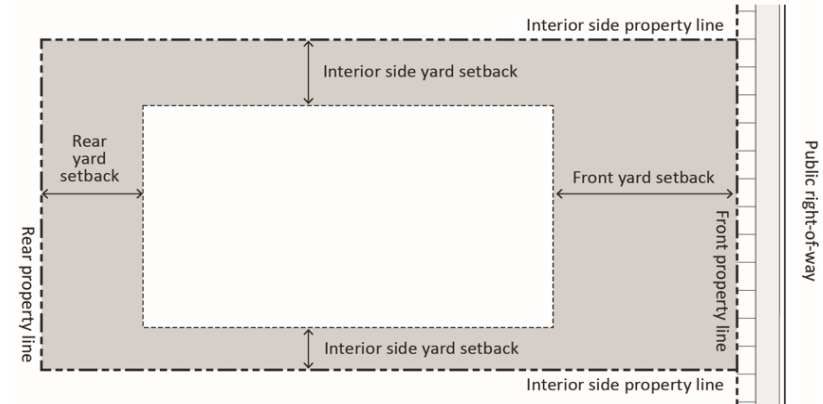
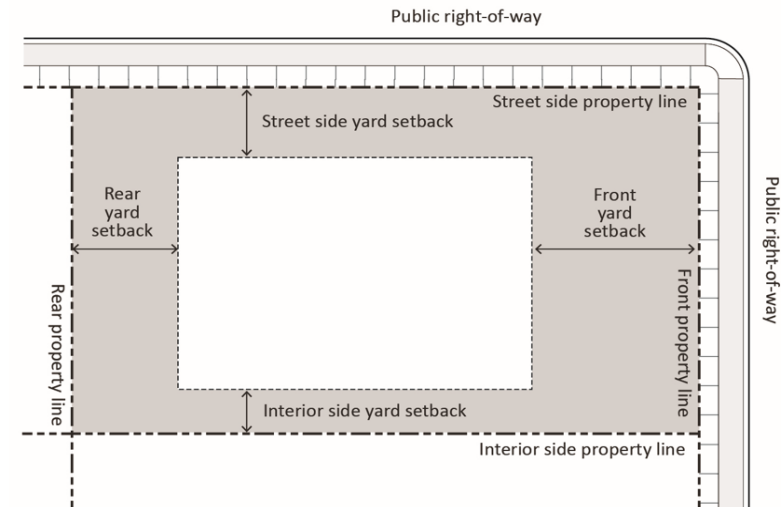
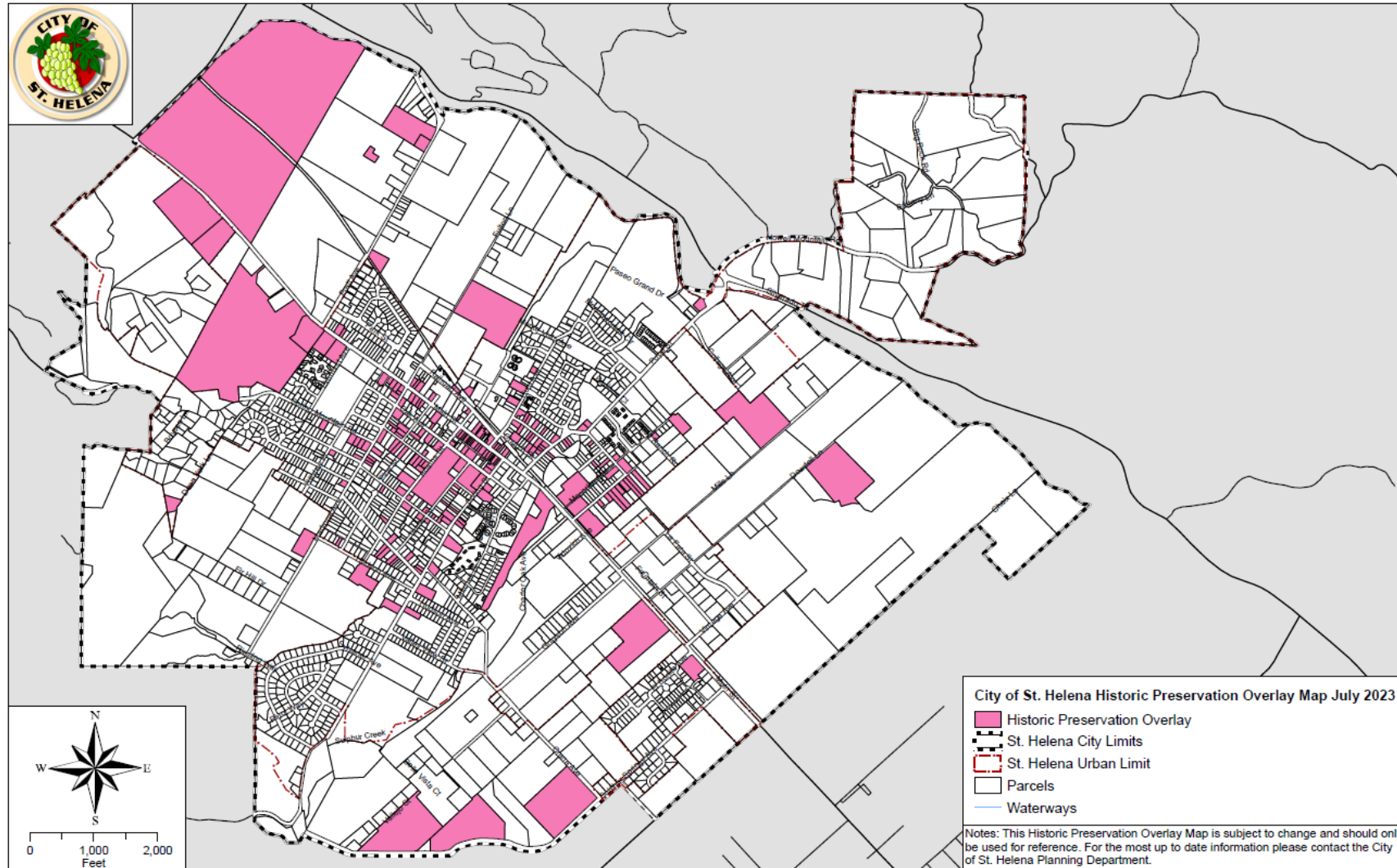


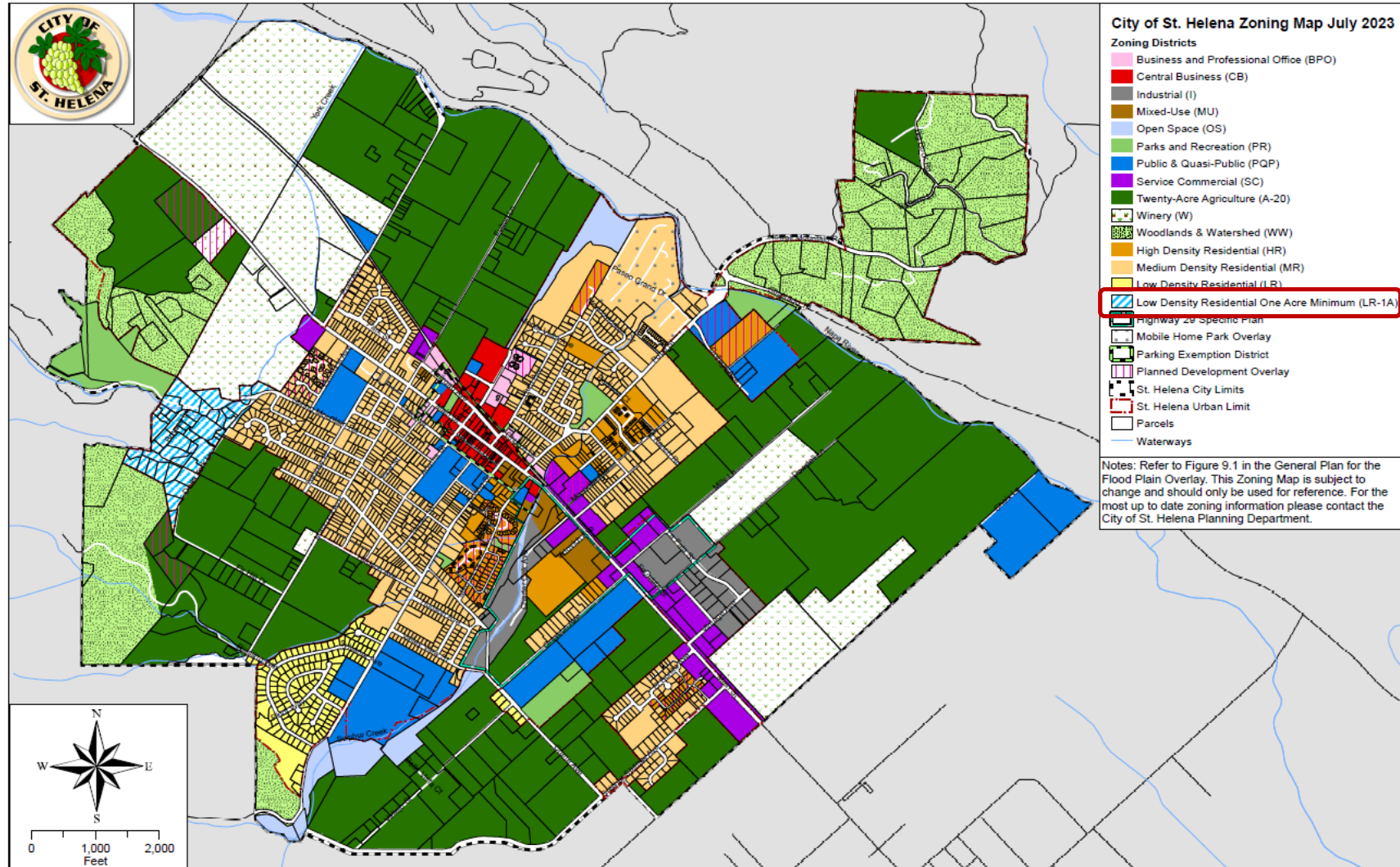
Figure 17.34.080.B: Determining Setbacks – Corner Lot



Historical Preservation Overlay (HPO) Map



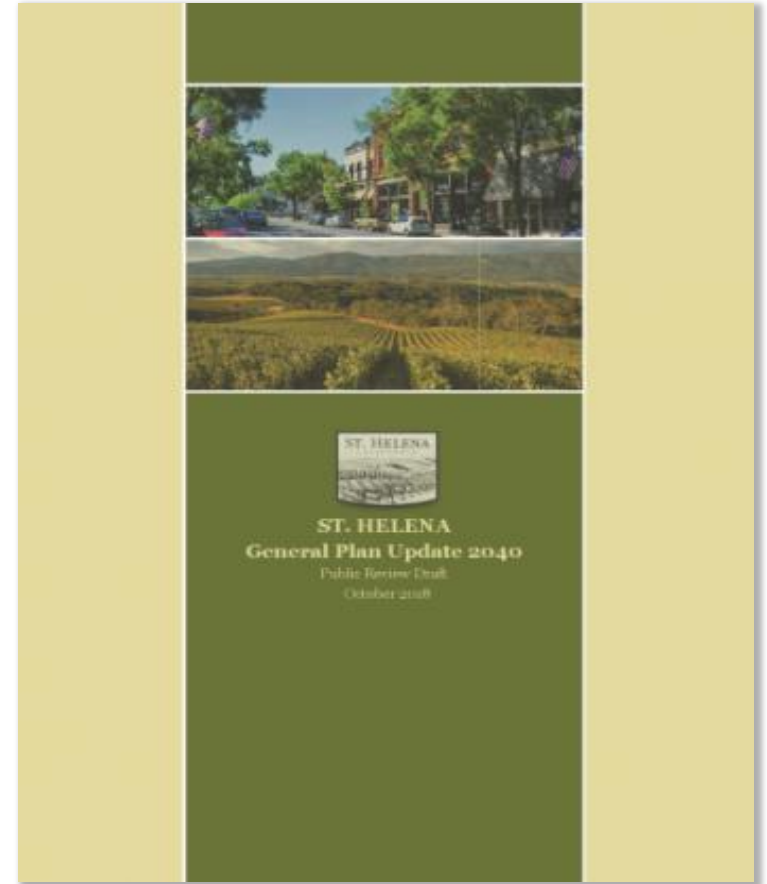
Zoning Map



Overview - CEQA Memo

Technical Memo Supporting Findings of Consistency with the 2040 General Plan EIR

- Completed June 14, 2023
- Required to ensure consistency with General Plan 2040 and EIR
- Analysis showed new Zoning Code:
 - Does not propose changes to land uses or levels of development allowed under the GP or EIR
 - Does not propose any by-right development that was not accounted for in the GP or EIR
- Conclusion:
 - Updated Zoning Code is consistent with the scope of the EIR prepared for General Plan 2040.
 - No new or substantially more adverse impacts would occur.
 - No technical changes or additions to the EIR are needed.

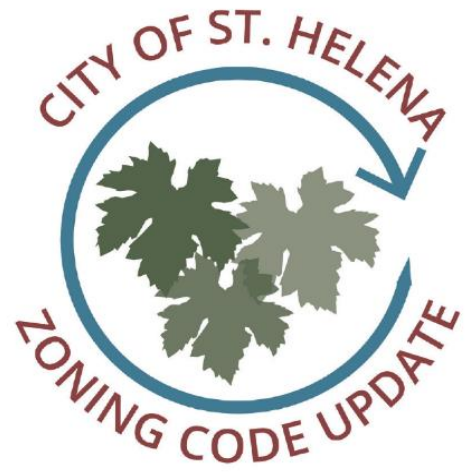


Thank you

- 1. Public Comment**
- 2. Planning Commission Questions/Discussion**
- 3. Recommendation to the City Council**

City Council Hearing – October 10, 2023 (tentative)





Thank you!



Section 17.19.030, Development Standards

Table 17.19.030.B Development Standards – Community Agriculture and Natural Resource Zoning Districts

Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots < 2 - ≤ 5 acres ¹	A-20 lots ≥ 52 acres	W	WW	Key
Density	Max. 1 unit/5 acres ²	Max. 1 unit/5 acres ⁴²	Max. 1 unit per parcel ⁴²	Max. 1 unit per parcel ⁴²	
Lot Size					
Lot Area	Min. 1.0 acre ² Min. 20 acres	Min. 20 acres	Min. 20 acres	5 – 40 acres	
Lot Width	Min. 70 ft No min.	No min.	Min. 300 ft	20 – 200 ft	1, 5
Max. Lot Coverage (includes accessory structures)	23.5% ³ 0.5 acre ³	0.51 acre non-agricultural ^{3,3}	50%	10% or 20,000 sq ft, whichever is less	
Max. Ground Level Floor Area (excludes accessory structures)	4,500 sq ft	4,500 sq ft	none	none	2, 6

Updated End Note ³:

No more than 0.25 acres for lots 2 - ≤5 acres and 0.5 acre for lots > 5 acres of any one parcel may be removed from potential, historical, or active agricultural use. All structures, driveways (except for a 16-foot wide driveway no greater than 2/3 the length of the parcel), parking areas, patios, pools, lawn areas, or other nonagricultural uses are included in the 0.25 acre or 0.5 acre respectively, maximum standard per parcel.

Section 17.19.030, Development Standards

Table 17.19.030.B Development Standards – Community Agriculture and Natural Resource Zoning Districts

Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots < 2 - ≤ 5 acres ¹	A-20 lots ≥ 5 ² acres	W	WW	Key
Density	Max. 1 unit/5 du /acres ²	Max. 1 unit/5 acres ^{1,2}	Max. 1 unit per parcel ^{1,2}	Max. 1 unit per parcel ^{1,2}	
Lot Size					
Lot Area	Min. 1.0 acre² Min. 20 acres	Min. 20 acres	Min. 20 acres	5 – 40 acres	
Lot Width	Min. 70 ft No min.	No min.	Min. 300 ft	20 – 200 ft	1, 5
Max. Lot Coverage (includes all accessory structures)	9,000 sq ft	10,000 sq ft	50%	10% or 20,000 sq ft, whichever is less	
Max. Ground Level Floor Area (excludes accessory structures)	4,500 sq ft	4,500 sq ft	none	none	2, 6

Updated End Note ³:

No more than 0.25 acres for lots 2 - ≤5 acres and 0.5 acre for lots > 5 acres of any one parcel may be removed from potential, historical, or active agricultural use. All structures, driveways (except for a 16-foot wide driveway no greater than 2/3 the length of the parcel), parking areas, patios, pools, lawn areas, or other nonagricultural uses are included in the 0.25 acre or 0.5 acre respectively, maximum standard per parcel.

From: sandra.archibald@gmail.com
To: [Public Comment](#)
Subject: [External] Extension on review
Date: Thursday, May 18, 2023 5:22:17 PM

Given the complexity of the zoning ordinance I respectfully request an extension. Thank you.

Sandra O. Archibald
Dean and Professor Emerita
Evans School of Public Policy & Governance
University of Washington
Box 353055
Seattle, WA 98195

Home address
Sandra Archibald McCorkle
1178 Meadowcreek Circle
St . Helena, CA 94574
707.804.8263

From: [Maria Villegas](#)
To: [Public Comment](#)
Subject: [External] Zoning draft
Date: Thursday, May 18, 2023 5:18:57 PM

To Whom it may concern,
I am requesting an extension for public comment. This document is very important and needs careful examination.
Thank you,
Maria Villegas

Sent from my iPhone

Public comment: Re: Zoning code updates and Joint Meeting on 5/10/23 – Part 2
5/12/2023

My apologies, I have a little more I'd like to say in addition to the public comment I emailed yesterday. Since I don't think I can be as eloquent in 4 minutes at the podium, I have a few additional thoughts I wanted to share as I think of the zoning code draft, and the larger context this fits into.

I am fairly new to this town, moved here in 2015. I know many of you who are serving roles in this community as Mayor, Vice Mayor, City Council, Planning Commissioners, and Staff, have been here much longer, and have witnessed more of the evolution that has happened in this little town, as well as in Napa Valley.

I apologize that I have taken a long time to submit my comments in this process. In my busy schedule of being an architect, running a practice and business, being a mom of a toddler (in covid times), I have waited a long time to put effort in attending meetings, digesting the material, and putting my thoughts together. I had assumed many others would make comments, and it would all work out in the end.

In the one Spotlight town meeting at the Cameo that I was able to attend recently (again with my toddler), the current Vice Mayor Eric Hall was presenting the state of St Helena, the economic issues, that past decisions, and the situation we are in now.

My key take-aways of that:

- Wow, we live in such a beautiful town, in such a prosperous valley, and the town is one natural disaster from going bankrupt and becoming a ghost town.
- Some things have got to change.
- This town lacks diversity, diversity in all facets just to name a few – socioeconomics, types of businesses, age, housing.

As I think of the proposed revisions of the zoning code, I'm not saying there aren't good edits. I honestly have not read all of it. Again apologies, my free time is very limited, and I don't really jump to the idea of reading zoning code in the little spare time that I have. But this is why we have you!

When I have trouble thinking through complex issues such as this zoning code, I try to zoom out and think of the larger picture, and put it into simpler ideas. As we may have learned in grade school, and are maybe re-learning it with our children's homework now, I think of the science experiment of creating a habitat, with the goal of making it thrive and last as long as you can. I think my project was a fish tank in school, and I had put some goldfishes, plants, water snails, and gravel in there, and then it was set to survive. Others in the class brought in their habitats. Press play, the clock ticks, and we waited to see whose project lived the longest. We learned the more biodiverse, the more lifecycle loops that come in full circle, the better the habitats did, the longer they survived, and the better it thrived.

Our town is on the brink of failing. Empty storefronts, shortage of workers, lack of funds, unaffordable housing, lack of low-income housing, lack of diverse shops and restaurants that are affordable for everyone, and closing schools, are signs of an unbalanced habitat. I mean honestly, the bigger picture of the world right now has a lot of unbalances. Failing banks, not a good sign. I can't even start.

There is a saying a colleague just reminded me of, "If you put a frog in a pot of boiling water it will instantly leap out. But if you put it in a pot filled with pleasantly tepid water and gradually heat it, the frog will remain in the water until it boils to death." I think we all recognize the water is getting warmer.

I have another example. Fake grass. Not long ago, fake grass was the new fad. And maybe people still think it is. Fake grass is a material that probably in production puts a lot of carbon into the air. In order to install it well, my understanding is that you have to excavate and remove your top soil, install several inches of compacted gravel, and then lay the fake grass in. (I've never installed it so I am only conceptualizing what I hear about it) This is great right? We are saving water. I get it. Everyone should do it, right? Imagine all of St Helena was mandated by some policy to install fake grass in order to conserve water. We're doing the right thing, right? What did we just do? We created a heat island. Fake grass does not photosynthesize, it doesn't take in carbon dioxide, sequester it in the ground, and produce oxygen. Fake grass doesn't attract pollinators. Say a person who installed fake grass sells their property. The new owner wants to plant native water wise plants, and now has to excavate this fake grass and gravel to dump it into a landfill. To undo the damage is very hard. We cannot try to solve for one thing, without thinking about the others.

I write this to you, as you all signed up and worked hard to get to the positions that you hold. No one assigned you. You chose to take this position on. And I applaud you for your energy and efforts, and I appreciate your drive to make this city a better place. My hope with my comments is to offer everyone a moment to take a step back to see the zoning code changes in a larger context. To not be afraid to ask questions, to seek clarifications, to decide to take more time if needed to review, and to get more information and research about the changes, to question them until they are vetted out fully. Think outside of the box. Do your due diligence. Don't assume someone else is figuring it out, and that you just have to vote like them.

We do need change. This town needs change, in a thoughtful and measured way. The zoning code edits can help, and they can also hurt. Please take enough time, and gather the professionals needed, vet it all out, before you make it into law, do your homework, before you press play.

One person can affect change. Each of you can affect change.

I affected change in St Helena. The speed limit between Madrona/Fulton to Pratt, heading northbound was 35mph. Heading south, coming into town, it is 25mph. Two speed limits on the same stretch of road. I'm sure you all have thought as you drove north, oh yes, I can finally speed up after Fulton/Madrona. There are four pedestrian crosswalks after the speed limit sign of 35. Two at Crinella, one at Elmhurst, one at Pratt. There is a middle school just west of this stretch of road, and a community of many young families on the east. I watched many times in fear, as kids walked home from school, young little middle-schoolers, crossing that street, with giant trucks and speeding cars, and I was terrified. I just became a mom 3.5 years ago. Any other child out there, feels like they're my child. I understand the deep love for a child a mom can have. I thought, I'm going to do something about this.

I wrote emails and made phone calls to the public works dept, city manager, talked to the Mayor at the time. I made a map and diagram, pointed to the sign, the four crosswalks, the school, took a picture of the 35mph sign with the crosswalk just beyond. I followed up, months and months trying to get an understanding of what steps could be done to reduce the speed limit. I had long conversation with Mayor Ellsworth, and he recommended that I join the committees, come to meetings that he was working on,

and that speed limit signs are expensive, and there are a lot of bureaucratic hoops that you have to jump through to get a speed limit sign changed. I accepted all of the challenges.

One day I called the Police department, and asked about the situation, and someone politely told me that they only enforce the signs, but that Caltrans is the jurisdiction who could change the sign. I picked up the phone and I called Caltrans signs and maintenance. A person said I need to speak with the north bay signage supervisor Mr. Gutierrez. I called him, and let him know my concerns, and emailed him with the diagrams I had done. He said he would send it up through engineering. Months passed, and I would gently check in with him. He would respond letting me know that he didn't forget about me, and that engineering was making progress with it. Even more months passed, and it had been over a year since my first inquiry with Public Works about this sign.

I was at work when my husband texted me a photo of a 25mph sign. It took me a moment to realize what it was, and my jaw dropped. Caltrans had a crew out there, installing zebra striping, pedestrian crossing signs, and the 35mph was replaced with a 25mph. I texted Mr. Gutierrez the picture of the sign and a big thank you, I told him he made my year. I was floored that I made that happen, little ol' me. I talked to Mr. Gutierrez, expressed so much gratitude that he helped me reduce the speed limit. He mentioned that the speed limit change actually wasn't part of the engineering, and that he had made that change because it was obvious that it should not be 35mph. He said to me, "You know, I have kids too."

What I want to bring to everyone's attention is that when you think with your heart, doing the right thing follows. As you sit in that chair, holding that pen, having that mic, you hold the power to affect change, so much change. I hope you're not looking over your neighbors' shoulder thinking they're doing the homework so I don't have to. Are you convinced you're ready to put your name on it?

Michelle L. Covell

I would like to make an edit the to my previous comment submitted.

My Bachelor's degree is in Architecture, *at the school* of Environmental Design at UC Berkeley, with High Honors

From: [Michelle Covell](#)
To: [Maya DeRosa](#); [citymanager](#); [Contact City Council](#); [Lester Hardy](#); [roger@lisawiseconsulting.com](#); [Public Comment](#)
Cc: [Charles Covell](#)
Subject: RE: [External] Part 2 of my Public comments
Date: Friday, May 19, 2023 10:44:11 AM

Good morning,

I have another thought about the “We can always build up” statement for MR zones

My dad is 90, Charles’ parents are in their late 80s. Our parents are limited to walking on the first floor with minimal steps. Up and down flights of stairs may work for some, but not others. We are all getting older too. Mobility is something many take into account.

We have a client, a well known person in this valley, who got into a car accident many years ago. We worked on their house to expand their house so that she wouldn’t have to go up several steps to get to their bedroom. The accident caused long lasting injuries that make it difficult to go up and down steps, and they talked about needing to plan for wheelchair access soon.

Our pastor’s son is wheelchair bound due to a bike accident. Their home had to have some renovations to make it easier to get around.

My brother and his family had a two story house when they had a baby. First floor was the living and kitchen and dining rooms, etc. the other floor were the bedrooms. They moved to a single story ranch house because going up and down flights of stairs with a baby, in the middle of the night was dangerous.

I’m not saying let’s do away with second floors. I’m hoping to point out some reasons why in some situations, it does not make sense. And it’s not just an expense issue. “We can always build up” is a statement that doesn’t take into account everyone.

Also using lot width to limit building footprint size – what about people in cul-de-sacs with very narrow front lot lines, those pie-shaped lots? Is lot width taken from the front lot line? So they’re max building footprint is 1800 SF?

Thanks,
 Michelle

From: Michelle Covell
Sent: Friday, May 12, 2023 10:37 AM
To: 'mderosa@cityofsthelena.org' <mderosa@cityofsthelena.org>;
 'citymanager@cityofsthelena.org' <citymanager@cityofsthelena.org>;
 'Contactcitycouncil@cityofsthelena.org' <Contactcitycouncil@cityofsthelena.org>; 'Lester Hardy'
 <lester@lfhardy.com>; 'roger@lisawiseconsulting.com' <roger@lisawiseconsulting.com>; Public
 Comment <publiccomment@cityofsthelena.org>

Cc: Charles Covell <chuck@covell-architect.com>

Subject: Part 2 of my Public comments

Public comment: Re: Zoning code updates and Joint Meeting on 5/10/23 – **Part 2**
5/12/2023

My apologies, I have a little more I'd like to say in addition to the public comment I emailed yesterday.

Since I don't think I can be as eloquent in 4 minutes at the podium, I have a few additional thoughts I wanted to share as I think of the zoning code draft, and the larger context this fits into.

I am fairly new to this town, moved here in 2015. I know many of you who are serving roles in this community as Mayor, Vice Mayor, City Council, Planning Commissioners, and Staff, have been here much longer, and have witnessed more of the evolution that has happened in this little town, as well as in Napa Valley.

I apologize that I have taken a long time to submit my comments in this process. In my busy schedule of being an architect, running a practice and business, being a mom of a toddler (in covid times), I have waited a long time to put effort in attending meetings, digesting the material, and putting my thoughts together. I had assumed many others would make comments, and it would all work out in the end.

In the one Spotlight town meeting at the Cameo that I was able to attend recently (again with my toddler), the current Vice Mayor Eric Hall was presenting the state of St Helena, the economic issues, that past decisions, and the situation we are in now.

My key take-aways of that:

- Wow, we live in such a beautiful town, in such a prosperous valley, and the town is one natural disaster from going bankrupt and becoming a ghost town.
- Some things have got to change.
- This town lacks diversity, diversity in all facets just to name a few – socioeconomics, types of businesses, age, housing.

As I comment of the proposed revisions of the zoning code, I'm not saying there aren't good edits. I honestly have not read all of it. Again apologies, my free time is very limited, and I don't really jump to the idea of reading zoning code in the little spare time that I have. But this is why we have you!

When I have trouble thinking through complex issues such as this zoning code, I try to zoom out and think of the larger picture, and put it into simpler ideas. As we may have learned in grade school, and are maybe re-learning it with our children's homework now, I think of the science experiment of creating a habitat, with the goal of making it thrive and last as long as you can. I think my project was a fish tank in school, and I had put some goldfishes, plants, water snails, and gravel in there, and then it was set to survive. Others in the class brought in their habitats. Press play, the clock ticks, and we waited to see whose project lived the longest. We learned the more biodiverse, the more lifecycle loops that come in full circle, the better the habitats did, the longer they survived, and the

better it thrived.

Our town is on the brink of failing. Empty storefronts, shortage of workers, lack of funds, unaffordable housing, lack of low-income housing, lack of diverse shops and restaurants that are affordable for everyone, and closing schools, are signs of an unbalanced habitat. I mean honestly, the bigger picture of the world right now has a lot of unbalances. Failing banks, not a good sign. I can't even start.

There is a saying a colleague just reminded me of, "If you put a frog in a pot of boiling water it will instantly leap out. But if you put it in a pot filled with pleasantly tepid water and gradually heat it, the frog will remain in the water until it boils to death." I think we all recognize the water is getting warmer.

I have another example. Fake grass. Not long ago, fake grass was the new fad. And maybe people still think it is. Fake grass is a material that probably in production puts a lot of carbon into the air. In order to install it well, my understanding is that you have to excavate and remove your top soil, install several inches of compacted gravel, and then lay the fake grass in. (I've never installed it so I am only conceptualizing what I hear about it) This is great right? We are saving water. I get it. Everyone should do it, right? Imagine all of St Helena was mandated by some policy to install fake grass in order to conserve water. We're doing the right thing, right? What did we just do? We created a heat island. Fake grass does not photosynthesize, it doesn't take in carbon dioxide, sequester it in the ground, and produce oxygen. Fake grass doesn't attract pollinators. Say a person who installed fake grass sells their property. The new owner wants to plant native water wise plants, and now has to excavate this fake grass and gravel to dump it into a landfill. To undo the damage is very hard. We cannot try to solve for one thing, without thinking about the others.

I write this to you, as you all signed up and worked hard to get to the positions that you hold. No one assigned you. You chose to take this position on. And I applaud you for your energy and efforts, and I appreciate your drive to make this city a better place. My hope with my comments is to offer everyone a moment to take a step back to see the zoning code changes in a larger context. To not be afraid to ask questions, to seek clarifications, to decide to take more time if needed to review, and to get more information and research about the changes, to question them until they are fully vetted out. Think outside of the box. Do your due diligence. Don't assume someone else is figuring it out, and that you just have to vote like them.

We do need change. This town needs change, in a thoughtful and measured way. The zoning code edits can help, and they can also hurt. Please take enough time, and gather the professionals needed, vet it all out, before you make it into law, do your homework, before you press play.

One person can affect change. Each of you can affect change.

I affected change in St Helena. The speed limit between Madrona/Fulton to Pratt, heading northbound was 35mph. Heading south, coming into town, it is 25mph. Two speed limits on the same stretch of road. I'm sure you all have thought as you drove north, oh yes, I can finally speed up after Fulton/Madrona. There are four pedestrian crosswalks after the speed limit sign of 35. Two at

Crinella, one at Elmhurst, one at Pratt. There is a middle school just west of this stretch of road, and a community of many young families on the east. I watched many times in fear, as kids walked home from school, young little middle-schoolers, crossing that street, with giant trucks and speeding cars, and I was terrified. I just became a mom 3.5 years ago. Any other child out there, feels like they're my child. I understand the deep love for a child a mom can have. I thought, I'm going to do something about this.

I wrote emails and made phone calls to the public works dept, city manager, city manager's assistant, talked to the Mayor. I made a map and diagram, pointed to the sign, the four crosswalks, the school, took a picture of the 35mph sign with the crosswalk just beyond. I followed up, months and months trying to get an understanding of what steps could be done to reduce the speed limit. I had long conversation with Mayor Ellsworth, and he recommended that I join the committees, come to meetings that he was working on, and that speed limit signs are expensive, and there are a lot of bureaucratic hoops that you have to jump through to get a speed limit sign changed. I accepted all of the challenges.

One day I called the Police department, and asked about the situation, and someone politely told me that they only enforce the signs, but that Caltrans is the jurisdiction who could change the sign. I picked up the phone and I called Caltrans signs and maintenance. A person said I need to speak with the north bay signage supervisor Mr. Gutierrez. I called him, and let him know my concerns, and emailed him with the diagrams I had done. He said he would send it up through engineering. Months passed, and I would gently check in with him. He would respond letting me know that he didn't forget about me, and that engineering was making progress with it. Even more months passed, and it had been over a year since my first inquiry with Public Works about this sign.

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My Bachelor's degree is in Architecture, at the school of Environmental Design at UC Berkeley, with High Honors

Michelle Liu Covell

Architect, Project Manager, LEED AP
Director of Operations, Partner

Charles Covell Architects
1407 Main Street Ste. 102
St. Helena, CA 94574
(707) 968 9280
www.covell-architect.com

From: Michelle Covell

Sent: Thursday, May 11, 2023 6:21 PM

To: publiccomments@cityofsthelena.org; mderosa@cityofsthelena.org;
citymanager@cityofsthelena.org; Contactcitycouncil@cityofsthelena.org; Lester Hardy
<lester@lfhardy.com>; roger@lisawiseconsulting.com

Cc: Charles Covell <chuck@covell-architect.com>

Subject: Public comment re: zoning code and joint mtg on 5/10/2023

Hi all,

Please find the attached pdf with my public comment I would like to enter.

Thank you for your time.

Respectfully,

Michelle Liu Covell

Architect, Project Manager, LEED AP
Director of Operations, Partner

From: [Xinia Gamero](#)
To: [Erika Opp](#)
Cc: [Maya DeRosa](#)
Subject: FW: [External] Comments
Date: Thursday, May 18, 2023 3:44:59 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Erika,

Can you please include the public comment below in the 5/10 Special Joint CC and PC meeting?

Thank you!



XINIA GAMERO
PERMIT TECHNICIAN III- PLANNING
City of St. Helena | [Community Development Department](#)
1088 College Ave. | St. Helena, CA 94574
Planning: (707) 968-2659 | Direct: (707) 968-2740 | xgamero@cityofsthelelena.org

From: Maya DeRosa <MDeRosa@cityofsthelelena.org>
Sent: Thursday, May 18, 2023 3:25 PM
To: Xinia Gamero <XGamero@cityofsthelelena.org>
Subject: FW: [External] Comments

Hi Xinia, can you check with Cindy where the public comment folder is for the 5/10 meeting and have this added?

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelelena.org | <http://cityofsthelelena.org/planning>



From: Polly Ogden <polly@pollyogden.com>
Sent: Wednesday, May 10, 2023 12:57 PM
To: Maya DeRosa <MDeRosa@cityofsthelelena.org>
Subject: [External] Comments

Hi Maya,

I received your voice mail and was in fact reviewing (again) the revisions to the Draft Zoning Code Update. I'm sorry for being so late in getting these to you. I do plan to be there tonight.

17.16.040

A.

2. I still think that requiring a 10 foot set back on a second story is a burden. I understand the desire to break up a flat façade and appreciate the change regarding the addition of a porch. But why 10 feet? In some instances 6 or 8 feet might do the trick and allow for more useable space inside the house. I would prefer a requirement to break-up a tall, flat façade rather than setting this 10 foot arbitrary number.

4. Am I correct that these requirements are for front facing facades only? I don't see why it would matter to break up a wall plane on the other walls of the house. One might have a closet or small theater that is longer than 10 feet that would not need or want a window or door and forcing a "design feature" just because, seems wrong.

6. a. Does stone have to be native? There are many beautiful stones that have different colorways than the tans of Napa stone. Seems limiting.

b. Corrugated metal has been used as a roofing material in this county for decades. I think it is one of the most historical materials so excluding it from the HP seems inconsistent with history. If I am reading the change correctly, corrugated siding would be permitted in A-20, MR and HR districts. If this is so, I heartily agree. It has been used quite successfully throughout our town.

B.

1. The height change and façade offset requirements could pose expensive and therefore detrimental requirements for multi-family dwellings. We need more of these kinds of projects and costs need to be controllable. Height and façade off sets are expensive. There are many other ways to make a building interesting to look that that don't prescribe actual dimensions.

Once again, thank you for all you are doing creating this document. It is a monumental task with many, many opinions on how to accomplish it to consider.. Since it will be a fact of life at some time in the near future, is there some way to change it easily should something has fallen through the cracks, or if some requirement proves to be onerous or ineffectual? I hate to think that

we would have to live with the regulations for years and years before an obvious or meaningful change were required.

See you this evening. And again, sorry for the late, late response. These comments can be included tonight.

Polly

--

Polly Ogden
Polly Ogden Associates
Phone: 707.963.7999
Cell: 707.363.7247
Email: polly@pollyogden.com

From: [Sandra Lowry](#)
To: [Public Comment](#)
Subject: [External] Request
Date: Friday, May 19, 2023 10:10:43 AM

I am requesting an extension for the zoning code draft. This matter needs more consideration; this document will change the zoning codes which will greatly affect residents. What is your hurry?? Sincerely, Sandra Lowry, 1175 Starr Ave., St. Helena

From: Polly Ogden <polly@pollyogden.com>

Sent: Thursday, June 22, 2023 1:51 PM

To: Maya DeRosa <MDeRosa@cityofsthelena.org>

Cc: 'Roger Eastman' <roger@lisawiseconsulting.com>

Subject: [External] Draft Zoning Code Update

Hi Maya and Roger,

After an Our Town St. Helena board meeting yesterday, an item from the Draft Zoning Code popped into my mind. We were talking about a future downtown that might include small apartments or shared living situations that would appeal to younger crowd. Maybe chefs and wait staff that want to live in town and walk to a restaurant they work in. Maybe they are teachers, or winemakers, or nurses, or city employees who are young and want to live in smaller spaces and work up-valley and be close to their jobs. This vision would include a more vibrant downtown beyond the regular store hours and early closing restaurants.

I realized I had glanced over 17.22.050 Alcoholic Beverage Sales, C. Hours of Operation when I was doing my review. My focus had been primarily on design elements and I did not flag this. But after the board meeting I went back and found it. Future establishments being subjected to a 10:00 p.m. closing time during the week and only allowed to open until 11:00 p.m. on week-ends does not leave room for a younger, more vibrant and exciting downtown with a modicum of night life. St. Helena has had such places in the past and obviously the aging demographic has pretty much closed those places down. But do we want to assume only people that want to eat dinner at 6:00 and go to bed at 9:00 are the only ones that will ever live here? I hope not. I think it would be best to let the market dictate the need, not the rules, so I would strongly suggest these timeframes be reviewed and changed.

Thanks for all your hard work on this endeavor and I hope these comments are not too late to be considered.

Polly

Polly Ogden
Polly Ogden Associates
Phone: 707.963.7999
Cell: 707.363.7247
Email: polly@pollyogden.com

From: rickcrebs25@gmail.com <rickcrebs25@gmail.com>
Sent: Tuesday, August 1, 2023 3:30 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: RE: [External] Revised St. Helena Zoning Code -October 2022

Perfect. Thank you for clarifying the issue for me.

All the best.

Rick Crebs

From: Maya DeRosa <MDeRosa@cityofsthelena.org>
Sent: Tuesday, August 01, 2023 3:02 PM
To: rick@sthelenahc.org
Cc: Paul Dohring <PDohring@cityofsthelena.org>; Eric Hall <EHall@cityofsthelena.org>; Anil Comelo <AComelo@cityofsthelena.org>; 'Jay Caldwell' <Petitlogis@yahoo.com>; Doug Barr <trplbarr@comcast.net>; 'Mark Linder' <mark.p.linder@gmail.com>; Roger Eastman <roger@lisawiseconsulting.com>; Anil Comelo <AComelo@cityofsthelena.org>
Subject: RE: [External] Revised St. Helena Zoning Code -October 2022

Thank you Mr. Crebs for your email.

Please see Section 17.30.030 H (1) which states “Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project.” I think this captures the spirit of your comment. Also in this section, (3) requires the affordable units to receive the Certificate of Occupancy at the same time as the market rate units.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | <http://cityofsthelena.org/planning>



From: rick@sthelenahc.org <rick@sthelenahc.org>
Sent: Monday, July 31, 2023 10:58 AM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Cc: Paul Dohring <PDohring@cityofsthelena.org>; Eric Hall <EHall@cityofsthelena.org>; Anil Comelo <AComelo@cityofsthelena.org>; 'Jay Caldwell' <Petitlogis@yahoo.com>; Doug Barr <trplbarr@comcast.net>; 'Mark Linder' <mark.p.linder@gmail.com>
Subject: [External] Revised St. Helena Zoning Code -October 2022

Hello Maya: While I believe the intent is for 20% of Inclusionary units to be the same design, quality, and final as the remainder we recommend that Section 17.30.030 A. be modified to read “ (second line) “which shall be of the same, design, material, and finish and constructed and completed concurrently”.

Without that clarification it is possible for the developer to argue, or deliver sub-standard “affordable units”.

All the best.

Rick Crebs
Saint Helena Housing Coalition
707-580-0418

Xinia Gamero

From: Mariam Hansen-St. Helena Historian <research@shstory.org>
Sent: Thursday, August 10, 2023 3:11 PM
To: Public Comment
Subject: [External] Historic Preservation Overlay zoning

Dear St. Helena Planning Commission,

This letter concerns the upcoming changes to the General Plan element 17.21.040 Historic Preservation Overlay (HP).

St. Helena has preserved many of its historic buildings, but we have also lost many.

In 1979 John Money Planing Mill at the corner of Main & Mitchell Streets was being considered for designation on the National Register of Historic Places. At the very time the meeting was held by the California Historic Preservation Office, the owner Fred Knipschild demolished the building. He received a demolition permit in the morning and the building came down in the afternoon of March 3, 1979.

St. Helena Historic Commercial District was placed on the National Register of Historic Places in 1997. In the contributing building listings was 1380 Main Street, aka Main Street Service, called “a rare reminder of California’s automobile culture before World War II.”

On June 30, 2006 Page & Turnbull evaluated Main Street Service at 1380 Main Street for St. Helena’s Historic Resources Inventory. “The building is a unique and well-preserved example of Streamline Moderne style in St. Helena. Main Street Service building retains integrity of location, design, setting, materials and feeling.”

On July 1, 2014 the St. Helena Planning Commission approved a demolition permit

Page & Turnbull, Inc concluded their work by saying “the most effective strategy for St. Helena would be to draft and adopt a **historic preservation ordinance**. The ordinance would first and foremost implement the policies established in the Historic Preservation Element, and element of the St. Helena General Plan...the ordinance would establish a local register of historic resources in which individual properties and historic districts could be listed.”

In short, the HP Overlay Ordinance is crucial to saving our historic landscape at a time when many purchasers of St. Helena are intent on demolishing what they bought. I urge you to approve and send to the City Council for formal adoption.

Sincerely,

Mariam Hovanesian Hansen

Research Director

[St. Helena Historical Society Lecture Series - YouTube](#)

New email: research@shstory.org

St. Helena Historical Society

P.O. Box 87/ 1255 Oak Avenue

St. Helena, CA 94574

707-967-5502

Find us on Facebook:

[St. Helena Historical Society & Heritage Center - Home | Facebook](#)

Xinia Gamero

From: Maya DeRosa
Sent: Monday, August 14, 2023 8:05 AM
To: Xinia Gamero
Subject: FW: [External] Request for Exclusion of 916 Hunt Ave from Historic Preservation Overlay

Please post to public comment.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
 City of St. Helena | Community Development Department
 1088 College Avenue | St. Helena, CA 94574
 Direct: (707) 967-2783 | mderosa@cityofstheleena.org | <http://cityofstheleena.org/planning>



From: Tracy McBride <tracymcbride22@gmail.com>
Sent: Sunday, August 13, 2023 8:24 PM
To: Maya DeRosa <MDeRosa@cityofstheleena.org>; Cindy Tzaopoulos <ctzaopoulos@cityofstheleena.org>
Subject: [External] Request for Exclusion of 916 Hunt Ave from Historic Preservation Overlay

Dear Members of the Planning Commission,

I am writing to request the removal of 916 Hunt Ave from the proposed Historic Overlay list.

916 Hunt has two additional cottages and garages and is a multi-unit parcel. The principal structure at 916 Hunt Ave holds no significance over other modest homes in St. Helena.

Regrettably, we did not receive any communication from the city dated Nov 14, 2022, apprising us of our property's prospective inclusion within the Historic Preservation Overlay Zone—a disconcerting oversight. We received nothing at the property address nor our mailing address and we only received the yellow postcard Historic Overlay notification 8/11/23 at the property site.

The removal of 916 Hunt Ave from the Historic Overlay is essential for the following reasons:

1. **Inappropriateness:** The overlay is for homes of notable historical significance or architectural accomplishment, not for an extremely modest simple home. If our home is to be included then all homes on Hunt Ave should be included, all simple homes in St Helena should be included and the “historical” cut-off should be moved up to the present.
2. **Multi-Unit Nature:** Overlooking the presence of two additional cottages, & garages, the overlay neglects to recognize the property's status as a multi-unit parcel.
3. **Architectural Limitations:** The stipulations imposed by the Historic Preservation Overlay conflict with the practical need to address structural vulnerabilities, such as those associated with the property's stucco, parapet and flat roof. This type of home frequently gets dry-rot and termite damage due to lack of eaves. The proposal interferes with our ability to protect the structure long-term.
4. **Property Valuation:** The city's action risks diminishing the value of my property. There is no up-side for us, only more restrictions which could lead to the decision to defer maintenance indefinitely.
5. **Future Development Constraints:** The proposed overlay unjustly restricts the future development potential of our property. There is existing zoning which will maintain the character of the neighborhood, which has been done West, South and East of us.
6. **Goes Against Common Sense:** Our property is a patchwork that functions for now and forcing architectural constraints is plainly nonsensical.

As to other homes nearby, the home next door to me is only 4 years newer, but not on the list. The stucco home of our era that was next to Safeway and preserved/moved as part of the Safeway expansion is not on the list. There are homes on Hunt Ave that are older than my home but not on the list. There are two Hunt house numbers (1000 and 921 Hunt) on the HP Overlay Register that do not exist, which makes me wonder about the credibility of the list. How did this cherry picking happen to include my property?

While I recognize the desire for historical preservation, I firmly assert that 916 Hunt Ave and its associated cottages do not possess historical significance warranting inclusion within the Historic Preservation Overlay. **The overlay's implications hinder the property's future potential and represent a concerning departure from equitable property treatment. I implore the Planning Commission to reconsider this matter diligently, bearing in mind the broader implications on property owners and the community's housing diversity. Adding more costs will have negative consequences.**

Implementing the Historical Overlay means I can't have what my neighbors have. Properties have been developed to the north south, east and west of my property line. They got theirs now I can't have mine?

Thank you for your time and consideration.

Sincerely,
Tracy McBride,
Phone: 510-517-6202
email: tracymcbride22@gmail.com

Xinia Gamero

From: Connie M <minconnie@gmail.com>
Sent: Monday, August 14, 2023 11:15 AM
To: Public Comment
Subject: [External] Public comment for August 15, 2023 agenda

Hello,

I'm writing in as one of the property owners of a retail land in St Helena (905 Main Street, next to Gott's and former Yao Ming).

We appreciate this commission's attempts to make St Helena more business friendly and attract more investment in downtown in the new zoning code. We urge the commission to move even more aggressively and commit to relaxing on site parking requirements and parking in lieu fees. Our property is right outside the downtown city limits and we're afraid of becoming mired in bureaucratic or political processes when applying for development and business permits. The city should be committed to revitalizing all the businesses lining up Main Street and fighting vacancy. It will take more than just changes on the margin to attract the kind of investments that have gone to Yountville, Calistoga, etc.

Thank you,
Connie Min

August 14, 2023



Sent via email to: MDeRosa@cityofsthelena.org

Planning & Building Director DeRosa,

I write to you today to offer my comments on the proposed Zoning Ordinance and Site Development Standards for the City of St. Helena. I am an architect that has focused on affordable and middle market housing for the last 30 years in the Northern California region. I have designed and constructed multifamily housing including senior housing, homeless shelters, Habitat for Humanity homes as well as scores of small lot subdivisions, townhome development and cottage cluster development.

My designs have been built in the cities of Ukiah, Cloverdale, Healdsburg, Santa Rosa, Sebastopol, Petaluma, and Benicia and are currently in development in Yountville as well as several cities in Oregon. This is to say that I have experience with many different Zoning Ordinances and understand how the written word can impact the built environment. As a former Planning Commissioner and City Council member as well as Mayor of Sebastopol, I'm intimately familiar with these types of documents. I hope you will receive my comments in the positive spirit in which they are written.

I have identified some proposed language that will have a negative financial impact on development of needed middle market and affordable housing. I will group those comments first. Secondly, I've identified some language that seems arbitrary and not flexible enough to address the unique situations each parcel presents. I have made recommendations on language that provides greater flexibility while still meeting the desired intent. I hope that you find this helpful and am available to answer any questions.

1. Financially Negative Impacts for the development of affordable, mixed income, and workforce housing identified:

17.16.020 A

The requirement for Conditional Use Permit (CUP) small lot subdivisions in Medium Density Residential (MR) districts should be eliminated. This use should be allowed by right if you wish to minimize time and cost to encourage this type of development. It should not be discretionary. CUPs are a big hurdle for a developer. It adds uncertainty and time all of which costs money spent on the entitlement process with no certainty of success.

17.16.030 Development Standards

1. Minimum lot area for MR is too large at 3,000 sf. If it's a townhouse or row house or a zero-lot line condition in my experience, **I highly recommend 2,500 sf minimum lot.**
2. Min lot width of 32' is too large. I recommend a maximum of 30' or less. 30' allows the split of a standard 60' wide lot (this allows consistent lot widths when adjacent to LR if using zero lot line homes in pairs for a total of 60' width.) **For townhouses or row houses a more typical width would be 24'.** So, the width is dependent on the building type and location. More flexibility is required.
3. A maximum lot coverage of 35% is too small for small lot development and is more typical for a single-family development. Please clarify if a one car garage and porches open on 3 sides are counted or not in the lot coverage. **A more typical percentage is 55% for small lots.**
4. Garage setback from a house of 5' is fine if the front porch is included in that 5'. Most porches now are 6' deep so the garage could be setback 6' from front of porch. This allows structural design to include a portion of the front of the house to allow garage design to work in small lots without a moment frame or Simpson strong wall which increases cost of construction to prevent a "soft story". **Please consider the setback to be 6' from the face of the porch.**
5. Minimum interior side setbacks are too large in MR. **Please consider a 5' interior setback, as it is standard to property line (PL).** 15' is used if combined and it should be 10' for the first floor. If privacy is a concern this can be achieved by the placement of windows or use of high windows or obscure glass. A 10' combined setback meets California Building Code and is common throughout neighborhoods in California. Please specify this does not apply in zero lot line conditions. Again, there is a cost implication to comply with this requirement, and indirectly will deter much needed middle-income housing.
6. The height of 25' is used to determine setbacks when the height limit is 30' - this is not consistent. **I recommend eliminating reference to the heights of buildings in determining side setbacks.** In addition, the document should clarify that the height is to the ridge, or you could refer to an eave height but be consistent throughout to reduce misinterpretation. **This section also refers to a 30' rear setback. I recommend only 20' rear setbacks regardless of height.**
7. Interior side upper setback from PL at 10' is too large. Framing is spaced 16" or 2' on center and plywood is 4' in width. **I recommend reducing from 10' to 9' from PL if any setback is required.** This will limit the increased cost of construction, particularly for affordable housing. **Please give latitude in cases where an adjacent lot has a greater setback** such as a one car garage with no 2nd story. This would allow 20'-25' of setback on one side of a PL so a house on that PL should be allowed to be a 5' setback on both stories. I have personally had this situation in a small lot subdivision. Please build in some latitude in this section. If the goal is to provide privacy between units or variety then there are other ways to solve this than

demanding a greater setback on the second floor. Consider language that allows alternative ways to meet the goal of privacy up to the Planning Directors discretion. This could include placement or types of windows, varied setbacks on the second floor which would allow portions to be 5' of the PL and still provide visual interest and privacy.

2. Arbitrary requirements needing greater flexibility, and which may have a negative financial impact to development

The theme of the below requirements is to not allow creativity in design and assume these requirements meet all cases. This is not realistic and precludes an architect from addressing specific conditions. What is more appropriate is to allow for a more performance-based approach. If the city feels it must be prescriptive then add language that allows for an alternative design that meets the requirements of the code through a performance-based approach. Some may choose to meet the prescriptive method to speed approvals, but others may choose to show compliance in an alternative and more creative way.

Please refer to Section 17.16.040 -

1. (2.) *Required Second Story Step-backs in the LR and MR Districts.* Second stories, in both new construction and additions, must be stepped back eight feet from the ground floor front façade, unless the front elevation has a porch a minimum of six feet deep that extends 80 percent or more of the width of the front elevation, excluding a garage.

The above section seems overly controlling. It would make more sense to **require varied setbacks from the first to second floors and allow creativity in the designs.** I suggest language that is either prescriptive to the letter the above or performative solutions that could be approved at a staff level.

2. (3.) *Building Orientation.*
 - b. Windows, balconies, and decks must be a placed a minimum of 12 feet measured horizontally from the windows of existing residences (on-site or offsite).

The above appears to be arbitrary. It would be better to **require visual and auditory privacy between homes by means of placement or screening** (like 1. above).

3. For wall planes I recommend using dimensions that relate to plywood widths so **instead of 10' change of wall plane, please consider referencing 8' or 12' to be efficient in construction.**
4. If a project uses an Alley of 20' in width for two-way traffic, **I recommend that the face of the garage be 5' off the alley.** This is different from an interior drive aisle with a sidewalk. This appears to be consistent with figure 17.16.040 E. Cottage Court but can apply to other site lotting patterns that use an alley.

5. **Small Lot Entrances should also be allowed to face a public road.** This is not clearly stated in this section below but should be allowed.

6. Small Lot Parking and Access.

- a. Garages may not be oriented to face perimeter streets.*
- b. Required parking must be provided on each small lot, within a common parking area, or in a combination of the two.
- c. Parking must be designed and located such that it is not visible from public rights-of-way.*

This above section needs to be amended. Many small lot subdivisions consist of individual homes that face a public street where there is a garage and driveway facing the public street. This section seems to preclude this arrangement. Please amend to allow this condition.

6. (C.) *Design Standards Specific to Multi-Family Development.* In addition to the standards listed in Section 17.16.040.A, multi-family development is subject to the standards below.

1. Design.

- a. The roof line on the longest building elevations shall include a vertical offset of at least 18 inches for each unit or for each pair of units on that elevation.

Figure 17.16.040.H: Roofline, Attached Single Unit and Multi-Unit Development

- b. Exterior building walls must vary in depth through a pattern of offsets, recesses, or projections a minimum of *two feet every 25 horizontal feet*. Patterns may be established through changes in plane, balconies, bay windows, dormers, or other façade features.

Figure 17.16.040.I: Façade Articulation

- h. Where a new multi-family development is built adjacent to existing lower-scaled residential development, the façade opposite the existing lower-scaled residential development shall incorporate at least one full-height recess a minimum two feet in depth.

Figure 17.16.040.J: Full-Height recesses, Attached Single Unit and Multi-Unit Development

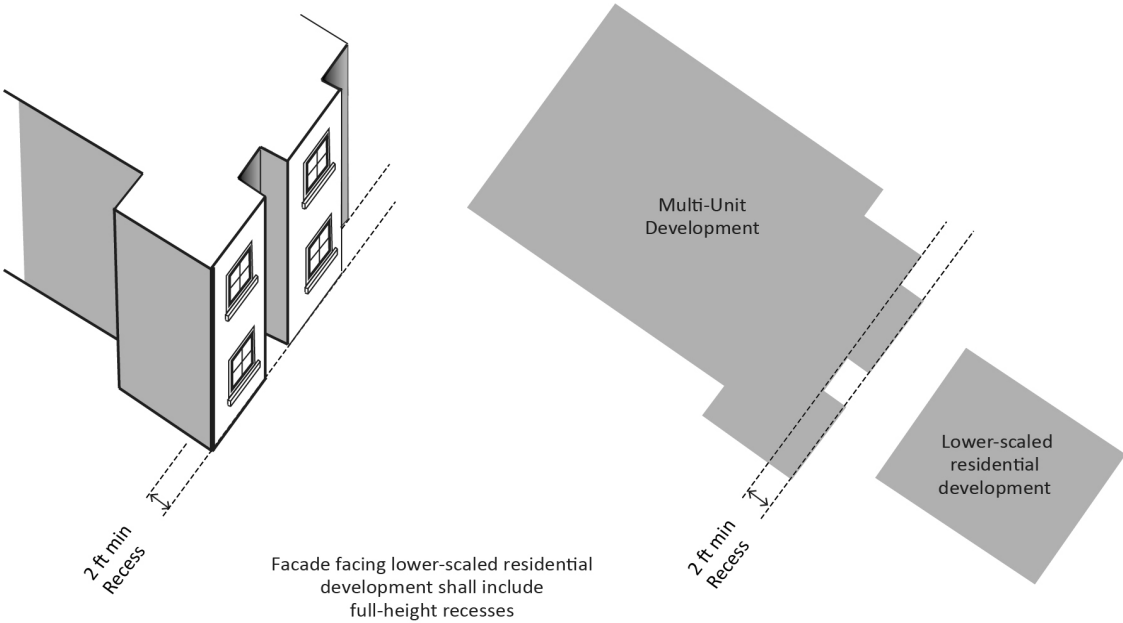
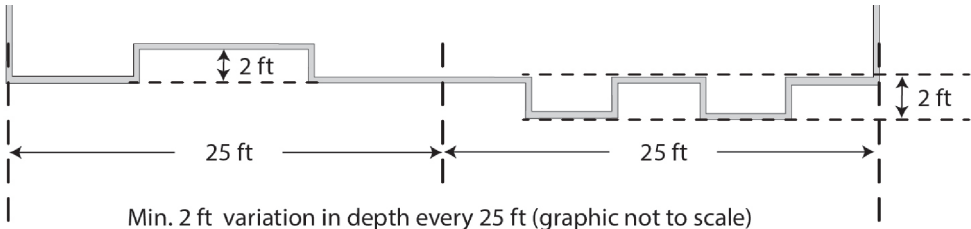
All the above sections seem arbitrary and will add cost particularly to middle income housing. There is no justification for this kind of specific language.

What should be encouraged instead is to "provide articulation at long elevations particularly in row or town houses and when adjacent to lower scaled residential development by use of massing, setbacks, materials, colors or fenestration to minimize impact." This can be reviewed by the Planning Director to have discretion that this section is met.

Please see referenced diagrams on the following page.



The roof line for each elevation shall be offset at least 18 inches for each one to three units exposed on that elevation.





August 14, 2023

Maya DeRosa, Community Development Director
City of St. Helena
1088 College Ave
St. Helena, CA 94574

Zoning Code and Map Amendment, ZOA 2023-001, ZMA 2023-001
Planning Commission Meeting - August 15, 2023

Director DeRosa,

I would like to share my comments on the proposed Zoning Ordinance and Zoning Map updates under consideration by the Planning Commission. As the owner of a small civil engineering company headquartered in St. Helena for the last 8 years, I have had much experience in assisting St. Helena residents in pursuing their projects, whether they be a simple remodel or bedroom addition, construction of an ADU, the building of an estate home, or the permitting of low- and middle-income housing with Our Town St. Helena. I have also had the chance to work directly with City staff on these projects over the years, and have always appreciated the candor, willingness to help, and responsiveness you all have displayed.

I have a few comments on various portions of the proposed zoning code update as follows:

1. Table 17.16.030(B): Development Standards - Residential Zoning Districts: can you confirm that pervious pavers, DG paths, and other pervious walkways/driveways (Grasspave) **would not count toward the maximum paved/hardscape area?**
2. Table 17.16.030(B): Development Standards - Residential Zoning Districts: suggest that the requirements for minimum landscaped areas **be applied only to single-family dwellings**. Multi-unit development should be allowed to take into consideration the cumulative landscape area across multiple parcels to encourage clustered development.
3. 17.16.040(A)10: Required Play Areas: suggest adding the following text, in bold, limiting this requirement to project in the HR zoning: "Multi-family developments **in the HR zoning district** that include 15 or more dwelling units..." Also, suggest adding an item g: **If this requirement cannot be met within the project boundaries, the project developer shall have the option to offer dedication of land or pay an in lieu fee in order to meet this requirement.**



4. 17.22.030(G)2: Accessory Dwelling Units, Fees: can the City clarify exactly which utility fees are under discussion here? It would seem that this section refers to City-owned utilities, i.e. water and sewer? Also, can the City clarify if this section is referring only to connection fees, or also to the physical utilities themselves? I have not seen any other City in Napa County that requires a separate water service from the street to an ADU, and I've not ever heard of a situation anywhere where a separate sewer service from the ADU to the street is required. City staff are currently enforcing this provision of the code as if it requires a separate water meter, backflow preventer, and water lateral into the street for each ADU, and similarly are requiring a separate sewer lateral into the street from the ADU.

In addition to adding tens of thousands of dollars of unnecessary cost to the property owner, this interpretation results in a significant quantity of new trenching into the street, with subsequent patching of those trenches with new asphalt. This creates, among other things, a traffic congestion problem during the time construction is happening, and an unsightly patchwork of new and old pavement throughout the City's residential streets. This also creates more potential points of failure in an existing public utility by making new, separate connections for each ADU.

My suggestion for water service would be for the City to give the property owner the option of either using one code-compliant water meter and backflow preventer to serve both the main residence and the ADU, or using separate meters and backflow preventers for each dwelling unit. In either case, the City should charge and collect the connection fees and capacity charges for the ADU.

My suggestion for sewer service would be for the City to require the property owner to use one code-compliant sewer line to connect from the property line to the public sewer in the street. This could be an existing line that has been inspected and repaired if necessary, or it could be a single new code-compliant sewer line. The separate sewer lines on the parcel coming from the house and the ADU should combine into one sewer line at the property line. The City should still charge and collect the connection fees and capacity charges for the ADU.

If you have any questions about my comments, I'm happy to answer them. Thank you for your hard work in bring the Zoning Code updates to this point, and I look forward to working successfully with the City on many future projects.

Sincerely,

Joel Dickerson, P.E.
Principal Engineer

joel@madrone.engineering

1485 MAIN STREET, SUITE 302 - ST. HELENA, CALIFORNIA 94574
707-302-6280 TELE



August 14, 2023

Sent via email to: MDeRosa@cityofsthenela.org

RE: August 2023 Zoning Ordinance Update

Dear Director DeRosa,

Thank you for the opportunity to comment on the St. Helena Draft Zoning Ordinance Update. The draft update is mindfully written and provides a great roadmap for a well-designed urban environment. In accordance with recent changes to state law, you and your team have made great progress towards establishing clear and measurable design standards for new development.

For the most part the proposed regulations show flexibility for rowhouses (please refer to §17.16.040) but the Development Standards (§17.16.030) are primarily written for single family homes. Although row houses, townhomes, duplex, triplex, and multi-family typologies are encouraged by the Housing Element and in general the Zoning Ordinance the objective development standards (§17.16.030) are only specific for single family homes. I suggest considering adding columns for small lot subdivisions and rowhome/townhome/duplex & triplex developments, and then another one for multi-family (more than 4 units) or making it clear that this section is only for single family developments.

The Small Lot Subdivision Standards (§17.16.040) provide the concessions needed to achieve the desirable density and good design. However, it appears to be a via a discretionary Conditional Use Permit process, this defeats the purpose of providing clear and measurable design standards and the intent of Assembly Bill 803 which is to provide objective rather than subjective and discretionary standards for small lot subdivisions. I suggest removing the discretionary use permit process and providing clear and measurable standards for all types of home development.

In my experience, I have found that workforce housing, a much-needed housing typology in St. Helena is best provided by a rental versus a for sale product. For instance, it is difficult to enforce orderly upkeep of a deed restricted home ownership unit versus a rental unit which is required to have proper property management. To encourage the construction of housing, and to follow the policies in Section 17.30.030, any housing project will need to provide 20% of the project towards affordable housing and a commercial project will need to provide applicable workforce housing. I suggest providing flexibility and allowing rental housing rather than for sale affordable housing as it is better for the community to have proper project management. Furthermore, professional affordable housing construction and management companies prefer consolidated units and therefore I suggest continuing the provision to allow construction of consolidated rental affordable housing that is properly managed rather than for sale units that are inter dispersed with market rate units.

Thank you for considering my comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "KShelton", with a stylized flourish at the end.

Kirsty L. Shelton

August 14, 2023

Sent via email to MDeRosa@cityofstheleena.org

Dear Director DeRosa,

I am a local architect who prides themselves on unique well-designed projects with a strong background in sustainability. I am the architect for the Castellucci family and have been working on designing some exquisite projects for the City of St. Helena. To maintain the upscale high quality design standards that St. Helena has been known for over the years I would like to propose a few revisions.

Section 17.17.030

- (1) Floor area per use of 10,000 sf shall exclude hotels approved by Conditional Use Permit.
- (2) Floor area of 10,000 sf for each building shall exempt hotels approved by Conditional Use Permit;
- (3) For areas within the commercial core of Main Street the total height shall be 46 feet.
- (4) The exception for roof top bars in CB zoning shall allow for roof top uses so it isn't limited to an alcoholic bar.

Since parcels in St. Helena are few in number taking into consideration all types of housing is vital in achieving a variety of successful future project.

Section 17.16.040

2. Required Second Story Step-backs in the LR and MR Districts. Second stories, in both new construction and additions, must be stepped back eight feet from the ground floor front façade, unless the front elevation has a porch a minimum of six feet deep that extends 70 percent or more of the width of the front elevation, excluding a garage, *and entry door with landing.*

1. The above section seems very formulaic. Would it make more sense to require varied setbacks from the first to second floors and allow creativity in the designs. I suggest language that is either prescriptive to the letter the above or performative solutions that could be approved at a staff level. The edit above takes into consideration of an entry door or stoop.

3. Building Orientation.

b. Windows, balconies, and decks must be placed a minimum of 12 feet measured horizontally from the windows of existing residences (on-site or offsite). *Unless a common wall or zero lot line is used a screened wall shall be required.*

2. The above appears to be primarily for single family residence. It would be better to require visual and auditory privacy between homes by means of placement or screening wall to still maintain privacy but accommodate conditions where a common wall is used.

Thank you for taking these items into consideration and look forward to implementing these new design standards and shaping the broader St. Helena Community.

Best wishes,



Jarrod Denton
Owner/Partner, Signum Architecture, LLC
jarrod@signumarchitecture.com

From: TAMARA TRAEDEDER <ttraeder@comcast.net>
Sent: Monday, August 14, 2023 8:57 PM
To: Maya DeRosa <MDeRosa@cityofsthelena.org>
Subject: [External] Proposed zoning regulations related to historic overlay district

Dear Ms. DeRosa,

Thank you for meeting with me to discuss questions I have about the proposed historic overlay district. I appreciate your responses, but continue to have concerns about these regulations. For instance, as we discussed, I am concerned about the lack of evidence supporting my property being listed on the historic properties list, and further, if the provisions related to the overlay district are passed, that I will be required to bear the expense of hiring a "qualified architectural historian" proving that the property is erroneously included. The only indication of the historical significance of my property on previous historic inventories is that it is of "Greek Revival" design and likely built in 1885, which we both agree is inaccurate. Many of the properties listed have no justification listed at all. I suggest that there be developed an updated list of properties that are included in the historic overlay, with meaningful justification for each listing. This would allow the community to have an accurate and meaningful list, and serve the purpose of allowing those with truly historic properties to understand what is important to preserve. Having my home listed as a Greek Revival home, when it is not, does not inform me what features or historical significance justifies its inclusion on the historical inventory, and puts the financial burden on me, as the property owner, to determine the property's historical value, if any.

Additionally, I continue to posit that imposing new zoning regulations interferes with my property rights, reduces the value of my property without compensation and constitutes an unlawful taking. I do not see any enhanced value of owning a structure that has more restrictions on its design than those around it. I also continue to be concerned that these regulations will result in an obligation to maintain non-habitable buildings on a property simply because they are old, and interfere with possible construction of needed housing (in the form of ADUs).

I respectfully submit my comments via this email, as I will not be able to attend the City Council meeting tomorrow due to work commitments.

Best regards,
Tamara Traeder
834 Pope St.



BLUE ZONES PROJECT

August 15, 2023

City of St. Helena Planning Commission
1088 College Avenue
St. Helena, CA 94574

Dear Planning Commissioners,

Blue Zones Project Upper Napa Valley would like to express support for the City of St. Helena's comprehensive zoning code update. This update presents the city with an opportunity create a more livable community for all residents.

Blue Zones Project supports changes and enhancements to the community's built environment, which can be accomplished by revising zoning codes to create the type of community that residents envision. Adopting best practices in the city's zoning codes can foster a more walkable and bikeable city, support affordable housing, and create a city where innovative businesses thrive.

In closing, we encourage the commission to adopt proven built environment best practices, prioritizing modes of active transportation and livable community development to align with the long-term needs and goals of the entire community.

In health,



Joaquin E. Razo
Executive Director



Kelly Bond
Kelly Bond
Public Policy Advocate

1422 Main Street
St. Helena, CA 94574

POWERED BY:



Xinia Gamero

From: Maya DeRosa
Sent: Tuesday, August 15, 2023 1:58 PM
To: Xinia Gamero
Subject: FW: [External] Revised Zoning Ordinance

Please post to public comment.

MAYA DEROSA, AICP
COMMUNITY DEVELOPMENT DIRECTOR
City of St. Helena | Community Development Department
1088 College Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofstheleena.org | <http://cityofstheleena.org/planning>



From: Polly Ogden <polly@pollyogden.com>
Sent: Tuesday, August 15, 2023 1:55 PM
To: Maya DeRosa <MDeRosa@cityofstheleena.org>; 'Roger Eastman' <roger@lisawiseconsulting.com>
Subject: [External] Revised Zoning Ordinance

Hi Maya and Roger,

I plan to make the meeting this evening, but might be held up with another issue that could keep from doing so. If I don't get there to say this publicly, I want to thank you for all your hard work, your openness to the suggestions you received and your ability to hear criticism along the way. I am hopeful that the new document will serve the City well. I can foresee the possible need of minor changes along the way, as nothing is ever entirely perfect, and hope there is room for discovery and change, should that be the case.

Best,
Polly

--
Polly Ogden
Polly Ogden Associates
Design and Construction

Phone: 707.963.7999
Cell: 707.363.7247
Email: polly@pollyogden.com

RE: SH CODE UPDATE DRAFT
Some critical concerns:

15 Aug 2023

- Historic Overlay...In its current state both the map and the requirements are inconsistent, erratic and wildly inaccurate. I believe that until it can be clearly demonstrated that the process to include/opt out and the effects of that inclusion are clarified, this section of the update should be pulled aside and delayed until such time as the needed resources can be supplied to execute it properly. As it stands it is an affront to property rights and also does not serve to protect or foster the preservation of our valuable historic resources.

- Story Poles See section 17.05.070 section D.3

3. The Community Development Director may, on a case-by-case basis, require the applicant to erect story poles on the project site to illustrate the height and or scale of a two story (or more) proposal, particularly when there are adjacent neighboring structures.

- Inclusion of this section requires deep consideration and discussion. No place in current or proposed code is any "view" from any lot protected by anything more than the envelope limits (setbacks/massing/allowed square footage). It is critically important for any property owner or SH citizen to understand that they are not entitled to a view across their neighbor and have no legal right to control or effect that view beyond the assurance that the allowed Code envelop defines and provides. Inclusion of this section is a fundamental usurpation of property rights and will only engender and inflame the unsupported impression that one neighbor's right to the enjoyment of their property carries more weight than any other neighbor. It empowers the arbitrary and unequal application of a burdensome requirement based upon a right that is unfounded within Code.

- Required additional Water and Sewer hook ups for ADUs and JADUs...and Cost see separate paragraph.
- "Design Standards"see separate paragraph.

- See section 17.16.030.B and also Table C:
Footnote 4 and footnote 5 are in conflict and will cause confusion.

footnote 4: Max building gross area (all floors) for single family residences including accessory buildings is as follows:

Footnote 5: exclude 200 sf for covered parking/garage/accessory building

Footnote 5 sub section a. Superseding State law allows an ADU sf exemption of up to 800 sf and a JADU exemption of up to 500 sf. Also ADU's and JADU's are exempt from impact fees up to 750 sf for and ADU and up to 500 sf for a JADU (can be on same property). Believe updated Code should reflect these.

- Table 17.16.030.C is titled "Primary Building Footprint Standards" Note that footprint is no longer the methodology used to set limit on allowed buildable square footage. "Footprint" implies multiple floors. This will cause confusion.

I appreciate your consideration. Call text or email with any questions.

Sincerely, Daniel Hale

Understanding how Code impacts the true co\$t of housing?

- ADUs are an **affordable** type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators.
- ADUs can provide a **source of income** for homeowners.
- ADUs are built with **cost-effective wood frame construction**, which is significantly less costly than homes in new multifamily infill buildings.
- ADUs allow **extended families** to be near one another while maintaining **privacy**.
- ADUs can provide as much **living space** as many newly-built apartments and condominiums, and they're suited well for couples, small families, friends, young people, and seniors.
- ADUs give homeowners the **flexibility** to share independent living areas with family members and others, allowing seniors to age in place as they require more care.

•Do you believe that ADUs are somehow only “legitimate” if they are rented? If so, that approach ignores many powerful and productive uses.

•Does a “converted” ADU perform somehow differently than one that is built in “unbuilt” space?

•Is there such thing as a sewer meter?

•City of St Helena now requires a separate water and sewer hook up for all but converted ADU's

•Are you aware that City of St Helena's approach adds anywhere from \$40,000-\$60,000 to the cost of creating an ADU or JADU? Not including the newly created eternally ongoing Water and sewer service fee? All the while these desperately needed units do not use any more water or sewer.

•Has anyone considered the cost/strain upon our infrastructure of added perforation to both our water and sewer lines (up to 3 per lot)? + up to 3 back flow devices and required annual inspection/fee?

•That is a purposeful and recently recalibrated choice that seems both arbitrary and counterproductive to addressing our very real workforce housing needs.

•This impacts individual property owners looking to furnish a space for an in law, family member or care giver. and also eliminate an opportunity to keep your home by renting the main house and moving to a more manageable and smaller ADU unit. It also effects many of the current projects in the pipeline by OTSH (Our Town St Helena). Increasing the cost of each and every unit we produce and, in the end, will only serve to produce fewer units.

•Both current and proposed draft code continues with this approach without discussion or consideration by Planning Director or, up to now, City leaders.

•See section 17.22.030 sub sections E7 Deed restrictions, E8 Income reporting, G2 water sewer hook up requirements

I do not believe we can afford to continue to be both ignorant and ambivalent to the causes and effects of Zoning Code on our ability to create needed housing and how the pieces of code when applied have very real effects. Now is the time to take the time to understand ... AND act.

Thank you for your consideration.

Sincerely ,

Daniel Hale

brutalization of architecture...

I do not doubt that aesthetics is a challenging topic for many. While we have long clung to the axiom that “beauty is in the eye of the beholder” there is also a reliable counter force that attempts to produce cold, hard, objective, unfeeling, soul-less mathematical strictures about the buildings “we are supposed to live and work in”. I believe that successful Code is an attempt to create a balanced and reasonable framework that yes shapes and defines the environment that we want to see but also cherishes and supports and protects the critical principles of creative and personal expression, local individual character and secures and also defines property rights...for all. It should define in a clear and practically applicable manner the limits and envelopes of a building but should also allow for the expression of the spirit of the time and place in which you/we currently live. I do not believe we seek to live in a museum piece or a stage set. Those towns do exist and can be interesting exhibits to visit but nobody pretends to actually live or much less thrive there any longer. I believe we live somewhere along the expanse of a beautiful and evolving and as yet not defined tapestry. I do not believe we should make any excuses for that. One of the defining and powerful characteristics of St Helena is its eclectic nature. That nature was built over time and is informed by and reflects that history...All of which was built without “design standards”. I do not believe there is a mandate to create design standards that can only serve to homogenize and dampen the very character that we cherish. I believe they should be eliminated from the updated draft.

Sincerely,

Daniel Hale

Xinia Gamero

From: Steve Tradewell <STradewell@napavintners.com>
Sent: Tuesday, August 15, 2023 3:36 PM
To: Public Comment
Cc: Maya DeRosa
Subject: [External] Comment to Planning Commission/City Council re: Proposed Historic Preservation Overlay

Dear Planning Commission,

We are the property owners of 1451 Library Lane – which is listed on the map of the proposed Historic Preservation Overlay. This proposed change in Zoning Code and Map has only recently come to our attention as we have received no written correspondence or notice about these proposed changes. In light of this, we request that the adoption of and our property's listing in the overlay be postponed so that we can better understand the potential impact of these changes and provide meaningful comment.

We appreciate your consideration.

Steve Tradewell
Chief Financial Officer
Napa Valley Vintners
1475 Library Lane
St. Helena CA 94574

STEVE TRADEWELL

Chief Financial Officer | **Napa Valley Vintners**
707.968.4216 | [facebook](#) / [twitter](#) / [instagram](#)

It's time for #SummerSipping in #NapaValley!