



**City of St. Helena
Special Planning Commission
Special Meeting
Tuesday, December 16, 2025 @ 4:30 PM
Vintage Hall Board Room - Second Floor
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/>.

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1. PLEDGE OF ALLEGIANCE
2. CALL TO ORDER AND ROLL CALL
Chair: Chris Warner
Vice Chair: Sue Furdek
Commissioners: Autumn Anderson, Hector Lopez, and Michelle Covell

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

3. PUBLIC FORUM:
Under California law, public comments at special meetings are limited to subjects on the agenda only. Therefore public comment will take place during consideration of the item. Each person's comments shall be limited to 4 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: December 2, 2025

5 - 8

[Planning Commission Minutes 12.02.25](#)

5. PUBLIC HEARINGS

6. NEW BUSINESS

6.1. Comprehensive Zoning Code Study Session Post 2023 Adoption

9 - 120

CEQA Determination: Not a CEQA project

Prepared By: Maya DeRosa, Community Development Director

Recommendation:

Receive staff report, as well as Planning Commission and public comment.

[PC - Comprehensive Zoning Code Study Session Post 2023 Adoption - Pdf](#)

[1. Public Comment Stephenson](#)

[2. Public Comment Crimmins](#)

[3. Public Comment Hale](#)

[4. Public Comment Hale\(2\)](#)

[5. Public Comment Parke](#)

[6. Public Comment Leong \(Received at Meeting\)](#)

[7. Public Comment Hale\(3\) \(Received Post Meeting\)](#)

7. SCHEDULED MATTERS

8. DEPARTMENT REPORTS

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

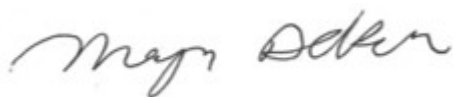
9. AGENDA FORCAST

Attached is a summary document of pending projects and up coming and items of priority and interest that will be placed on future agendas. 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.

10. ADJOURNMENT

The next Regular Planning Commission meeting is scheduled for January 20, 2026 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 December 8, 2025.



Maya DeRosa, Community Development 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 17.12.020, 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 1088 College Avenue, 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://cityofsthehena.org> and will be available for public review at the respective meeting.

MINUTES
City of St. Helena
Planning Commission Meeting
Tuesday, December 2, 2025 @ 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 Christopher Warner, Commissioner Autumn Anderson, Commissioner Hector Lopez, and Commissioner Michelle Covell

Absent: Vice-Chair Sue Furdek

Staff Present: Maya DeRosa, Community Development Director, Mike Januisek, Contract Planner, Joe Leach, Director of Public Works, Eric Janzen, Assistant Director of Public Works, Todd Leishman, City Attorney (via zoom), Sarah Owsowitz, City Attorney, and Xinia Gamero, Planning Commission Secretary

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. PUBLIC FORUM:

Wayne Leong addressed the Planning Commission.

4. CONSENT ITEMS

4.1 Approval of Minutes: November 4, 2025

Commissioner Michelle Covell moved to approve the Minutes of November 4, 2025. The motion was seconded by Commissioner Autumn Anderson and on roll call carried by the following vote:

AYES: Christopher Warner, Autumn Anderson, and Michelle Covell

NOES: None

ABSENT: Sue Furdek

ABSTAIN: None

RECUSE: Hector Lopez

5. PUBLIC HEARINGS

5.1 Request by City Ventures, LLC for a Vesting Tentative Subdivision Map to subdivide three existing parcels totaling 2.53 acres into 42 lots, 41 for condominium purposes, one lot for common areas to be owned by the future homeowners' association, and one 0.1-acre lettered lot, Parcel A, to contain the riparian corridor not for development. The project site contains three

existing single-family residences located at 1447, 1505, and 1515 Spring Street, respectively, which are proposed for demolition under the Demolition Permit, subject to review and approval by the Planning Commission. The two applications currently before the Planning Commission for review are a Vesting Tentative Subdivision Map and Demolition Permit.

Minor Design Review of the project architecture, landscaping, and site improvements for the proposed 41 townhomes has been ministerially approved by the Community Development Director (Attachment 6).

Prepared By: Mike Janusek, Contract Planner

Commissioner Covell disclosed ex parte communication, stating that she met with the applicant to discuss the project. She also met with the Community Development Director, Contract Planner, and City Attorney to review the application.

Community Development Director Maya DeRosa introduced Contract Planner Mike Janusek.

Contract Planner Mike Janusek shared a presentation and reported on the item.

Commissioner Covell, Chair Warner and Commissioner Anderson directed questions for staff. Contract Planner Mike Janusek responded.

Chair Warner opened public comment.

Kelso Barnett, applicant, showed a presentation and reported on the item.

Wayne Leong, resident, provided public comment documents to the Planning Commission, including a personal letter of opposition, a letter of opposition from residents, and a list of collected signatures from local residents.

Kathyrn Lazar, Patt Friday, Chris Howell, John Muller, Clark McCornack, Wayne Leong, Dan Hale, Mary Stephenson addressed the Planning Commission.

Chair Warner closed public comment.

Contract Planner Janusek, Director of Public Works Joe Leach, Assistant Public Works Director Eric Janzen, and Fire Inspector Alec Vidler, addressed the Planning Commission.

Applicant, Kelso Barnett addressed the Planning Commission.

Commissioner Autumn Anderson moved to recommend that City Council adopt the attached Resolution (Staff Report, Attachment 1), pursuant to a statutory

exemption under PRC 21080.66, for approval of the requested Vesting Tentative Map No. TSM25-001, File #PL24-065 for the Spring Grove Project. The motion was seconded by Commissioner Hector Lopez and on roll call carried by the following vote:

AYES: Christopher Warner, Autumn Anderson, Hector Lopez, and Michelle Covell

NOES: None

ABSENT: Sue Furdek

ABSTAIN: None

RECUSE: None

Commissioner Autumn Anderson moved to adopt the attached Resolution (Staff Report, Attachment 2) approving the Demolition Permit (DP25-002) for the existing single-family homes located at 1447, 1505, and 1515 Spring Street, pursuant to a statutory exemption under PRC 21080.66. The motion was seconded by Commissioner Hector Lopez and on roll call carried by the following vote:

AYES: Christopher Warner, Autumn Anderson, Hector Lopez, and Michelle Covell

NOES: None

ABSENT: Sue Furdek

ABSTAIN: None

RECUSE: None

At 9:02 p.m. Chair Christopher Warner moved to extend the meeting until 9:20 p.m. The motion was seconded by Commissioner Michelle Covell and on roll call carried by the following vote:

AYES: Christopher Warner, Autumn Anderson, Hector Lopez, and Michelle Covell

NOES: None

ABSENT: Sue Furdek

ABSTAIN: None

RECUSE: None

6. SCHEDULED MATTERS

7. DEPARTMENT REPORTS

Community Development Director reported on the following:

- Welcoming Commissioner Lopez back to the Commission after his temporary absence.
- A Study Session of the Planning Commission scheduled for December 16 at 4:30 p.m.
- Cancellation of the January 6, 2026 Planning Commission meeting. The

Commission will reconvene on January 20, 2026 with several public hearing items.

Chair Warner suggested that staff review all public comments received for the Zoning Code Update since 2023 for discussion during the Study Session. He recommended that the discussion reference the goals and objectives established for the Zoning Code Update and that sufficient time is provided for thorough review and discussion.

8. AGENDA FORCAST

Commissioner Covell discussed topics that she would like to have brought forward for inclusion on future agendas. No action was taken

9. ADJOURNMENT

Chair Warner adjourned the meeting at **9:18 p.m.**

The December 2, 2025 minutes were approved at the _____ Planning Commission meeting.

APPROVED:

ATTEST:

Christopher Warner, Chair
Planning Commission

Maya DeRosa, AICP
Community Development Director



PLANNING COMMISSION REPORT

Planning Commission Meeting of December 16, 2025

SUBJECT: Comprehensive Zoning Code Study Session Post 2023 Adoption

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

BACKGROUND

In January of 2020, the City initiated a comprehensive zoning code update and selected the firm of Lisa Wise Consulting to lead the update. 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 included which shaped the objectives of the code update:

- 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.

Overall key objectives of this work effort included a more user-friendly code, clear standards, 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. (Attachment 1) 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.

In total the Comprehensive Zoning Code update was a three year process, which included a zoning code subcommittee, stakeholder meetings, multiple joint Planning Commission and City Council study sessions, and formal public hearings, the code was adopted by the City Council on October 23, 2023. The errata sheet noted that over 400 public comments had been received and responded to during the three year process. The full staff report and errata sheet compiled for the City Council adoption hearing can be viewed at the link below.

<https://sthelena.civicweb.net/document/185889/Second%20Reading%20Zoning%20Code%20Update%20Adoption.pdf?handle=2DADE0AE683F4067B9C6503F19546428>

At the adoption hearing in 2023, the Planning Commission requested that staff return after a year of implementation to give feedback on how the new code is working. This study session on December 16th will fulfill that request. The intent of the study session is to inform strengths and weakness of the code but not to initiate a new comprehensive zoning update.

Since the adoption of the new code, staff has maintained a tracking sheet of areas of the zoning code that should be considered as part of a future zoning ordinance amendment (Attachment 2). There have been a total of five zoning ordinance amendments that have been presented to the City Council since the code adoption and those topic areas include:

- Housing Impact Fees
- Vision Triangle
- ADU ordinance update
- Covered porches
- Short Term Rental Enforcement

At the time of publishing this staff report, there is one zoning ordinance amendment pending an adoption hearing by City Council which involves an amendment to the alcohol ordinance and the correction to the development standards table.

Additionally, in November, the Governor signed four new ADU law changes (Attachment 3) that will be effective January 1, 2026 and the City Attorney is working on updates to the ADU ordinance which are anticipated to be considered by the Planning Commission in early 2026, followed by adoption by the City Council.

ANALYSIS

What is working with new code:

- Streamlined review (no Planning Commission) for businesses and property owners via Minor Design Review and Minor Use Permit
- Use and standards Table Format makes it easy to compare uses and standards across multiple zoning districts
- Removed CUP requirement for multi-family and City recently issued first approval for a by right affordable housing project
- Clear standards for bicycle parking and EV charger requirements
- Table 17.03.030(A) of Approval Authorities makes it clear who is decisionmaking authority for various types of permits/applications
- Parking Exemption District Overlay in downtown has removed barriers for new businesses opening
- Reduced parking requirements for multi-family allows more of parcel to be utilized for housing purposes
- Creation of Minor Modification creates administrative relief from standards in code
- Privacy standards created for window placement on new construction
- Added minimum setback from abutting waterways to development standards to protect natural habitats
- Significantly reduced allowable building area in the A-20 district to avoid oversized homes in primarily agricultural areas
- TUP process continues to be an economic development driver activating vacant spaces without the need for a formal CUP initially.
- Design standards give staff objective criteria for review and decision/recommendation making

What is not working with new code:

- Chapter 17.27 Sign code: many new parts to navigate and check for compliance
- SHMC 17. 22.250 D : Special Events part of Temporary Use Permit has loophole regarding frequency of events that could have unintended consequences turning many properties into part time event centers. Considering the challenges with the 2500 Spring Mountain Bocelli event, limitations should also be added to not allow large events in areas with restricted access/high fire hazard area.
- SHMC 17.18.040 Industrial District Design Standards: Standards have been tested on two projects thus far and feel particularly stringent given the types of uses we typically see there. Design standards are largely the same as Business Professional Office zone despite very different use-types. It may be worth revisiting whether the level of detail is appropriate for an industrial zone, or if some flexibility is needed to better support the types of structures and operations in the district. The recessed entry and screening requirements have specifically come up.

- Please also refer to full working list of potential code amendments in Attachment 2

Discussion of Areas where the code could have more clarity:

- SHMC 17.24.030 A(1): The list of what qualifies as an “architectural feature” that may encroach into a setback could have more specificity. We are having projects with full facades with no other feature but a normal window request be considered an architectural feature. The encroachment rules and the FAR rules seem meant to cover the same types of building projections, but they use different terms and don’t line up. One section talks about “architectural features,” another uses “architectural projections” FAR rules list different types of projections and different conditions for excluding them. Recommend defining architectural feature and use in both sections.
- SHMC 17.34.010 “Measuring Fractions” : Recommend that when calculating density, any fraction requires it be rounded to the next whole number (Instead of current rule where we only round up if fraction is .5 or greater)
- SHMC 17.16.040 (Design Standards) Roof Forms: There are no roof form objective standards. Staff is seeing proposed roof forms that don’t relate to the existing structure. A simple objective standard (e.g., “new roofs should be consistent in pitch and orientation with the primary structure”) would help.

Requests from businesses:

- Amend CB zone to allow for outdoor storage with a CUP (currently not allowed)
- Request from a winery in the I District to allow Tasting Rooms with a CUP. Asking for consideration because with industry slow down, wineries are trying to look at all methods of growing their offerings/revenue.
- The Culinary Institute of America (CIA) desires to provide more dorms however the zoning code does not recognize this land use or “student housing”. This could be added to the zoning code requiring a CUP or alternatively CIA could explore the possibility of a Planned Development Overlay (PD) which allows for uses and standards which meet the unique needs of a property outside the current base zoning.

Future City Council Policy Discussion:

- During the zoning code adoption hearings in 2023, the Planning Commission noted an area for future policy discussion is that the City should not allow ADUs to be considered to count towards minimum density because ADUs in St. Helena are not truly solving the housing crisis even though we get RHNA credit for them.
- SHMC 17.17.020A : Commercial Use Regulations Table. The footnote that prohibits drive-throughs only applies to full-service restaurants. In light of the A&W site and discussions with pending new operator, staff has been asked to

interpret whether the drive through is still permitted. Some policy questions to consider:

- Should the prohibition on drive throughs be not just for full-service restaurants but for all food-related uses?
- If a grocery store or limited counter-service use wants to operate a drive-through it appears this is currently allowed in the code. Should there be consideration of a future code amendment to fully prohibit drive through uses given it seems incongruent with the small town character of St. Helena ?

Next Steps

As noted in Attachment 2, Future Zoning Amendments matrix, staff has already started a redline draft ordinance for the items in the matrix with a red "x". The rest of the items were more recently noted for consideration of a future ZOA and a redline ordinance has not yet been prepared for those entries.

Staff plans to bring the feedback from this study session to the City Council and get their final confirmation on moving forward with the amendments, as well as the requests from the businesses and policy areas.

STAFF RECOMMENDATION

Receive staff report, as well as Planning Commission and public comment.

ATTACHMENTS

[Attachment 1-LWC St Helena Recommendations Memo revised 081220](#)

[Attachment 2-Future ZOAs List v5 final](#)

[Attachment 3-Governor Newsom Signs Four New Accessory Dwelling Unit Bills](#)



Recommendations Memo and Annotated Outline

June 2020 DRAFT

Revised June 26, 2020

Prepared for:

City of St. Helena
1572 Railroad Avenue
St. Helena, CA 94574

Prepared by:



Lisa Wise Consulting, Inc.
983 Osos Street
San Luis Obispo, CA 93401

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1 Introduction

The City of St. Helena completed a comprehensive update to its General Plan in June 2019. This created an obligation and opportunity to update the Zoning Code to ensure that the Code supports the type of development that will carry out the General Plan's vision. One of the primary tools a city has for implementation of its General Plan, a Zoning Code translates the policies of a General Plan into parcel-specific regulations, including land use regulations and development standards. The type and intensity of land uses that are permitted and how they perform will be critical to achieving the General Plan's vision for neighborhood preservation and enhancement, economic development, environmental sustainability, and community health.

The Project

The Zoning Update will replace the City's Zoning ordinance (Chapter 17 of the City's Municipal Code) and repurpose it as a more effective tool to support the kind of development that St. Helena wants. The objective of the Code update is to produce a user-friendly set of regulations that provide clear direction about the City's expectations and to facilitate development of quality projects by tailoring standards to specific areas of the city, making standards clear and effective, streamlining review processes, and incorporating flexibility to adapt to specific circumstances. This memo reviews the effectiveness of the existing Code and identifies a set of recommendations to be considered by the City for the Code Update.

What is Zoning?

While the General Plan sets forth a wide-ranging and long-term vision for the City, the Zoning Code specifies how each individual property can be used to achieve those objectives. Zoning is the body of rules and regulations that limit and shape what is built on the ground, as well as what uses occupy buildings and sites. It determines the form and character of development, such as the size and height of buildings, and also includes provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a "good neighbor."

What Zoning Can Do

Zoning codes are used to implement the community goals expressed in the General Plan. Zoning codes include the following:

- ✔ **Development and Design Standards.** Development codes reflect the desired physical character of the community in a set of development and design standards that control the height and bulk of buildings, street frontage and architectural character, location of parking and driveways, "buffering" of uses, and landscape needs.
- ✔ **Use Regulations.** Development codes specify which uses are permitted, which uses are required to meet specified standards or limitations, and which uses are prohibited. In this way,

the development codes determine the appropriate mix of compatible uses, as well as how intense these uses can be.

- ✔ **Performance Standards.** Development codes often include standards that control the “performance” of uses to ensure land use compatibility between new and existing neighborhoods or uses. Performance standards address items such as noise, glare, vibration, and odors.
- ✔ **Predictability.** The use regulations and development standards established in development codes provide neighbors with assurance of which land uses are permitted and the scale to which they may be developed. Developers benefit from knowing exactly what can be done. City staff benefits too, since the need for case-by-case discretionary review of development applications is reduced.

What Zoning Cannot Do

There are things that zoning cannot do since it is limited in some respects by State law and legal precedent. However, issues not addressed in zoning are usually addressed by other planning tools, such as specific plans and design guidelines. Zoning will not do the following:

- ✘ **Dictate Architectural Style.** Although development codes can improve the overall physical character and design of the community, they must present objective, quantifiable criteria when it comes to design. Architectural style is usually addressed in specific plans and design guidelines adopted separately.
- ✘ **Regulate Free Market.** Development codes cannot create a market for new development. For example, it cannot determine the exact mix of tenants in a private development. It can, however, create opportunities in the real estate market by removing barriers and offering incentives for desirable uses.
- ✘ **Establish Land Use Policy.** Development codes are a tool for implementing land use policy, not setting it. As such, development codes are not the appropriate means for planning analysis or detailed study. Development codes take direction from the General Plan.

Why Update the Code?

A well-written and easily implementable zoning ordinance will enable property owners and developers to remodel or build new projects that meet the City’s stated goals and objectives. The St. Helena Zoning Code was last comprehensively decades ago. It has been amended numerous times, leading to internal inconsistencies; does not reflect all recent laws; and lacks clarity and specificity in several sections. While it has generally worked well over the years, as land use patterns diversify and modernize, the regulations can sometimes hinder new objectives and economic development, particularly in areas that necessitate more context-sensitive applications. Additionally, continuing to implement the General Plan through individual amendments to the Zoning Code may result in a Code whose length, complexity and organization will be a constant source of frustration for users.

Policy and Research Framework

Aside from the Zoning Code itself, key sources that contribute to the existing policy and regulatory framework and that will inform the update include:

The General Plan

The 2019 St. Helena General Plan Update represents the basic policy direction of the City of St. Helena regarding community values, ideals, and aspirations to govern a shared environment through 2040. It provides a vision for the future, establishes a framework for how the city should grow and change over the next two decades, and addresses all aspects of development including land use and growth management, economic sustainability, historic resources, and community design, among other topics. It emphasizes retaining and enhancing the St. Helena's small-town characteristics, strengthening the Downtown, providing options for mobility, and promoting an active, healthy, and sustainable community life. The General Plan was adopted to be a living document and cognizant of future general plan amendments and further map changes with the adoption of the Zoning Ordinance for consistency. The Zoning Code should clearly communicate and effectively implement the Plan's policies. Key policies that will lead the Code Update effort are listed in Appendix C.

2015-2023 Housing Element

The Housing Element establishes a comprehensive plan to address housing needs in St. Helena over the eight-year planning period between January 31, 2015 and January 31, 2023. The Housing Element sets the community goals and policies for the development, rehabilitation, and preservation of housing units. The Housing Element includes a review of current demographic and economic trends, housing market conditions, special housing needs, constraints, and a site inventory and analysis for a variety of housing types. It also articulates policies for the development of housing throughout the city. Key housing Element policies that will inform the Code Update effort are listed in Appendix C. The City will initiate an update of the Housing Element later this year for the June 30, 2022, to December 15, 2030, planning period. The Zoning Code Update will reflect all required regulatory housing legislation related to zoning including limiting barriers to affordable housing.

Highway 29 Specific Plan

The 2005 Highway 29 Specific Plan establishes objectives and actions to implement the 1993 General Plan for properties generally located south of Sulphur Creek, along the east and west sides of South Main Street (State Highway 29) and north of Grayson Avenue (west side of Highway 29) and Dowdell Lane (east side of Highway 29). The Specific Plan establishes that development standards for buildings in the Plan areas are to be consistent with the Zoning Code; however, the Specific Plan also establishes design guidelines related to site design, character and scale; building design; walls and fencing; signs; landscaping; parking and loading; and lighting. No amendments to the Highway 29 Specific Plan is proposed as part of the Zoning Code Update.

St. Helena Housing and Community Report

The 2018 St Helena Housing and Community Report, or white paper, identifies and analyzes a range of factors that contribute to St. Helena's housing challenges. Some of the challenges identified are regulatory, such as barriers to density, unpredictability of the design review process, and the lasting effects of growth control measures. Others are legal, fiscal, or reflective of larger trends. Informed in

part by peer communities' experiences in meeting housing challenges, the paper presents strategies to maintain, sustain and improve access to housing through mechanisms for raising funds, lowering housing costs, and promoting housing production. Mechanisms include incentives to stimulate housing production, supporting a wider range of housing types, promoting infill, and the establishment of an overlay, specific plan, or mixed-use zoning district.

Downtown Retail Market Analysis

The 2018 Downtown Market Retail Analysis was prepared to evaluate Downtown St. Helena's retail viability compared to neighboring jurisdictions and Napa County. The study was conducted in response to significant vacancies and a desire for more vibrancy Downtown. The study found an "anti-business" reputation and recommended community events and experiences, high-image "formula" businesses, improvements to the streetscape, more parking, a more streamlined permitting process, mixed-use and hotel development near Main Street, and higher densities.

Community Outreach

Stakeholder Interviews

As the first step in community outreach, LWC conducted a series of one-on-one and small-group stakeholder interviews between February 19 and March 4, 2020. A total of 33 individuals were interviewed at the Carnegie Library or over the phone. Interviewees included local businessowners, architects, civic leaders, developers, and appointed and elected officials. The interviews were the first step in understanding the range of issues to be addressed during the Zoning Code update, with the goal of gathering insight and perspective from a variety of code-users and decision-makers.

At the interviews, stakeholders discussed the need for more creative housing types, density and strategic infill; observations about new residential rebuilds that are out of context with neighborhood scale and mass; the need for a reduction in allowable floor area ratio (FAR); the lack of clarity in design review findings; and the overly restrictive list of uses permitted in the Downtown.

Joint City Council/Planning Commission Study Session and Follow-Up Questions

At a May 5, 2020 joint study session of the Planning Commission and City Council, the team presented the project objectives, project schedule and a review of the stakeholder input. Decisions-makers offered input on future outreach efforts and priorities for the Code. Shortly after the meeting, staff emailed a short list of follow-up questions to ensure that all decisions-makers had the opportunity to express their views on the project direction. Questions topics included streamlined project review and permitting, non-conformities, and residential densities.

The recommendations discussed in chapters 2 through 7 of this memo reflect the stakeholder input, input from the May 5 PC/CC study session, and responses to the emailed follow-up questions.

This Paper

This working paper summarizes the principal findings and conclusions of an assessment of existing regulatory tools, field reconnaissance of current development, and input from stakeholders and City

staff. The purpose of the paper is to evaluate the City's current regulatory approach and determine if there are better approaches or processes to implement the new General Plan, carry forward elements of the various policy documents, attract high quality development that meets community needs, and respond to State and federal mandates.

Evaluations and recommendations are provided in six chapters based on topical areas and are followed by three appendices:

- Chapter 2: Code Organization and Usability
- Chapter 3: Zoning Districts
- Chapter 4: Use Regulations
- Chapter 5: Development Standards
- Chapter 6: Development Review and Approval
- Chapter 7: Compliance with State and Federal Law
- Appendix A: Recommended Outline
- Appendix B: Style Guide for the Updated Code
- Appendix C: Key Policy Direction

Next Steps

This paper will be the basis for the August 24, 2020 Virtual Open House and Planning Commission study session. Direction from that event and input from City Staff will guide the recommended approach to the overall organizational structure of the new Zoning Code. Subsequent public meetings will be held for more detailed discussions on specific topics.

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2 Code Organization and Usability

The update the Zoning Code presents an opportunity to make the code more user-friendly, concise, and clear. Stakeholder interviews, held in early 2020, indicated that the overall organization works well enough but that some sections are easy to overlook and the document would benefit from illustrations and tables to help users visualize the standards and better understand the city's expectations. The document should be well-organized, easy to use and understand. This section contains general observations about the Code's existing organization, format, and usability, as well as strategies for improvement.

The Existing Code

The St. Helena Zoning Code comprises the following 50 chapters and two appendices:

- 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 Mobile home 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
- 17.116 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
- 17.140 Nonconforming Uses, Buildings, Structures, Lots and Signs
- 17.144 Affordable Housing
- 17.146 Housing Trust Fund, Housing Impact Fee and Inclusionary/In-Lieu Fee Requirements
- 17.148 Signs
- 17.152 Residential Growth Management System
- 17.156 Development Agreements
- 17.160 Condominium Conversions
- 17.164 Design Review
- 17.168 Use Permits
- 17.172 Variances
- 17.176 Reimbursement for Public Improvements
- 17.180 Small Wineries
- 17.190 Beekeeping
- 17.200 Reasonable Accommodation

APPENDIX

- I. Regulated Food and Beverage Establishments Inventory
- II. Hotels, Motels and B & B Inventory

Complexity and Clarity

The Code's 50 chapters, generally numbered in increments of four, are loosely organized in groups. Chapters for base zoning districts are consecutive but lack use tables and clarity. Standards and provisions that apply citywide generally begin with 17.112 General Site Design and Development Standards and those of an administrative nature generally begin at 17.164 Design Review but can also be found in chapter 17.08 Administrative Procedures. While the chapters of the Code are generally grouped by topic in this way, there is no organizational hierarchy to group the chapters to make the Code easier to use and navigate.

Among the various base district chapters, similar provisions are often repeated, making the Code unnecessarily long. For example, permitted uses and development standards are repeated for each district, as well as lot and development standards. Chapter 17.136 Miscellaneous Provisions, detracts from usability by combining into the same chapter standards for specific land uses (e.g. Service Stations), Site Design standards (e.g., Stream Bank Stabilization). Similarly, some of the provisions in Chapter 17.112 may be best located elsewhere in the Code. For example, Sec 17.112.090 Small Lot Development Standards may be more useful if worked into the base development standards; 17.112.150 Fractional Ownership Hotel Development and Operation Standards may be better located in the "Regulations Specific to Uses section"; and 17.112.110 Requirements for Residential

Condominium and Townhouse Dwelling Projects may be best located in Title 15 of the Municipal Code (Buildings and Construction).

The organization of the current Code also leaves definitions spread out among various chapters. For example, the definitions related to parking and loading located in Section 17.124.020 could easily be moved to the Definitions section, making the parking section shorter and all definitions easier to locate. The Code also lacks a Rules of Measurement section. An illustrated and separate rules of measurement section can help ensure that all code users can determine the way that standards should be applied in the same manner in order to arrive at the same conclusion. In addition, the City's Zoning Code uses bold colors over which the overlay hatches and boundaries can be difficult to distinguish, and some of the colors are too close to easily distinguish (e.g., HR and MR). Furthermore, the close correspondence between the General Plan Land Uses and the Zoning designations warrants the use of similar colors, to aid in clarity and ease of use.

Legibility

The existing Code does utilize tables to present certain regulatory requirements; however, table organization and layout could be improved to enhance clarity. For example, the "Development Standards" tables that list basic development standards for residential base zones would benefit from simple 2D diagrams in plan view. In addition, the tables lack borders, headings, titles. While the tables are designed to be clear as to whether each standard is a minimum or maximum, some tables could display information in a more consolidated fashion and include cross-references to other sections as appropriate. The citywide standards that appear later in the Code, addressing commonly illustrated regulations such as parking, landscaping, and signs, lack the benefit of diagrams and tables. Without clear tables and visual examples of development standards and other complex provisions, these sections present difficulties for code users and administrators in visualizing the intent of the regulations and are vulnerable to misinterpretation.

Recommendations for Improving Code Usability

There are several strategies that St. Helena could consider in drafting a Zoning Code to make it easy to use and understand. These are summarized below.

2-A LOGICAL SEQUENCE

Development codes are complex, with elements building upon, refining, supplementing, and providing exceptions to each other. They are also living documents that change over time as new amendments become law and further alter the existing regulatory framework. Due to this level of intricacy, the structure of the code should reflect the logical relationships between individual elements. Without a logically consistent organization, the intent of regulations is obscured, and users must work to understand what is required of them.

Provisions that establish base rules and regulations should be included at the beginning of each section, followed by provisions that refine or qualify them. Sections of the code given the same organizational primacy (part, chapter, section, subsection) should also have the same degree of importance and follow parallel construction with the other elements of that organizational level. In the existing code, this rule is not always followed; for example, the Administrative Procedures (Chapter 17.08) is given the same organizational importance as Beekeeping (Chapter 17.190).

2-B UTILIZE A 5-PART FORMAT

The organization of the Zoning Code should retain the most effective parts of the existing Code and reflect an organizational structure that is intuitive, easy to navigate, and seamless to the extent possible. The new Code could be divided into the following five parts to group related topics and create a clear hierarchy:

Part I: General Provisions. Includes legislative intent, authority, and severability.

Part II: Administration and Procedures. Includes all permits and procedures. Also includes code enforcement and non-conforming uses and structures.

Part III: District Regulations. Includes the establishment of all zones and the basic development standards specific to those zones. Also includes use tables.

Part IV: Citywide Standards. Includes landscaping; parking/loading; lighting and illumination; fences, walls, and screening; encroachments; affordable housing; density bonuses; signage; public art; performance standards; standards specific to uses; and any other standards applicable citywide.

Part V: Definitions and Rules of Measurement. Includes Definition of Terms and Definition of Uses by Group. Definitions of Sign Terms may also be listed separately or as part of Definition of Terms.

Within each Part, chapters, sections, and subsections should also progress from the most often referenced to the least. This organizational structure should be supplemented with improvements to the appearance of the text itself, including wider spacing, different fonts for parts, chapters, sections, subsections, and the main text, and consistent indentation.

While this paper recommends the above as a general organizing structure, the recommended contents and organization of each Part is detailed Appendix A: Annotated Outline.

2-C HIERARCHY OF IMPORTANCE AND FREQUENCY OF USE

Where appropriate, parts, chapters, and sections of the code should be organized to place the content of highest importance at the beginning. The measure of importance might be defined as the frequency with which code users need to reference each section, or the centrality that a particular standard has in the character of the City. This enhances usability, as those searching the code are more likely to find the information they need quickly and efficiently, and also communicates to users the aspects of development that the City has determined to be most central to its stated goals and policies.

2-D REMOVE AND CONSOLIDATE SECTIONS AS NEEDED

Chapters and sections that are unnecessary, obsolete, or hard to find should be deleted or moved. For example, base and overlay zones that no longer apply should be deleted; all affordable housing standards and related content can be consolidated; the various sections of Section 17.136 Miscellaneous Provisions should be located in their appropriate part of the Code; and 17.160 Condominium Conversions sections may be better located in the Subdivision Ordinance. (Other suggestions are noted above under “Complexity and Clarity”.)

PAGE HEADER

PROMINENT HEADINGS

CONSISTENT NUMBERING

TABLES

CROSS-REFERENCES

WHITE SPACE

ILLUSTRATIONS

PAGE NUMBER

Zoning Ordinance
District Regulations

19.08.050 District Standards

Table 19.08.050A: Building Placement				
Setback Distance	Front ¹ A	Corner Side ¹ B	Interior Side C	Rear D
Primary Building				
Min.	10 ft	10 ft	0 ft	10 ft
Max.	20 ft	20 ft	--	15 ft
Miscellaneous				
A building form with a chamfered corner is only allowed on corner lots and only if a corner entry is provided.				
Notes: ¹ See Section 19.16.030 for additional setback standards.				

Street

Side Street

Key for Diagram

- Lot Line
- Buildable Area
- Building Setback Line

19.08.060 Development Regulations

A. **Parking Area Landscaped Setback.** A landscaped setback at least 10 feet wide shall be provided between the parking area and the adjacent right-of-way. A minimum of one fifteen-gallon tree and two five-gallon shrubs shall be provided for every 40 feet of the street frontage.

Street

Side Street

Lot Line

Figure 19.08.060.1: Parking Area Landscaped Setback

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User-friendly formats help users find applicable information and references quickly.

2-E UTILIZE TABLES AND CROSS-REFERENCES

The Zoning Code should rely more extensively on tables and cross references in presenting use regulations and development standards. Tables and cross references can provide quick and consistent access to all relevant regulations for a particular topic. The Code can establish a development standard in a single location and utilize extensive cross-references to the standard in applicable situations. This approach helps avoid unnecessary redundancy, repetition of provisions, errors, and confusion from conflicts.

Tables and cross-references also greatly improve the general legibility of complex regulations and allows the user to quickly compare use regulations and development standards across different districts. This method also helps web-based versions of the Code by facilitating searches with hyperlinks.

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2-F INCORPORATE GRAPHIC ILLUSTRATIONS

In many instances, graphics can communicate development regulations more clearly and in less space than written standards. For example, images can clearly depict standards for measuring building height or yard setbacks, while verbal equivalents are prone to misinterpretation and uncertainty. With visual clarification, fewer sections of the Code will be subject to competing or incorrect interpretations, and regulations can be cleared of much of the jargon that can obscure the Code’s intent.

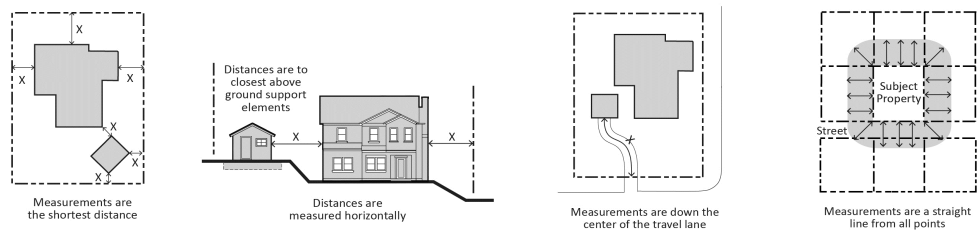
2-G ALPHABETIZATION

Where no other organizational scheme seems applicable, alphabetization should be used to give some degree of structure to the section. This approach is appropriate for sections with many unrelated elements, such as performance standards for specific uses, where each subsection has equal importance and does not modify or affect any of the other subsections. An effective organizational scheme will rely on alphabetization as little as possible, however, as this approach provides few benefits outside of easy navigation.

2-H CONSOLIDATE DEFINITIONS AND PROVIDE CLEAR RULES OF MEASUREMENT

The definitions should be consolidated into one location and updated to include modern terminology and key terms that are currently not defined. Definitions of terms currently located within various chapters of the Code should be consolidated and located in one part of the Code for easy reference; however, technical terms and definitions with limited applicability may remain in their respective chapters.

The Zoning Code should include a separate chapter on rules of measurement (i.e., measuring height, measuring setbacks, determining lot area, calculating FAR, etc.). Clear rules of measurement are helpful to ensure that development standards are interpreted uniformly among Code uses. Placing a complete set of rules of measurement in one location, either at the beginning or the end of the Code, provides an easy-to-locate reference tool to ensure consistent interpretation and application of standards.



Graphics help provide consistent measurement and interpretation.

3 Zoning Districts

Zoning districts create the framework for implementation of General Plan policies and land use designations. The General Plan establishes land use designations and the overall policy basis for land use and development. Zoning then establishes districts which are intended to define distinct locations for different uses, consistent with General Plan land use designations.

General Plan Land Use Designations

The General Plan establishes distinct land use designations. Land use and development parameters for each land use designation are broadly summarized below:

Low Density Residential (3% of the city). Low Density Residential land use designation includes single-family detached homes, accessory dwelling units, limited agricultural uses, and other compatible uses. These uses are limited to large, residentially-subdivided parcels located near the city's perimeter. The LDR land use designation provides opportunities for housing at a gross density of 1 to 5 units per acre.

Medium Density Residential (13%). Medium Density Residential land use designation includes single-family attached and detached homes, secondary residential units, and other compatible uses. This land use designation is intended to maintain consistency with historic development patterns in St. Helena's higher density residential areas. The MDR land use designation provides opportunities for housing at a gross density of 5.1 to 16 units per acre.

High-Density Residential (3%). High Density Residential land use designation includes single-family and multi-family housing, including apartment, townhouses, and group homes at a gross density of 16.1 to 28 units per acre.

Mixed Use (1%). Mixed-Use land use designation includes medium-to high-density residential mixed with retail, office, restaurant, or other commercial uses. The purpose of the MU land use designation is to protect the Urban Limit Line by promoting infill development, reducing greenhouse gas emissions, and locating housing opportunities near commercial and retail. It does not establish a minimum residential density but allows a maximum 20 dwelling units per acre.

Central Business (1%). Central Business land use designation includes retail and commercial uses such as offices, restaurants, specialty retail, and lodging that promote walkability with service uses located on the ground floor with upper floors dedicated to offices. Residential uses are permitted for upper floor areas with a discretionary use permit. The CB district encompasses Sulphur Creek, Main Street, Adams Street, and Pine Street and allows a maximum FAR of 2.0.

Service Commercial (2%). Service Commercial land use designation permits service and retail uses that are local-serving including office, restaurants, lodging, service stations, and other auto-oriented businesses. These uses are located along State Route 29 and Main Street south of Sulphur Creek and allows a maximum FAR of 0.5.

Business and Professional Office (5%). Business and Professional Office land use designation includes professional and administrative office uses such as medical, financial, and similar offices.

Residential uses can be allowed for upper floor areas with a discretionary use permit review and approval. BPO designated areas are located throughout the city and provide transition between commercial and residential areas. This land use allows a maximum FAR of 0.5.

Industrial (2%). Industrial land use designation includes industrial parks, warehouses, light manufacturing, and auto- and farm-related uses, located along State Route 29 and Sulphur Creek. An Urban Reserve Area is designated to the east of the existing industrial area south of Dowdell Lane for future expansion. This land use allows a maximum FAR between 0.5.

Public/Quasi-Public (5%). Public/ Quasi-Public land use designation permits for government-owned facilities, public and private schools, and quasi-public uses such as churches, community/ public serving endeavors, and cemeteries. This land use designation includes the City library, all of the public and some private schools, all churches, cemeteries, and the City-owned wastewater treatment plant. The PQP land use designation allows a maximum FAR of 0.5.

Parks and Recreation (4%). Parks and Recreation land use designation includes public parks with recreation uses and apply to all existing public parks and proposed park sites.

Open Space (2%). Open Space land use designation allows public recreation areas and natural open spaces devoted to natural resource preservation, land management, passive outdoor recreation, public health, and safety. Stream corridors that pass through or are adjacent to the City, including the Napa River, Sulphur Creek, and York Creek are designated Open Space areas. Roads are included as OS, but are not contributors to natural resource, public health, and recreation.

Woodland and Watershed (14%). Woodland and Watershed land use designation permits very low density residential that ensures protection of wildlife, vegetation, open space, and watershed resources. These uses are located on steep hillside at the City's Western and Eastern boundaries to accommodate low-density, estate type development where the minimum allowable parcel size is five acres.

Agriculture (46%). Agriculture land use designation allows agricultural and winery uses with restricted single-family residential and public/quasi-public uses. This land use designation applies to large areas outside of the Urban Limit Line, regardless of size, except for hillside areas designated WW. Winery uses can designate a small portion of onsite land for provision of adorable employee housing. The minimum allowable parcel size is 20 to 40 acres.

General Plan Land Use/Existing Zoning District Correspondence

The correspondence of the City's existing General Plan land use designations and zoning districts, based on a side-by-side review of the General Plan Land Use and Zoning maps, is provided in the table below. In general, multiple zoning designations implement a single land use designation.

GP LAND USE DESIGNATION	CORRESPONDING BASE ZONING DESIGNATION
Agriculture	Twenty-Acre Agriculture (A-20)
	Winery (W)
Woodlands and Watershed	Woodlands and Watershed (WW)
Low Density Residential	Low Density Residential (LR)

	Low Density Residential One Acre Minimum (LR-1A)
Medium Density Residential	Low Density Residential (LR) Medium Density Residential (MR) High Density Residential (HR)
High Density Residential	Medium Density Residential (MR) High Density Residential (HR)
Mixed-Use	Service Commercial (SC) Central Business (CB) Business and Professional Office (BPO)
Central Business	Central Business (CB) Parks and Recreation (PR)
Service Commercial	Service Commercial (SC)
Office	Business and Professional Office (BPO)
Industrial	Industrial (I)
Public and Quasi-Public	Public and Quasi-Public (PQP) Twenty-Acre Agriculture (A-20) Business and Professional Office (BPO)
Parks and Recreation	Parks and Recreation (PR)
Open Space	Open Space (OS)

Existing Zoning Districts

Generally, development codes include two types of districts, base and overlay. “Base districts” set the basic regulations that apply within the geographic area that defines the district. A community may want to vary some of the regulations within the base district to respond to particular conditions within defined areas. “Overlay districts” are often used for this purpose.

Overlay districts are “laid over” or applied to base districts in situations in which modification of permitted uses or required standards is appropriate due to specific conditions, circumstances, or goals. Overlay districts can be geographically defined and mapped or can apply wherever specific conditions exist.

The City is divided into the following fifteen base zoning and seven overlay districts. The intent of each of the base zoning districts is described, along with basic standards for intensity and density. Two zones are not on the Zoning Map: Agricultural Preserve (AP) and Special Flood Plain (FLP).

CURRENT BASE ZONING DISTRICTS		
Zoning Designation	Zoning Description:	Lot Size/ Density/ Intensity
Base Districts		
A-20 - Twenty-acre Agriculture	The twenty-acre agriculture district (A-20) provides for agricultural and residential uses. Except for hillside areas designated woodlands and watershed, and wineries designated winery, all lands outside the urban limit line are designated A-20 regardless of their size or use. The purpose of the A-20 district is to promote and implement the policies of the general plan to preserve agricultural land uses and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth. This district 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.	Minimum parcel size 20 acres.
W - Winery	The winery district (W) provides for winery and winery-related uses within the agriculture general plan land use designation. Lands devoted to the production of wine and vineyards which are owned by the winery are classified as W. Max. 1 unit per 5 acre.	Max. 1 unit per 5 acre.
AP - Agricultural Preserve (Not Mapped)	The agricultural preserve district (AP) is intended to be applied in the fertile areas of the city in which agriculture is and should continue to be the predominant land use, where uses incompatible to agriculture should be precluded and where the development of urban-type uses would be detrimental to the continuance of agriculture and the maintenance of open space which are economic and aesthetic attributes and assets of the city.	Min. lot area of 40 acre
WW - Woodlands & Watershed	This district is intended to: A. Implement the policies applicable to areas designated woodlands and watershed in the general plan; B. Minimize the potential for erosion and land movement in steeply sloping areas; C. Minimize long-term cost for constructing and maintaining roads, water systems and sewer systems; D. Minimize the downstream effects of siltation and sedimentation in water courses; E. Maintain or enhance the natural ability of watershed areas to absorb and retain rainfall, both for replenishment of groundwater and moderation of downstream flooding; F. Minimize the public and private cost of providing adequate fire protection services in high fire hazard areas;	Lot area 5 to 40 acres

	G. Minimize the long-term risk to, or loss of, life and property resulting from wildfire in high fire hazard areas; H. Minimize the long-term cost to the community for providing services (water, sewer, fire, police, schools) in remote areas; I. Minimize future demands on the city's water supply system; J. Minimize the city's long-term liability for public protection in remote/hazardous areas; K. Preserve community open space, especially for public protection in remote/hazardous areas and protection of views and ridgelines; L. Preserve wildlife habitat; M. Encourage land planning which carefully considers the community-wide implications of natural conditions noted above; N. Allow development which is sensitive to the intrinsic suitability of the land and its varying capability for residential development.	
LR-1A - Low Density Residential Once Acre Minimum	This district is intended to provide for single-family detached homes, accessory dwelling units, limited agricultural uses, and compatible uses. Residential densities in the LR-1A district shall not exceed 1.0 units per gross acre.	Max. 1 du/ acre
LR - Low Density Residential	This district is intended to be consistent with the low density residential general plan designation. The district provides for single-family detached homes, accessory dwelling units, limited agricultural uses and compatible uses.	1.0 to 5.0 du/ acre
MR - Medium Density Residential	This district is intended to be consistent with the medium density residential general plan designation. The district provides for single-family detached homes, accessory dwelling units, limited agricultural uses and compatible uses.	5.1 to 16.0 du/acre
HR - High Density Residential	This district is intended to be consistent with the high density residential general plan designation. The district provides for single-family and multifamily residential units, group quarters and compatible uses.	16.1 to 28.0 du/acre
CB - Central Business	This district designation provides for retail, personal service uses, offices, restaurants, hotels/motels, service stations, public and quasi-public uses, and similar and compatible uses that serve residents and the surrounding area. Emphasis is on pedestrian-oriented retail and service uses on the ground floor level, with office and residential uses on the upper levels. The intent is for the CB district to remain primarily local resident-serving in character. New uses which serve both residents and tourists will be allowed. Uses which are primarily tourist-serving are not permitted.	Maximum FAR 2.0

SC - Service Commercial	This district designation provides for service and retail uses, restaurants, service stations, 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 district to be primarily local resident-serving in character. Strictly tourist-serving retail uses are prohibited within this designation.	No specified FAR ¹
BPO - Business & Professional Office	The business and professional office district (BPO) designation provides for professional and administrative offices, medical and dental offices, laboratories, financial institutions, public and quasi-public uses and similar and compatible uses. Residential uses in this designation can be considered for upper floor areas.	n/a
I - Industrial	This district designation provides for industrial parks, warehouses, light manufacturing, auto and farm-related equipment sales and repairs, viticulture and winery support services and similar and compatible uses.	Max. FAR 0.50 for uses including less than ninety percent (90%) warehousing Max. FAR 0.60 for uses including no less than ninety percent (90%) warehousing.
PQP - Public & Quasi-Public	This district is intended to provide for government-owned facilities, public and private schools and quasi-public uses such as churches and cemeteries. The PQP district occurs throughout the city, and includes City Hall, the city library, all the public schools, all of the churches, emergency transportation service, the cemetery and the wastewater treatment plant.	n/a
PR - Parks & Recreation	This district is intended to provide for public parklands primarily designed for public recreation. The PR designation is applied to existing public parks, ranging from active sports parks like Crane Park to more passive, open space-oriented parks such as Stonebridge Park, and to proposed park sites.	n/a
OS - Open Space	This district 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.	n/a
Overlay Districts		
RR - Rural-residential	This overlay district is intended to identify those parcels within the city which are not serviced by city water or sewer and which can subdivide into additional parcels. Minimum lot sizes which are larger than the minimum lot sizes established for the underlying	n/a

	zoning district are required for parcels which do not have city water or sewer services.	
SP - Specific Plan	This overlay district is intended to facilitate the general plan provisions for the preparation, adoption and implementation of specific plans.	n/a
FLP - Special Flood Plain (Not Mapped)	This overlay district is intended to identify those parcels within the City which exist in a flood plain and facilitate new construction or replacement of existing construction shall be in conformance with the standards and regulations of the Federal Emergency Management Agency (FEMA).	n/a
HP - Historic Preservation	This overlay district is intended to create regulations to preserve the unique architectural character of those certain specific structures which have contributed to the city's historic development.	n/a
PD - Planned Development	This overlay district is intended to encourage high quality, innovative and creative development in the city and provide for the consideration and approval of development plans which serve public objectives more fully than development permitted under conventional zoning regulations.	n/a
MHP - Mobile home Park	This overlay district is intended to provide, when combined with an underlying residential zoning district, a place which allows the establishment and operation of mobile-home parks.	n/a
PI - Parking Impact	This overlay district is intended to establish parking standards for portions of the city generally located within the central business district. That area so designated on the zoning map of the city is found and declared to be an area impacted by the inadequacy in the amount of off-street parking because the buildings and structures therein were constructed in the early history of the city when automobiles were not a predominant feature in the community and are of historic and unique character and should be preserved.	n/a
Notes ¹ Floor area is limited in absolute terms, not as ratio of lot area.		

Recommendations for Zoning Districts

Recommendations for developing Zoning Districts for the Zoning Code are described below. See the next two sections for more detail on uses and development standards.

3-A STREAMLINE LAND USE DESIGNATION/ZONING DISTRICT CORRESPONDENCE

Zoning districts create the framework for implementation of General Plan policies and land use designations. The City will take the first step in General Plan implementation by drafting a full range of districts and appropriate development standards and use regulations determined.

In general, zoning district boundaries should be adjusted so that an individual district corresponds to the fewest number of General Plan land use categories possible. Zoning District/General Plan land use designation boundaries should be evaluated for alignment, particularly in cases where the General Plan land use designation makes up less than one percent of the zoning district. There may also be opportunity for combining existing zoning districts or eliminating those that are no longer necessary. An analysis of the use regulations and development standards for each district will reveal whether a combination or elimination of districts is appropriate. At the same time, new zoning districts such as a residential mixed-use district, may be warranted to implement the General Plan's Mixed-Use land use designation, if the current base and overlay districts do not adequately support the desired form and character of development.

As part of the development of updated Zoning districts, issues related to Zoning map amendments will be addressed to resolve inconsistencies between the General Plan, the Historic Resources Master List, and the proposed base and overlay zones. It is anticipated that General Plan and Zoning amendments will be required concurrent with or subsequent to the Zoning Code update adoption to create housing opportunity sites.

3-B STREAMLINE OVERLAY DISTRICTS

Overlays are most useful when they involve complex regulations and special criteria that apply to different parts of a single district or several different base districts. In cases in which an overlay district applies to only one or two base districts or uniformly imposes relatively straightforward regulations in a geographically defined area, an alternative would be to utilize base district regulations.

There are currently five overlay districts, not including the PD and Specific Plan districts. These districts should be evaluated for their usefulness in implementing General Plan policies. For example, if the intent of all or part of the Mobilehome Park Overlay and Rural Residential Overlay is to encourage uses and design of a particular nature and character, this may be written into the base district regulations. Looking at the Historic Preservation Overlay, the intent is to create regulations that preserve the unique architectural character the City's historic structures. Modifications to the overlay district could include widening the eligibility requirements to encompass more opportunities for historic preservation, adding a Landmarks provision to capture individual properties in addition to district provisions, including the National Register District in the downtown to protect structures from inappropriate changes, and updating the existing historic preservation guidelines and/or referencing nationally applied guidelines and standards. In addition, new overlay districts may be needed to implement General Plan policies related to geographic areas. For example, new overlay districts could implement the standards and guidelines for affordable housing.

4 Use Regulations

Use regulations detail the type of uses that are allowed, the review process, and specific limitations that apply to an activity or use. Land use categories are building blocks that establish the basis for regulation; while use regulations identify the specific use categories that are allowed, allowed with a permit, or prohibited in each zoning district. Use regulations may also include special requirements applicable to specific land uses.

Land use designations in the General Plan outline what is allowed in terms of uses and intensity of development for each area of the city. In addition, citywide policies, particularly those related to economic development, call attention to land uses that should be promoted. It is important to ensure that the use regulations in the Zoning Code carry out these General Plan policies. The regulation of uses ensures that the operation of permitted uses within a district will be consistent with the policies of the General Plan and the purposes of the district.

Current Use Regulations

Organization of Use Lists

Currently, the Zoning Code contains no use tables but rather a list for permitted uses and a list for conditionally permitted uses for each individual zone, leading to repetition of use lists throughout the Code and difficulty when making comparisons between districts and between similar uses. In addition, the use lists often include provisions specific to the use or its location, making it further difficult to compare the permitted uses among districts.

Use tables could help simplify identifying what is allowed where and help in locating specific provisions elsewhere in the code. A simple “permitted, not permitted, or CUP” will make the use tables easier to interpret and ensure that code users will find standards or procedural requirements where they expect to find them.

An Outdated Approach

The changing nature of land use also demands flexibility in regulation. Specialized operations and segregated uses are becoming less prevalent as operations and uses adapt to rapidly changing technology and market preferences. Traditionally, a company may have manufacturing in one place, an office somewhere else, and a shop in still another location. Increasingly, and particularly for smaller operations, functions are blending. For example, a craft brew establishment may brew and distribute beer, sell beer and brewery related merchandise, serve beer and food, and feature live entertainment. This type of operation combines five traditionally separate uses: manufacturing, distribution, retail sales, eating and drinking, and entertainment. The rigidity of the current Code makes it difficult to determine how operations that combine uses fit into the City’s use regulation scheme.

The Code update provides the opportunity to update the City’s approach to use regulation to reflect contemporary uses, current development practices, and State and federal law. The updated regulations can address specific considerations for certain uses such as urban agriculture, artisan

workspace, entertainment, and others. They can provide flexibility to adapt to changing preferences, technology, and other circumstances. The updated use lists can also support community objectives such diversity of housing types and flexible commercial centers.

Recommendations for Use Regulations

The new Code can take advantage of uses tables and combine permitted land uses into a more logical, systematic framework that makes the regulations more thorough and straightforward. Following are recommendations for use regulations.

4-A ADOPT A USE CLASSIFICATION SYSTEM

The updated Zoning Code should consolidate use types into a clearly defined modern classification system, placing land uses and activities into groups based on common functional, product, or physical characteristics. This helps to streamline the use regulation parts of the Code. Categories are also broad enough to allow classification of new, unanticipated uses, so that the City does not need to amend these sections or make interpretations as frequently to adapt. This system can still allow for standards for problematic uses, such as adult oriented businesses, outdoor storage, and auto repair. Through this ‘use group’ approach, use definitions may be revised to consist of an overall fewer number of use categories and to better accommodate new and changing uses.

Under this system, all use categories would continue to be defined in a single chapter of the Code. This chapter would organize use categories into groups such as agriculture, residential; public and semi-public; commercial; industrial; and transportation, communication, and utility uses. This way, similar uses are found near one another for comparison when a classification question arises. The official names of each use group would be utilized throughout the Code in a consistent manner, with the definitions chapter serving as a reference.

ANIMAL CARE, SALES, AND SERVICES

- Animal Sales and Grooming
- Boarding/Kennels
- Veterinary Services

AUTOMOBILE/VEHICLE SALES AND SERVICES

- Automobile Rentals
- Automobile/Vehicle Service and Repair
- Automobile/Vehicle Sales and Leasing
- Fueling Stations
- Towing and Impound

BANKS AND FINANCIAL INSTITUTIONS

- Banks and Credit Unions
- Check-Cashing Businesses

COMMERCIAL ENTERTAINMENT AND RECREATION

- Cinema/Theaters
- Indoor Sports and Recreation
- Outdoor Sports and Recreation

DRIVE-THROUGH FACILITY

EATING AND DRINKING ESTABLISHMENTS

- Bars
- Wineries
- Restaurant

LODGING

- Hotel
- Motel

Example of a simple classification system for commercial uses.

4-B REFLECT CONTEMPORARY LAND USES

To help modernize the Zoning Code, a new use classification system should eliminate obsolete uses (i.e., those no longer allowed, or those containing outdated terms) and also include new contemporary uses such as industrial flex space, shared office spaces, and urban agriculture uses (e.g., community gardens, produce stands, etc.), and short-term rentals. The Code update should also incorporate mechanisms to allow for flexibility in the change in uses or combination of uses. In addition to identifying and providing for accessory uses that are typically associated with certain principal uses, the Code may incorporate provisions to allow other accessory uses (e.g., outdoor dining, coffee bar, rooftop gardens and/or dining), up to a certain threshold, that are subordinate and incidental to a principal use. Special attention can also be given to having uniform requirements or standards for uses, where appropriate. Reducing nuances between requirements for varying uses will ease administration and provide flexibility with regard to evolving operations and re-use of property.

4-C ENSURE ALL ZONING DISTRICTS ALLOW APPROPRIATE MIX OF LAND USES

The allowable uses within each zoning district should be evaluated for compatibility with the purpose of the district and the corresponding General Plan land use designation, and for adaptability to contemporary trends. For example, uses in the Downtown area should support a diversity in sales tax base while also reflecting the desired aesthetic, or “brand” of Downtown. Also, use regulations in nonresidential districts should be evaluated to allow a broader range of combination of uses by-right, reflecting the changing nature of land use and allowing a creative combination of uses. Industrial district use allowances should also balance the need to protect the viability of industrial development as an employment base, and the need to support industrial development with adequate amenity uses. Amenity uses that are conducive to and supportive of vibrant employment areas can include restaurants, entertainment, retail, and service uses. An appropriate mix of land uses will also effectively assist the city in reducing its reliance on Conditional Use Permits.

4-D CREATE USE TABLES BY ZONE CATEGORY

Currently, there are no use tables located in any Code sections. In order to find the permitted uses for a particular zone, a code user must refer to a list of uses in each specific zone. Instead, a single use regulation table in chapter of the district regulations (Part III) can simplify matters. In each zoning district chapter, a single use table would show permitted uses along the left-hand column, with all districts (e.g., residential districts) along the top row, creating a grid where the uses are shown to be as permitted, permitted conditionally, or not permitted.

1109.030 Allowed Land Uses and Permit Requirements

- A. Land uses must comply with the allowed uses of the base zone, except as specifically modified or waived by an overlay zone in Chapter 1117 (Overlay Zones).
- B. The land uses allowed by this Code in the residential zones are listed in Table 1109.030.A, together with the type of planning permit required for each use. Each land use listed in Table 1109.030.A is defined in Chapter 1179 (Definitions).
- C. **Establishment of an Allowable Use**
 1. Any one or more land uses allowed in Table 1109.030.A may be established on any lot within the identified zone, subject to the planning permit requirement listed in the Table, and in compliance with all applicable requirements of this Code.
 2. Where a project on a single lot includes two or more of the land uses allowed in the Table, the overall project will be subject to the most restrictive permit level required by the Table for any individual use.
 3. If a use is not defined (in whole or in part) in Chapter 1179 (Definitions), the use is not allowed unless a Conditional Use Permit is approved. If a use is defined in Chapter 1179 (Definitions) and not listed in Table 1109.030.A, the use is not allowed.

Table 1109.030.A Residential Zones Allowed Uses

Land Use Type	Permit Required by Zone							Use Standards
	SE	SN-1	SN-2	TN	MRN-1	MRN-2	MRN-3	
Agriculture and Animal Uses								
Agriculture	P	-	-	-	-	-	-	
Animal Raising and Keeping	P	-	-	-	-	-	-	Section 1121.020
Community Garden	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Section 1121.060
Kennel	CUP	-	-	-	-	-	-	
Veterinary Clinics and Hospitals	CUP	-	-	-	-	-	-	Section 1121.210
Civic, Recreation, and Community Assembly Uses								
Cemetery	CUP	-	-	-	-	-	-	
Child Care Center	MUP	CUP	CUP	CUP	CUP	CUP	MUP	Section 1121.050
Community Assembly	P	MUP	MUP	MUP	MUP	MUP	P	
Family Child Care Home Type A	P	P	P	P	P	P	P	
Family Child Care Home Type B	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Indoor Recreation	-	-	-	-	-	-	CUP	
Library and Museum	-	-	-	-	-	-	MUP	
Park and Outdoor Recreation	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Public Service Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
School - Public and Private	CUP	CUP	CUP	CUP	CUP	CUP	MUP	
Vocational/Technical School	-	-	-	-	-	-	CUP	

District regulations can include simple use allowance tables for easy reference and comparison.

5 Development Standards

A well-designed city directly elevates the quality of life, attracts investment, and increases communal pride. As St. Helena grows and becomes increasingly more urbanized, the City will face design challenges, particularly with respect to density, building appearance, compatibility and relationship to key rights-of-way. The current Zoning Code does not adequately support all the development for which there is demand nor adequately control the design of all the development that occurs. This section identifies ways the Code can support a “sense of place” that is unique to St. Helena.

Current Zone District and Citywide Development Standards

Development standards that apply by zone are found in chapters 17.20 through 17.100 of the Zoning Code. This section provides a brief summary of the approach for key issues that warrant closer evaluations and testing as the Code is drafted.

Residential Standards

In the LR-1A zoning district, residential density is a maximum of 1 unit per acre; in the LR district, the maximum is 1.0 du to 5.0 du/ac, the MR allows 5.1 to 16.0 du/acre, and HR allows 16.1 and 28.0 du/ac respectively. The basic development standards for LR-1A, LR, and MR, however, vary little. MR permits a higher lot coverage, however the lot width, lot frontage, building height, building width and minimum setbacks are all the same. Furthermore, the code is lacking in standards specifically for vertical, residential, mixed-use development.

Historic Areas

Existing standards related to preservation of historic areas are limited to the Historic Preservation Overlay (HP) zoning district. This chapter provides little guidance as to what is protected and how new development can be context-sensitive.

Performance Standards

The Zoning Code does not currently include a section for performance standards of uses based on specific impacts. The Code does include standards for non-residential zoning districts, generally located in the Development Standards or Other Standards or Uses and Requirements. Standards generally relate to building form, placement, landscaping and screening – elements which vary based on use and may be better located in supplemental standards or standards specific to use, with cross-references as needed to the performance standards section. Alternately, some topics that can be measured independently such as odor or hours of operation, should be assigned specific criteria and located in a Performance Standards section of the Code.

Addressing Context: Infill, Adjacencies, and the Public Realm

During interviews, code users expressed some frustration with development standards not performing well in an infill or adaptive reuse context. The planning team also heard that the code lacks sufficient tools to ensure quality design in residential neighborhoods. Similarly, stakeholders

stressed the importance of context in historic preservation areas, with buildings that reflect the existing neighborhood scale. While the Zoning Code will reduce internal conflicts, the coming effort will focus on establishing more objective and measurable standards for many context-related issues, including:

- Compatibility among different uses in areas where residential development abuts or is nearby service commercial, industrial, or Central Business zones.
- Building massing in residential areas. The code should be sensitive to different lot sizes, areas, and existing patterns of development.
- The building-to-street relationship. The Zoning Code will be judicious in determining where development standards should address the larger urban design and the public realm.

Parking

The Zoning Code Chapter 17.124 Parking and Loading establishes off-street parking and loading requirements and Chapter 17.104 Parking Impact Overlay District provides parking standards and in-lieu fee provisions as a parking impact overlay district.

The quantity, location, and appearance of parking areas have a substantial impact on the character and functionality of streets, commercial corridors, and residential neighborhoods. Too much parking can limit the utilization of a property, significantly increase costs, and be an impediment to achieving a wide range of community goals. Too little parking can impede accessibility and impact nearby residential neighborhoods. Parking requirements also have a large influence on the overall cost of development and the ability to utilize property, particularly in areas that are already built-out. The Code Zoning Code will revise parking standards and configurations (tandem, shared, individually secured, etc.) that best support the development types and character envisioned in the various areas of the City. The Zoning Code should consider reduced parking near public transit and Highway 29.

Recommendations for Development Standards

As noted by several stakeholders, the current Code does not have sufficient standards to address development control, especially in design compatibility and in promoting the range of businesses and development types the City needs to support as it grows. Establishing effective regulations for these and other topics is central to the Code update effort.

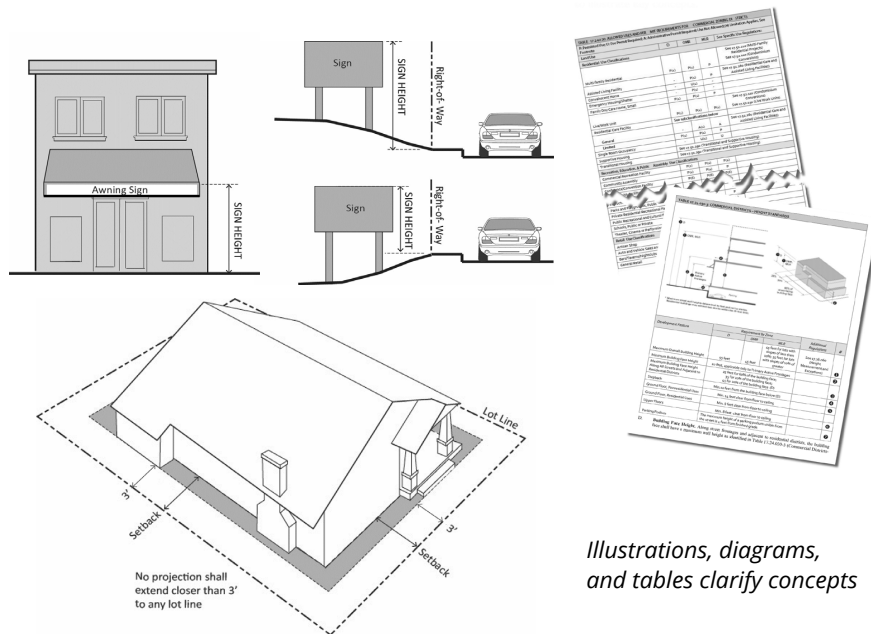
5-A PROVIDE CLEAR, OBJECTIVE FORM AND DESIGN STANDARDS

The City should update development regulations to address the form and design of new development, particularly in infill areas. Infill standards should differentiate among commercial and mixed-use areas, industrial areas, and residential areas; promote a desirable physical form; ensure that setbacks, height and other building standards can achieve allowable densities; provide needed public open space in urban areas; and ensure that more intense uses of land do not become public nuisances. Neighborhood compatibility standards should be tailored to the range of neighborhood patterns throughout the City. To achieve quality design, the Code must include clear, objective development standards.

- Standards for residential intensity (du/ac) - evaluate and revise or remove
- Standards for non-residential density (FAR) - evaluate and revise

- Location of a building on a lot – where a building may or must be built to the street and where setbacks are required.
- Number of stories and/or building height ranges;
- Ground floor height and design;
- Façade design and articulation;
- Orientation of building and location of entries;
- Transparency;
- Limits on blank walls;
- Universal Design;
- Relation to adjoining sites;
- Location and screening of parking;
- Bicycle parking standards;
- Sustainable design measures (passive heating and cooling, low-water appliance, support for solar infrastructure, etc.); and
- Landscaping, including sustainable practices.

Establishing minimum objective design standards will set the tone for the type of development the City hopes to attract. These standards will allow developers and homeowners to know exactly what is expected of them. At the same time, flexibility can still be achieved by allowing minor modifications of standards so long as certain findings and criteria are met. For instance, setback requirements could be modified if a wider sidewalk area or outdoor dining area is provided and creates a more pedestrian-oriented feel. In single-family residential areas, the City should adjust standards carefully to maintain compatibility with surrounding development and avoid creating problematic nonconformities.



5-B DISTINGUISH “SHALLS” FROM “SHOULD”

There is common sentiment that more flexibility should be built into the development standards. This can be accomplished a number of ways, including striking the right balance between development standards and design guidelines. The City may establish a system where development standards address key elements of development form (i.e., height, building placement, site layout) while design guidelines provide clarity about the City's design objectives. The design guidelines should give examples of acceptable solutions, but not mandate particular architectural styles. Another option is to offer a menu of options as a flexible way to comply with a particular design principle.

The Zoning Code should incorporate, as appropriate, into the development standards any material from the Draft Design Guidelines that is objective, is consistent with recent legislation, and that leads to the best outcome for the City. As a concurrent effort, the City intends to complete and adopt the Design Guidelines document, which will provide additional non-objective guidance to support the Code, aid applicants in understanding the City's expectations, and aid the City and decision-makers in discretionary review. All planning documents – whether in the Code or in supporting documents – should be clear as to which statements are “shalls” (required) and which are “shoulds” (recommendations or guidelines)..

5-C SUPPORT A RANGE OF HOUSING TYPES

Per the Housing Element and General Plan goals, supporting a range of residential building types will be essential to meeting the City's housing goals. However, new housing types must also preserve the character and feel of the City. The Code will calibrate development standards for a range of types, which may include cottage housing, garden court housing, cohousing, SROs, microunits, green manufactured homes, and horizontal and vertical mixed-use, and identify the zones or areas that are appropriate for each building typology. The Code will update standards for parking, landscaping, and screening standards, as needed, to ensure that the requirements fit together and support the building types. The Code will support modifying permitted densities consistent with the General Plan in select areas or districts, modifying the densities established in the General Plan through a General Plan Amendment, and reducing parking requirements, among other strategies to incorporate a range of housing types.

5-D TAILOR STANDARDS TO REFLECT DIFFERENCES IN AREAS

Development standards should be refined to foster the type of character desired within various areas of the City. In commercial and mixed-use areas, the objective should be to provide an interesting, engaging street frontage, making walking and shopping pleasurable. In these areas, standards may address requirements for “active frontages,” where a building must include spaces for businesses with walk-in clientele, ground level fenestration, awnings and arcades, and visible entries, rather than long sections of ill-defined buildings, blank walls, and fences. In neighborhoods, the patterns established by the original homes create a unique rhythm and aesthetic to the streets and street frontages. In less intense and industrial areas, by contrast, development is more auto-oriented and there is more potential for incompatibility between uses, so landscaping and screening may be important.

Standards must be cognizant of each area's walkability, historic qualities, typical development patterns, and adjacencies. The updated development standards will be cognizant of new and existing

non-conforming uses and structures to minimize non-conformities and revise non-conforming provisions to permit continued operation and minimize conflicts while ensuring compliance with the General Plan vision and policies to the extent feasible.

While each zoning district should have individually tailored requirements, the organization of the district requirements should be uniform, so that users can easily ascertain the requirements for a particular district.

5-E CREATE A SINGLE SECTION FOR AFFORDABLE HOUSING REGULATIONS

The City and community generally recognize the need to facilitate construction of affordable units and by-right low-income housing and to ensure that such units are distributed throughout the City. These units may take the form of ADUs, duplexes, and triplexes within existing residential areas. As part of the process of evaluating appropriate types and densities, the Code will consider the building envelope, number of units buildable on each lot, appropriate lot sizes, and permissible ADUs. The Zoning Code should also encourage affordable housing types while retaining the character of existing neighborhoods through objective development standards that achieve the General Plan's goals for neighborhood preservation and enhancement. In addition, the fee structure warrants greater clarity (easier calculation). The Zoning Code should clarify the formula or refer to where it is clarified elsewhere in the Municipal Code.

The updated Code should create one Affordable Housing section that includes relevant content from the current Affordable Housing Chapter; the current Housing Trust Fund, Housing Impact Fee, and Inclusionary/In-Lieu Fee Requirements Chapter; and the State density bonus law. Edits and revisions to that combined chapter will be driven by the Housing Element update to be initiated later this year. The Zoning Code should organize the relevant content and additional provisions (e.g. inclusionary requirements, linkage fee, etc.) in the one Affordable Housing section.

5-F UPDATE SIGNAGE REGULATIONS

Chapter 17.148 will require extensive revisions. To bring this Chapter into compliance with the recent Supreme Court decision, *Reed vs. Town of Gilbert*, definitions of sign types need to be content neutral (e.g. real estate signs, public information signs) and a separate severability clause and substitution clause must be added.

Other issues include the need to address the variety of permanent and temporary sign types and to reflect current illumination practices, particularly for billboards and electronic message signs (EMS). The City may also determine whether the addition of basic sign design standards may be warranted to improve the look of signs. Lastly, throughout the Sign section, page layout and use of graphics is particularly important for legibility and ease of interpretation.

5-G CREATE SECTION FOR AND UPDATE PERFORMANCE STANDARDS

The code update will include the creation of a new section for performance standards with measurable criteria. The standards will focus on impacts that affect in the compact Downtown area and its use adjacencies (noise, hours of construction, hours of operation, etc.).

5-H CONSOLIDATE STANDARDS FOR SPECIFIC USES AND ACTIVITIES

The City should consolidate requirements that are applicable to specific uses and activities and locate them in one section in the Code. Within this the section, Standards Specific to Uses, the uses can be alphabetized, making them easy to locate. -Thes standards for specific uses can be referenced in the land use tables in the district regulations, which will reduce overall wordiness in the Code. The following is a preliminary list of uses that may be included in the Specific to Uses chapter:

- Purpose and Applicability
- Accessory Uses
- Accessory Dwelling Units
- Adaptive Reuse
- Adult-Oriented Businesses
- Alcoholic Beverage Sales
- Alternative Energy Sources
- Beekeeping
- Bed and Breakfast Inns
- Cannabis Uses
- Cottage Food Operations
- Fractional Ownership Hotel
- Home Occupations
- Keeping of Livestock and Chickens
- Outdoor Dining and Seating
- Outdoor Display and Sales
- Small Recycling Centers
- Service Stations
- Short-Term Rentals
- Small Wineries
- Telecommunication Facilities
- Temporary Uses
- Time-shares

6 Development Review and Approval

Development code provisions governing development review and other administrative matters create the procedural environment through which the City can achieve the goals and policies laid out in its General Plan and other adopted policies. At their best, development review provisions can promote the type of development a community wants by providing a clear, predictable path to project approval; conversely, vague review processes can cause developers a high level of anxiety, frustrate community residents, and severely dampen a City's ability to attract desirable growth.

Generally, prospective developers value three central qualities in any administrative code: 1) certainty in the requirements and structure of the review process, 2) built-in flexibility to adjust development standards to the needs of individual projects, and 3) opportunities to request relief from requirements that constitute a substantial burden. Certainty about the type and scale of development in their community is also important to residents. The degree to which St. Helena can incorporate these qualities into its Zoning Code will help improve its ability to compete for desirable development in an efficient manner. This section contains general observations about the existing development review procedures and strategies to streamline development review and approval process.

Current Administrative Procedures

The flexibility of a development code is largely defined by its hierarchy of uses and their required permits. This hierarchy establishes the different levels of review the Code requires to make various types of land use and development decisions. These decisions typically range from a relatively informal counter staff review of proposed uses or structures for compliance prior to the issuance of a building permit or business license to more formal and complex procedures requiring public notice and a hearing before the Planning Commission prior to issuance of a use permit or other discretionary approval.

The primary factors influencing a project's place in the hierarchy of uses are whether the proposed use is permitted "by right" or allowed subject to certain conditions, or whether a Conditional Use Permit, with review by the Planning Commission, is required. This determination is a reflection of community issues and concerns that should be embodied in the General Plan. Decisions about where an application fits in the hierarchy may also, however, be influenced by how a jurisdiction selects and designs administrative techniques. It is often possible, for example, to reduce the review threshold for a particular type of application (i.e. place it lower in the hierarchy), by increasing the specificity of development standards and performance-based criteria, along with a related increase in one or more of the following:

- Scope of public notice,
- Length of time for public review, and
- Opportunities for informal public review and consultation.

A development code update provides an opportunity to adjust review thresholds based on analysis of the types of issues and projects in the City that have typically generated the most interest and concern and to ensure compliance with recent legislation including SB 330, the Housing Crisis Act of 2019 (see Chapter 7). Responsibilities should be assigned with a view toward minimizing the number of players involved in making any given decision, while increasing opportunities for meaningful public input.

Land Use Permits, Noticing, and Approvals

The following table summarizes the types of land use and development approvals that the current code authorizes and lists the authorities that can issue these approvals.

Some approvals, such as Conditional Use appeals, have multiple issuing authorities. Distinguishing the issuing authority and applicable review process can help clarify the level of review required for a project. The creation of a simplified permit structure that establishes a limited number of procedural tracks for approvals would provide greater clarity for all code users and simplify administration.

APPROVALS AND ISSUING AUTHORITIES		
<i>Permit or Approval Type</i>	<i>General Purpose</i>	<i>Decision Making Authority</i>
Determination of Similar Use	Determine whether an unlisted use is similar to those of the appropriate use category (e.g., permitted, permitted with a use permit or accessory)	Planning Director
Extension of permits and approvals	Extend the expiration date of a permit.	Authority of original project application
Modifications	Amendment to the permit or other discretionary approval to allow major modifications or changes to an approved development plan, a use not specifically authorized, or conditions of approval.	Planning Commission
Appeals	Action taken when dissatisfied with any action taken.	Planning Director, Planning Commission, City Council
Design Review	Determination of whether a project has a harmful effect upon the character of an area.	Planning Commission, City Council
Use Permit, Use Permit Amendment, Use Permit Extension	To allow the proper integration in the city of essential or desirable uses	Planning Commission
Master Use Permit	Authorizes more than one conditional use from the list of conditional uses of the zoning district	Planning Commission
Variance	Allow variation from the strict application of the terms of the title where the literal enforcement of the requirements would involve practical difficulties or would cause undue hardship	Planning Commissions
Interpretation of District Boundaries	To determine the location of zoning district boundaries where uncertainty exists	City Council

APPROVALS AND ISSUING AUTHORITIES		
<i>Permit or Approval Type</i>	<i>General Purpose</i>	<i>Decision Making Authority</i>
General Plan Amendment	Change to the boundaries of land use designations or General Plan policies	City Council
Additional Amendment Procedures	Adoption or amendment to the Zoning Code including Zoning Map (rezoning), General Plan, or Specific Plan	City Council

Noticing

Section 17.08.070 identifies procedures to be observed when a public hearing is required. Notice must be given not less than 10 days prior to the public hearing, must be mailed to all property owners within 300 feet of the proposed project site, and a legal notice must be published in a newspaper if general circulation in St. Helena.

Recommendations for Administrative Procedures

Code users reported that administrative procedures in St. Helena lack clarity and are unpredictable; that fee structures are difficult to decipher; and that the design review criteria listed in the Code are too subjective. The following recommendations for streamlining procedures and increasing efficiency are primarily about providing certainty in the requirements and structure of the review process and providing built-in flexibility to allow the community to say ‘yes’ to the development it wants.

6-A CONSOLIDATE ALL ADMINISTRATION AND PROCEDURES SECTIONS IN ONE PART OF THE CODE

As discussed in Chapter 1 of this paper, Zoning Code chapters that address administrative procedures generally begin at 17.124 Exceptions and Modifications. The Code should group all provisions of an administrative or procedural nature in Part II: Administration and Procedures. Part II should include common procedures, all permits and approvals, amendments, and enforcement. See Appendix A for the proposed Annotated Outline of the Code.

6-B DEFINE ALL ADMINISTRATIVE AUTHORITIES

The Code lacks definitions of the various hearing bodies and administrators of the Code. Part II should include a section that defines each body, their authority, and their role in planning decisions.

6-C CLARIFY PROCEDURES FOR ALL DECISIONS

The updated Zoning Code should clearly set forth in Part II administrative procedures for all types of planning-related decisions. This should include all common procedures (review of application, public noticing, appeals, modification of approved plan, etc.) as well as chapters for decisions requiring review (administrative review, design review, use permits, variances, and amendments).

The approval process can be further improved and streamlined simply by consolidating and clarifying procedures and permit approval criteria. In all sections, the level and protocols of administrative process required for different types of decisions should be described. For even the simplest administrative procedures, the Zoning Code should, at a minimum, establish unambiguous authority

for approval, a clear process illustrated with a graphic, and, where appropriate, the to appeal to a higher authority. The process for all applications to the City Council through the Planning Commission will be clarified. Findings that the decision-making body are required to make in order to approve a project should also be clear so that all interested parties know the criteria against which a project is evaluated and intent statements for regulations should be included to help determine if a proposal meets the purpose of the Code.

6-D CLARIFY AND SIMPLIFY NOTICING REQUIREMENTS

All pertinent public hearing information (e.g., what information should be included in the notices, how notices are to be given [e.g., mailing, posting, publishing, use of the Internet], to whom notices should be sent, how hearings are to be conducted) should be located in one succinct chapter and should be revised to reflect contemporary communication methods.

6-E SIMPLIFY THE DESIGN REVIEW PROCESS AND REDUCE RELIANCE ON DISCRETIONARY REVIEW

The Zoning Code update will update findings of approval for design review to streamline and modernize the design review process. There are a variety of approaches the City could use to reduce the number of projects requiring review, including compliance with enhanced and more detailed development and design standards added to the Code and compliance with new standards and requirements that reflect “standard conditions” typically imposed when such uses have been conditionally approved by the Planning Director, Planning Commission, or City Council.

The Zoning Code may also include a minor design review process to establish an expedited limited discretionary review of development projects that require additional site and design considerations beyond the minimum standards of the Zoning Code. This process can provide for the Administrative review of projects which, because of their limited size and scope, have minor aesthetic, land use, or traffic implications and do not create any significant impact on the public utilities or services. A public hearing is not required for minor design review and minor design review permits would be limited to the discretion of the Planning Director.

6-F CREATE A MINOR USE PERMIT

The Zoning Code could include a new type of use permit – a Minor Use Permit – approved by the Planning Director. The Minor Use Permit would be required for uses that are limited in scope and impact. The City may, for example, reduce the number of uses requiring review by permitting more uses by right subject to compliance with specific limitations on location, floor area, hours of operation, and similar features that are the source of potential adverse impacts. Applications for Minor Use Permits would be subject to public notice and a hearing before the Director only if requested. All decisions would be subject to appeal. The Director would also have the authority to defer action and refer the application to the Planning Commission for final action. Notice of decision or notice of pending decision could be given to Planning Commissioners with an option for the Planning Commission to call for review of a project. Such a procedure creates more certainty in the process for both the community and developers while still providing opportunities for meaningful public input.

Conditional Use Permits would be reserved for uses that pose potential or significant land use compatibility issues due to their location, size, or activity and warrant Planning Commission review and approval. The number of uses that require discretionary review through approval of a Conditional Use Permit can be reduced by including carefully crafted standards and restrictions that are calibrated

for specific uses or zoning districts. As a result, more decisions to approve or deny a particular use based on these clearly defined standards may be made administratively without the financial costs and time constraints otherwise required in seeking approval at public hearings. The Zoning Code will include updating the findings of approval for Use Permits to streamline and modernize the administrative procedure.

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7 Compliance with State and Federal Law

California law grants cities and counties relatively broad discretion in the regulation of land uses and development, and the Federal courts and United States Congress have, for the most part, left land use and environmental regulation up to state and local government. There are, however, some important exceptions to this approach. If local regulations conflict with federal law, pursuant to the supremacy clause of the United State Constitution, then local laws are preempted. In some cases, both Congress and the State have identified matters of critical concern that limit the authority of California cities.

This section discusses some examples of State and Federal laws that should be addressed as part of the Zoning Code Update. This is a list of prominent State and Federal laws, not all of which are entirely applicable to the City and some will be addressed separate amendment process.

Accessory Dwelling Units

California Gov't Code 65852.2 requires local agencies treat all accessory dwelling units that comply with specific standards as ministerial approvals. Standards that may be imposed on accessory dwelling units include, but are not limited to height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. Cal. Gov't Code 65852.2 is applicable to single-family and multi-family residential zoning districts. Local agencies cannot require parking if accessory dwelling units meet certain criteria such as being located within a half-mile from public transit or being located within one block of a car share area. Otherwise, parking requirements cannot exceed one space per unit or bedroom. Additionally, absent topographic or safety considerations, local agencies must allow parking in setback areas or tandem parking. Local agencies are also authorized to permit junior accessory dwelling units (units less than 500 square feet and contained completely within the space of an existing structure) through an ordinance. Adoption of a junior accessory dwelling unit ordinance is optional.

Adult Oriented Businesses

Local agencies may regulate, pursuant to a content-neutral ordinance, the time, place, and manner of operation of sexually-oriented business when the ordinance serves a substantial government interest, does not unreasonably limit alternative avenues of communication, and is based on narrow, objective, and definite standards (Cal. Gov't Code §65850.4). Section 17.128 should be reviewed to ensure there are a reasonable range of alternative sites where adult-oriented businesses may be located.

Affordable Housing, Density Bonus, and Ministerial Review

The State Density Bonus Law (Cal. Gov't Code §65915) allows for density bonuses and additional incentives for affordable housing. Cal. Gov't Code §65913 expedites state and local residential development, assuring local agencies can sufficiently zone for affordable housing, and encourage and incentivize affordable housing. Recent changes to Cal. Gov't Code §65400 require local agencies to provide streamlined approval for eligible projects. Other laws include provisions that bar discretionary review of certain attached or multifamily housing projects (Gov't Code §65589.4) and require local agencies to make specific written findings in order to deny an affordable housing development (Gov't Code §65589.5(d)).

The current regulations will also be evaluated against the most recent legislation passed by the State in 2019, including the following:

- Per the SB 35 Statewide determination summary, the City of St. Helena is not currently subject to the SB 35 streamlined ministerial approval process.
- SB330 is intended to limit a city's ability to down-zone or change a general plan designation to result in less intensive land use. It applies to all housing developments, including mixed-use projects with 2/3 or more of the square footage dedicated to residential use. The law prohibits a city from reducing the permitted intensity to below that which was allowed on January 1, 2018 (e.g., reduced density or FAR, increased lot size, increased setbacks, etc.), and prohibits cities from imposing or enforcing non-objective standards established after January 1, 2020.

Because it prevents cities from reducing the capacity for residential development beyond those limitations set by the General Plan and Zoning, SB 330 may make St. Helena's Growth Management Ordinance unenforceable until the legislation expires.

SB 330's implications on a comprehensive Zoning Code Update will likely be limited to the obligation on the part of the City to ensure that the revised Zoning map does not support a net reduction in residential units.

- AB 1485 adds a new class of eligible projects that will qualify for streamlined approval under SB 35. The new class of eligible projects must be located in Bay Area cities or unincorporated areas (Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, Sonoma, and San Francisco) that did not submit its latest production report to HCD or, if one was submitted, that the production report reflects that there were fewer building permits issued for units of above-moderate-income housing (120% of AMI) than were required for the regional needs assessment cycle for that reporting period. Under AB 1485, these Bay Area projects containing 10 or more units that provide 20% affordable housing to households making below 120% AMI, with the average income of the units at or below 100% of AMI, will qualify for the streamlined project approval process.

Additionally, AB 1485 provides that any units used to satisfy the affordable housing requirements under Section 65913.4 (i.e., SB 35/AB 1485) can also be used to satisfy any other local or state inclusionary affordable housing requirement, including the State Density Bonus Law. Further, AB 1485 permits developers to satisfy the affordable housing requirement with units that are restricted to households with incomes lower than the applicable income limits required in the bill.

- AB 1397 tightens and adds specificity to the obligation that housing elements identify and make available sites for the community's Regional Housing Needs Allocation (RHNA) for lower income households. It imposes stricter requirements for the adequacy of sites, including non-vacant sites, and sites that were identified in previous elements, as well as requirements that sites have sufficient available infrastructure.
- AB 1763 permits 100% affordable housing projects to be built denser and taller through three modifications to current law that are designed to help reduce costs associated with the development of affordable housing. Modifications include high density bonus, more incentives and concessions, and lower parking requirements.

Cannabis Operations

California is currently passing new legislation to help regulate the state's cannabis industry under the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA") or Senate Bill 94. The California State Legislature passed Senate Bill 94 which integrated previous bills (MCRSA with AUMA) to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). Under MAUCRSA, a single regulatory system governs the medicinal and adult-use cannabis industry in California. The Adult Use of Marijuana Act (AUMA), under Proposition 64, allowed adults 21 years of age or older can legally grow, possess, and use cannabis for non-medicinal purposes, and also made it legal to sell and distribute cannabis through a regulated business as of January 1, 2018. The Medical Cannabis Regulation and Safety Act (MCRSA), through a series of bills created a state licensing and regulatory system for the existing medical market and established California's cannabis licensing authorities – (Bureau of Cannabis Control, CalCannabis Cultivation Licensing, and Manufactured Cannabis Safety Branch). The Adult Use of Marijuana Act and the Medical Cannabis Regulation and Safety Act were repealed when MAUCRSA was passed in 2017.

Cottage Food Operations

Pursuant to Cal. Gov't Code §51035, a city or county may not prohibit cottage food operations (homemade and packaged food defined in Cal. Health & Safety Code §113758) in any residential dwelling, but shall do one of the following: 1) classify the use as a permitted use in any residential district; 2) grant a nondiscretionary permit for the use, or 3) require a permit for the use.

Emergency Shelters; Transitional and Supportive Uses

Cal. Gov't Code §§65582, 65583, and 65589.5 require each local government to: 1) amend its Code to identify district(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit to include sufficient capacity to accommodate the need for emergency shelter identified in the housing element, and 2) treat transitional and supportive housing as a residential use of the property subject only to those restrictions that apply to other residential dwellings of the same type in the same district. Cal. Gov't Code §65582 contains definitions for "supportive housing," "target population," and "transitional housing" to be more specific to housing element law.

AB2162 requires that supportive housing be a use by right in districts where multifamily and mixed uses are permitted, including nonresidential districts permitting multifamily uses, if the proposed housing development meets specified criteria, and requires a local government to approve, within specified periods, a supportive housing development that complies with these requirements. Local governments are prohibited from imposing any minimum parking requirement for units occupied by supportive housing residents if the development is located within ½ mile of a public transit stop. In addition, the recently-passed AB 139 expands the scope of the Housing Element update to include provisions for citizens experiencing homelessness and vulnerable populations; requires the identification of areas where homeless shelters are allowed, requires that each city has a location where a shelter is allowed to operate year-round; and states that cities can write clear objective standards for maximum number of shelters beds.

Family Day Care Homes

Pursuant to Cal. Health & Safety Code §§1597.30 et seq., small family day care homes in a residential unit is a residential use and is not subject to a fee or business license. Large family day care homes may not be prohibited in any district where residential is allowed, but a city or county shall do one of the following: classify the use as a permitted residential use, grant a non-discretionary permit for the use, or require a permit for the use. However, zoning requirements for large family day care home must be reasonable and are limited to spacing and concentration, traffic control, parking, and noise control. Noise control standards must be consistent with the general noise ordinance and must take noise levels generated by children into consideration.

Farmworker Housing

AB1783 creates an opt-in, streamlined process to build farmworker housing on surplus agricultural land, sets quality standards to ensure that the new housing is dignified and family friendly, and puts safeguards in place to protect the environment. It creates a streamlined process where agricultural employee housing located on land zoned for agricultural uses shall be subject solely to a ministerial approval process and not subject to a conditional use permit, provided it adheres to key environmental safeguards and meets objective quality standards, which include:

- No barrack-style housing, gender discrimination (all male dorms) or other housing that does not allow family unity
- No dual-role of employer and landlord. An employer of farm workers cannot also serve as a landlord; and
- No for-profit management. Housing must be managed by a qualified affordable housing organization.

Housing for Persons with Disabilities

Various provisions in both federal and State law limit the authority of local agencies to regulate facilities for mentally and physically handicapped persons. In 1988, Congress extended the 1968 Fair Housing Act's prohibitions against housing discrimination to include discrimination on the basis of handicap or familial status (families with children). The Federal Fair Housing Act Amendments (FHAA)

defined "handicapped" to include persons with physical or mental disabilities and recovering alcoholics and drug addicts. The FHAA not only prevents communities from discriminating against handicapped individuals but also requires "reasonable accommodations in rules policies, practices, or services, when such accommodations are necessary to afford [handicapped persons an] equal opportunity to use and enjoy a dwelling." The California Fair Employment and Housing Act, codified as Government Code Sections 12900 to 12996, reinforces provisions of federal statute to prohibit any unlawful discrimination against persons with disabilities. The State Supreme Court has prohibited local agencies from limiting the number of persons unrelated by blood, marriage, or adoption who can reside in a single-family home. The Code does allow exterior accessibility retrofitting for reasonable accommodations subject to administrative design review. Such retrofits may be located in setback areas when compliant with the Americans with Disabilities Act design guidelines. However, the Code could more broadly allow the Director to grant waivers when necessary to comply with the Federal Fair Housing Act, the Americans with Disabilities Act, and the California Fair Employment and Housing Act to provide reasonable accommodation to persons with disabilities seeking fair access to housing through a waiver of the application of the City's zoning regulations.

Pursuant to Cal. Health & Safety Code §1566.3, a residential care facility that serves six or fewer people is considered a residential use and its occupants, regardless of legal relation, are considered a family for purposes of residential use laws and zoning codes. Further, such a use shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies that the residential facility is a business run for profit or differs in any other way from a family dwelling. The current Code identifies residential care facilities serving six or fewer people as accessory to a residential use. It identifies different types of residential care facilities, such as for the elderly, mentally and physically handicapped persons, alcohol and drug treatment, and intermediate care, and in some cases, has different allowances for the different type of facilities. Through the Code update, the definition of residential care facilities should be revised to include any facility licensed by the state of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks and such facilities should be treated as a residential use.

Manufactured Housing

The Zoning Code will ensure compliance with Cal. Gov't Code §§65852.3-.5 which requires local agencies to allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401 et seq.) on a foundation system, pursuant to Cal. Health & Safety Code §1855, on lots zoned for single-family dwellings.

Nonconforming Multifamily Dwellings

Local agencies may not prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire or other catastrophic event, unless certain findings are made that the reconstruction, restoration or rebuilding would be detrimental to public health or safety, and the existing nonconforming use would be more appropriately moved to a district that allows the use (Gov't Code §65852.25). The Zoning Code will ensure compliance.

Processing and Review Procedures

State law specifies a number of processing requirements and review procedures related to land use regulation. These include procedures and requirements for development agreements (Cal. Gov't Code §§65864 et seq.), general plan consistency (Cal. Gov't Code §65860), permit review timelines (Cal. Gov't Code §§65920 et seq.), rezoning land upon annexation (Cal. Gov't Code §65859), notice of public hearings (Cal. Gov't Code §§65090 et seq.), variances (Cal. Gov't Code §§65900 et seq.), and zoning amendment procedures (Cal. Gov't Code §§65853 et seq.). The Zoning Code and the City's project review procedures follow State law requirements, including SB 330 (2019) which freezes a City's ability to downzone or change a general plan designation that would result in less intensive land use (reduced height, reduced density, increased lot size) for a five-year period. SB 300 also limits the number of discretionary permits a city can require of a housing development, limits the number of hearings a jurisdiction can have on a project, and reduces the time that a city has to approve a project once it is deemed complete.

Religious Uses

The Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) requires public agencies to demonstrate a compelling government interest and to use the least restrictive means when making a land use decision that imposes a substantial burden on religious exercise. Religious uses must be treated the same as similar non-religious uses. Additionally, regulations cannot impose a substantial burden on religious uses. The Code should ensure that religious uses are subject to the standards for 'membership organization facilities' and ensure the applicable standards do not create a substantial burden.

Signs

In June 2015, the U.S. Supreme Court decision in *Reed v. Town of Gilbert* (No. 135 S.Ct. 2218, 2015) affirmed that sign regulations must be "content-neutral" to survive a legal challenge. In order to be content-neutral and satisfy First Amendment limitations, sign regulations must be based on "time, place, and manner" restrictions, rather than by content- or message-based restrictions. Content-based regulations are subject to what is called a "strict scrutiny" standard – that is, a compelling governmental interest must be demonstrated, and regulations must be narrowly tailored to serve that interest.

Solar Energy Systems

Cal. Gov't Code §65850.5 requires that solar energy systems be approved administratively with requirements limited to health and safety requirements per local, State, and federal law and those necessary to ensure systems will not have a specific, adverse impact on public health or safety. A use permit may be required if the building official makes a finding based on substantial evidence that a specific, adverse impact on public health or safety would result. Every city and county is required to have an ordinance expediting permitting for small residential rooftop solar energy systems (only).

Telecommunications

The Federal Telecommunications Act of 1996 Limits state or local governments' authority to regulate placement, construction, and modification of personal wireless service facilities. State or local governments must not unreasonably discriminate against providers of functionally equivalent services and not prohibit or effectually prohibit use of personal wireless devices. Further, state or local governments shall not regulate placement, construction, and modification of personal wireless service facilities based on the environmental effect of radio frequency emissions, to the extent that such facilities comply with FCC regulations. Cal. Gov't Code § 65850.6 requires a city or county to ministerially approve an application for a co-location facility on or immediately adjacent to an existing wireless telecommunications co-location facility. It also prohibits a city or county from imposing certain conditions of approval on permits for construction or reconstruction of wireless telecommunications facility. The Code should reflect current technologies, provide clear direction on the design and siting of telecommunication facilities, and specifically identify the provisions related to co-location facilities. Although not required by the State, the Code should include development and design standards for stealth facilities.

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Appendix A: Annotated Outline

Part I: General Provisions

Part I establishes the overall purposes of the zoning ordinance and zoning map and the general rules that govern their applicability. Part I generally addresses the provisions found in Chapter 17.04 of the current Code.

- 17.01 Title, Authority and Purpose**
 - 17.01.010 Title
 - 17.01.020 Authority
 - 17.01.030 Purpose
 - 17.01.040 Applicability
 - 17.01.050 Interpretation of the Zoning Code
 - 17.01.060 Severability

- 17.02 Zoning Districts and Zoning Map**
 - 17.02.010 Purpose
 - 17.02.020 Zoning Districts Established
 - 17.02.030 Zoning Map
 - 17.02.040 Interpretation of District Boundaries

Part II: Administration and Procedures

Part II establishes uniform procedures that are common to the application and processing of a variety of different permits and approvals. Part II generally covers provisions found in the existing Code chapters 17.08 Admin Procedures; 17.12 Zoning and GP Amendments Procedures; 17.156 Development Agreements; 17.164 Design Review; 17.168 Use Permits; 17.172 Variances; 17.176 Reimbursement for Public Improvements; and secs. 17.08.100-120 concerning terms of permits and approvals.

- 17.03 Zoning Code Administration**
 - 17.03.010 Purpose

17.03.020 Decision-Making Bodies. *Each body and its authority may be described in a separate subsection.*

17.03.030 Permits and Approvals to Conform to Code

17.04 Common Procedures

17.04.010 Purpose

17.04.020 Application Forms and Fees

17.04.030 Pre-Application Review

17.04.040 Review of Planning Applications

17.04.050 Environmental Review

17.04.060 Public Hearing Notice

17.04.070 Conduct of Public Hearing

17.04.080 Notice of Action, Findings and Decision

17.04.090 Determination of Similar Use

17.04.100 Conditions of Approval

17.04.110 Expiration and Extension

17.04.120 Modifications to an Approved Permit

17.04.130 Revocation of Permits

17.04.140 Appeals

17.04.150 Reimbursement for Public Improvements

17.05 Planning Permits and Approvals

The various permit types are listed as subsections in this chapter. Section 17.05.020 shows all in tabular format with review authority and appeal authority. Each subsection to include purpose and applicability, public noticing requirements, and findings.

17.05.010 Purpose

17.05.020 Planning Permits and Approvals

17.05.030 Conditional Use Permits

17.05.040 Minor Use Permits

17.05.050 Use Permit Conformity

17.05.060 Design Review

- 17.05.070 Development Agreements
- 17.05.080 Demolition
- 17.05.090 Variance
- 17.05.100 Exceptions and Modifications
- 17.05.110 Pre-Zoning for Annexation.

17.06 Amendments to the Zoning Map and Text

17.07 Amendments to the General Plan

17.08 Nonconforming Provisions

- 17.08.010 Purpose and Applicability
- 17.08.020 Nonconforming Uses
- 17.08.030 Nonconforming Sites
- 17.08.040 Nonconforming Structures

17.09 Specific Plans

Provides the purpose, applicability, and procedural requirements associated with Specific Plans (existing sec. 17.84.010).

17.10 Enforcement

Includes violations and remedies (existing secs. 17.04.110-150).

Part III: District Regulations

Part III establishes all base and overlay zoning districts by category (agricultural, residential, commercial, etc.). Each zoning district will have a purpose statement, a list of uses specifying the level of discretionary review required, development standards specific to the zoning district, and supplemental regulations as appropriate. Where physical form is critical, such as in residential mixed-use and areas, zone regulations will include development and design standards to adequately address the desired character and physical form. Where appropriate, standards will reflect unique qualities of a neighborhoods or area. Part III generally addresses the provisions found in chapters 17.16 through 17.104 of the current Code.

17.11 Establishment of Zoning Districts

- 17.11.010 Purpose

17.11.020 Establishment of Zoning Districts

17.12 Agricultural Zoning Districts

17.12.010 Purpose and Applicability

17.12.020 Use Regulations

17.12.030 Development Standards

17.12.040 Supplemental Regulations

17.13 Residential Zoning Districts

17.13.010 Purpose and Applicability

17.13.020 Use Regulations

17.13.030 Development Standards (includes objective standards for multi-family development)

17.13.040 Supplemental Regulations

17.14 Commercial and Mixed-Use Zoning Districts

17.14.010 Purpose and Applicability

17.14.020 Use Regulations

17.14.030 Development Regulations

17.14.040 Supplemental Regulations

17.15 Office and Industrial Zoning Districts

17.15.010 Purpose and Applicability

17.15.020 Use Regulations

17.15.030 Development Regulations

17.15.040 Supplemental Regulations

17.16 Public and Open Space Zoning Districts

17.16.010 Purpose and Applicability

17.16.020 Use Regulations

17.16.030 Development Regulations

17.16.040 Supplemental Regulations

17.17 Overlay Districts

One chapter provided for each Overlay District. These may include, but may not be limited to: Rural-Residential; Specific Plan; Special Flood Zone; Historic Preservation; PD; Mobile Home Park; and Parking Impact overlays Each Overlay to include purpose, applicability, regulations, and procedural requirements associated with each district. Includes PD.

17.18 Specific Plan Districts

Includes subsection for each adopted specific plan, referencing the specific plan document on file with the City. Procedures related to how to establish a Specific Plan will be located in the Specific Plans chapter of Part II.

Part IV: Citywide Standards

Part IV establishes all standards not specific to zone and generally applicable citywide. Included are general site development standards, parking, signage, performance standards, standards specific to use, and non-conforming uses and structures. Generally addresses the provisions found in chapters 17.112-152, 17,180, and 17.190 of the current Code.

17.19 General Site Standards

- 17.19.010 Purpose
- 17.19.020 Accessory Structures
- 17.19.030 Encroachments
- 17.19.040 Height Exceptions
- 17.19.050 Fences, Walls, and Hedges
- 17.19.060 Flag Lots
- 17.19.070 Landscaping
- 17.19.080 Lighting and Illumination
- 17.19.090 On-Site Storage
- 17.19.100 Streambank Stabilization
- 17.19.110 Reasonable Accommodation for Persons with Disabilities

17.20 Parking and Loading

- 17.20.010 Purpose and Applicability
- 17.20.020 Required Parking Spaces

- 17.20.030 Exceptions
- 17.20.040 General Requirements
- 17.20.050 Bicycle Parking
- 17.20.060 Parking Area Design Standards
- 17.20.070 Loading

17.21 Signage

Chapter re-organized to comply with Reed v. Gilbert and to address all sign types.

- 17.21.010 Purpose and Applicability
- 17.21.020 Sign Permit Requirements
- 17.21.030 General Restrictions for All Signs
- 17.21.040 General Requirements for All Signs
- 17.21.050 Standards for Permanent Signs
- 17.21.060 Standards for Temporary Signs
- 17.21.070 Sign Standards by Zone
- 17.21.080 Nonconforming Signs
- 17.21.090 Enforcement

17.22 Performance Standards

Below is an exhaustive list; topics be reduced as appropriate.

- 17.22.010 Purpose
- 17.22.020 General Standards
- 17.22.030 Applicability
- 17.22.040 Measurement of Impacts
- 17.22.050 Air Contaminants
- 17.22.060 Chemicals
- 17.22.070 Fire and Explosion Hazards
- 17.22.080 Hazardous Materials
- 17.22.090 Hours of Construction
- 17.22.100 Hours of Operation

- 17.22.110 Light and Glare
- 17.22.120 Liquid or Solid Waste
- 17.22.130 Odors
- 17.22.140 Noise
- 17.22.150 Radioactivity or Electrical Disturbance
- 17.22.160 Security Measures
- 17.22.170 Smoke, Fumes, and Gases
- 17.22.180 Vibration

17.23 Standards Specific to Uses

- 17.23.010 Purpose and Applicability
- 17.23.020 Accessory Uses
- 17.23.030 Accessory Dwelling Units
- 17.23.040 Adaptive Reuse
- 17.23.050 Adult-Oriented Businesses
- 17.23.060 Alcoholic Beverage Sales
- 17.23.070 Alternative Energy Sources
- 17.23.080 Beekeeping
- 17.23.090 Bed and Breakfast Inns
- 17.23.100 Cannabis Uses
- 17.23.110 Cottage Food Operations
- 17.23.120 Fractional Ownership Hotel
- 17.23.130 Home Occupations
- 17.23.140 Outdoor Dining and Seating
- 17.23.150 Outdoor Display and Sales
- 17.23.160 Small Recycling Centers
- 17.23.170 Service Stations
- 17.23.180 Short-Term Rentals
- 17.23.190 Small Wineries
- 17.23.200 Telecommunication Facilities

17.23.210 Temporary Uses

17.24 Affordable Housing

Includes Sections 17.144 Affordable housing and 17.146 Housing Trust Fund, Housing Impact Fee and Inclusionary/In-Lieu Fee Requirements.

Part V: Definitions and Rules of Measurement

17.25 Definitions

17.25.010 Purpose

17.25.020 Definitions

This section should be updated to include key terms that are currently not defined. Current definitions should be updated to include modern terminology and to be made more general, so they apply to multiple arts of the Zoning Code and other codes and ordinances. Definitions of terms currently located within various sections of the Code should be consolidated and located in this Chapter for easy reference. Technical terms and definitions with limited applicability may remain in those respective chapters.

17.26 Rules of Measurement

17.26.010 Purpose

17.26.020 Rules of Measurement

This new chapter should include specific rules that explain how to perform calculations and measurements that are required to implement Code requirements (e.g., measuring floor area, lot area, setbacks, or floor area ratio).

Appendix B: Style Guide

Chapter 17.24

Zoning District Category

Sections:

17.24.010 Purpose and Applicability

17.24.020 Use Regulations

17.24.030 Development Regulations

17.24.040 Supplemental Regulations

17.24.010 Purpose and Applicability

The purposes of the Example Base Zoning Districts are to:

- A. General purpose...;
- B. General purpose...;
- C. General purpose...; and
- D. General purpose...

Additional purposes of each Example Base Zoning District:

Example District 1 (D1): The Example District 1 is intended to

Example District 2 (D2): The Example District 2 is intended to

Example District 3 (D3): The Example District 3 is intended to

17.24.020 Use Regulations

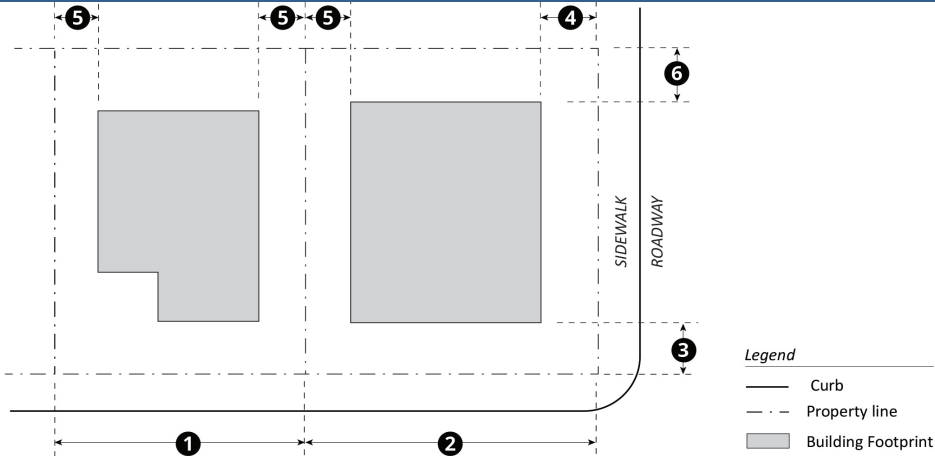
Table 14.09.040.020, Use Regulations – Example Base Zoning Districts, prescribes the use regulations for the Example Base Zoning Districts. Section numbers in the right-hand column refer to other sections of this Title.

TABLE 14.09.001.020: USE REGULATIONS – EXAMPLE BASE ZONING DISTRICTS				
Use Classification	D1	D2	D3	Additional Regulations
<i>“P” Permitted use; “M” Minor Use Permit required; “C” Conditional Use Permit required; “-” Use not allowed</i>				
Residential Uses				
Example Use	P	-	-	Cross-reference
Example Use with subclassification	See subclassification below			
Use subclassification	P (1)	P (1)	C (1)	
Public/Semi-Public Uses				
Example Use	P	-	-	Cross-reference
Example Use with subclassification	See subclassification below			
Use subclassification	-	P	M	Cross-reference
Use subclassification	P	P	C	Cross-reference
Commercial Uses				
Example Use	-	-	C	
Example Use	C (2)	C (2)	C (2)	
Industrial Uses				
Example Use with subclassification	See subclassification below			
Use subclassification	P	P	M	Cross-reference
Use subclassification	M	M	C	Cross-reference
Notes:				
1. Limitations on use.				
2. Limitations on use.				

17.24.030 Development Standards

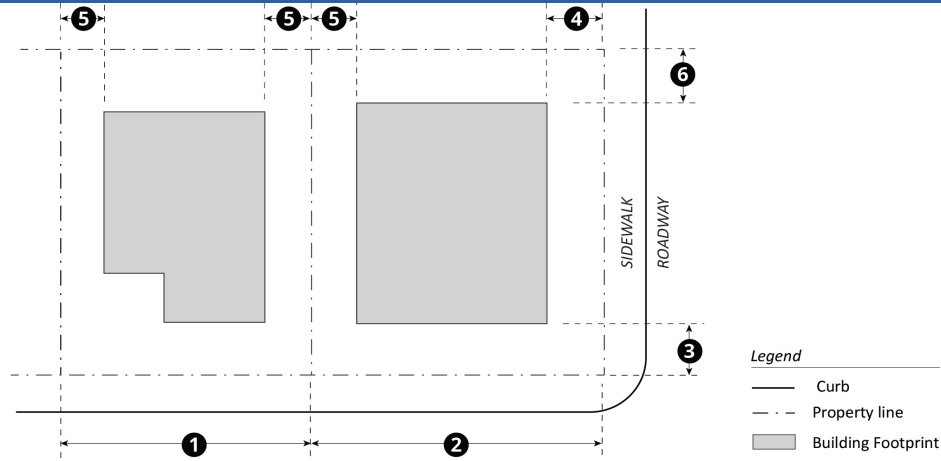
Table 14.09.040.030, Development Standards – Example Base Zoning Districts, prescribes the development standards for the Example Base Zoning Districts. Additional regulations are denoted in a right-hand column. Section numbers in this column refer to other sections of this Title, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the table.

TABLE 14.09.040.030: DEVELOPMENT STANDARDS – EXAMPLE BASE ZONING DISTRICTS



Standard	D1	D2	D3	Additional Regulations	Key
Lot and Density					
Maximum Density (units/acre)	6	12	15		
Minimum Lot Size (sq. ft.)	6,000	5,000	5,000	Cross-reference	
Minimum Lot Width (feet)	50	50	50	Cross-reference	1
Minimum Corner Lot Width (feet)	60	65	65		2
Building Height and Placement					
Building Height (feet)	25(A)	35(B)	35(B)		
Minimum Setbacks (feet)					
Front	20	15	10		3
Street Side	20	15	10		4
Interior Side	10	10	10		5
Rear	20	10	10		6
Open Space					

TABLE 14.09.040.030: DEVELOPMENT STANDARDS – EXAMPLE BASE ZONING DISTRICTS



Standard	D1	D2	D3	Additional Regulations	Key
Minimum Open Space (sq. ft. per unit)	n/a	100	100	Cross-reference	

- A. **Additional Standard A.** Text here describing additional development standard.
- B. **Additional Standard B.** Text here describing additional development standard.

17.24.040 Supplemental Standards

- C. **Supplemental Standard A.** Text here describing supplemental standards for the Example Base Zoning Districts.
 - 1. **Supplemental Standard A1.** Text here.
 - 2. **Supplemental Standard A2.** Text here.
- D. **Supplemental Standard B.** Text here describing supplemental standards for the Example Base Zoning Districts.

Sample Graphic: Plan Diagram

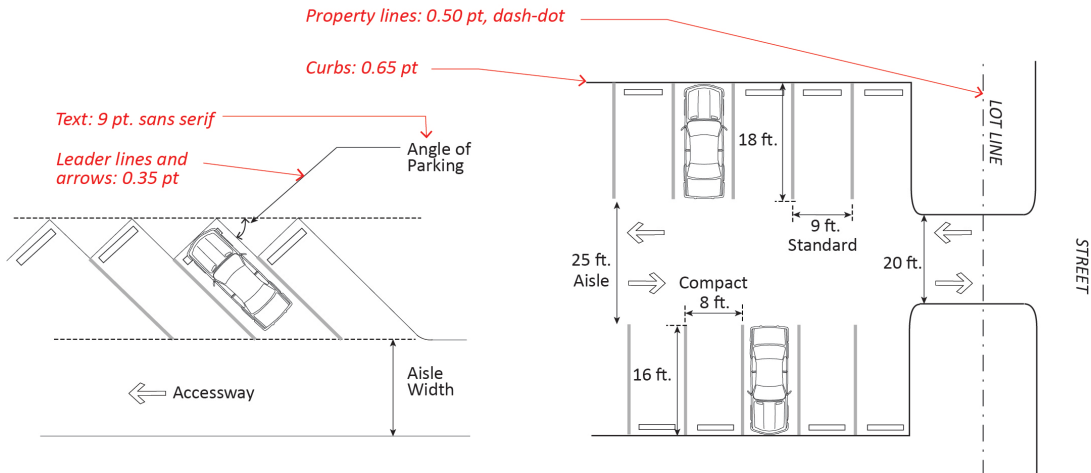


FIGURE: STANDARD PARKING SPACES AND DRIVE AISLES

Sample Graphic: Elevation Diagram

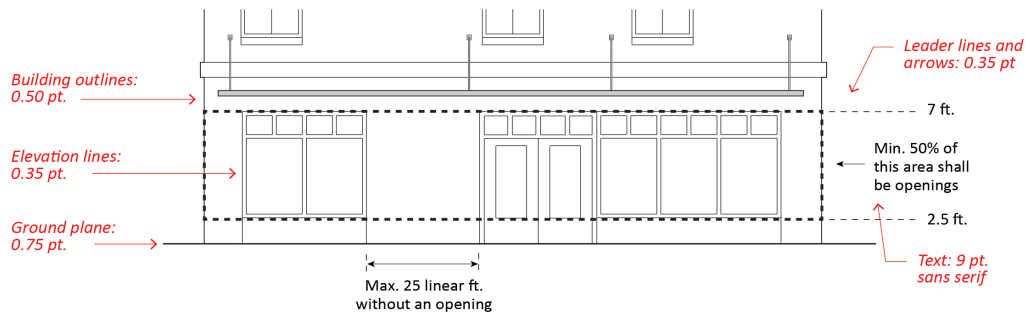


FIGURE: BUILDING TRANSPARENCY

Sample Graphic: Section Diagram

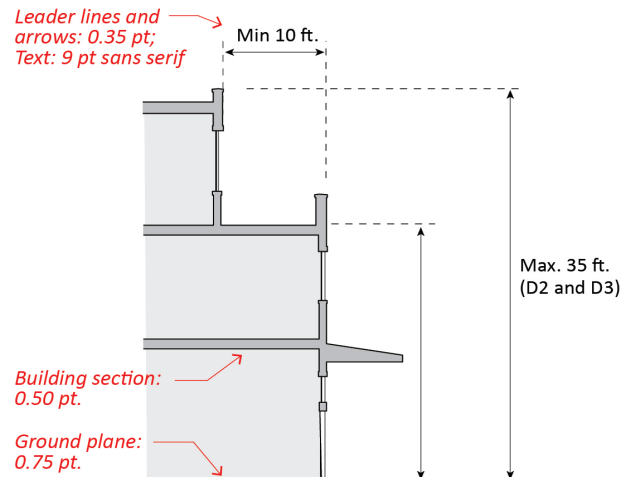


FIGURE: MAXIMUM BUILDING HEIGHT

Sample Graphic: Axonometric Diagram

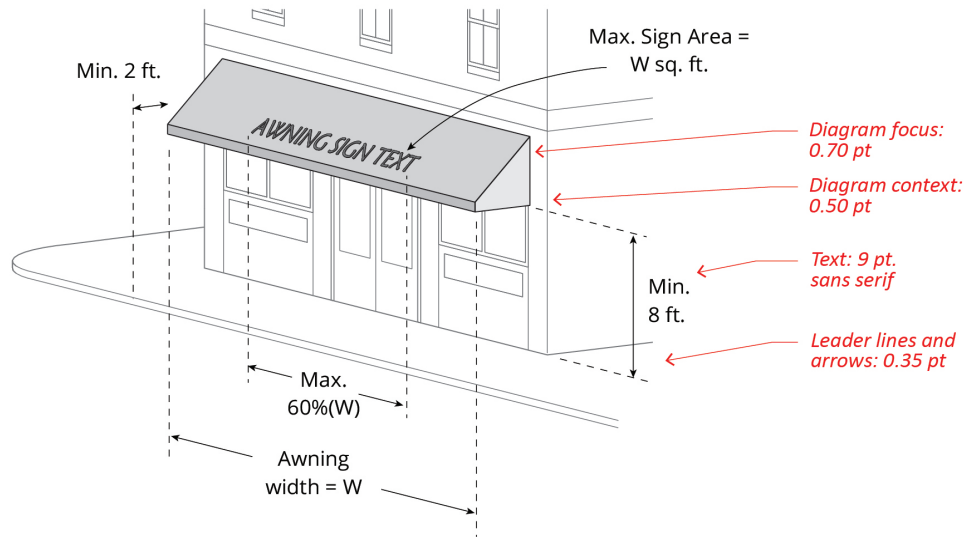


FIGURE: STANDARDS FOR AWNING SIGNS

Sample Graphic: Perspective Diagram

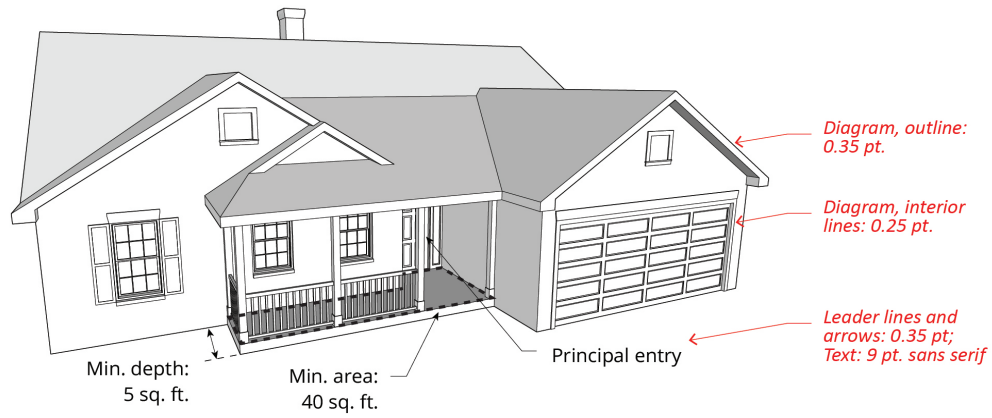


FIGURE: STANDARD PORCH SIZE

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Appendix C: Key Policy Direction

The following table identifies the policies and implementing actions of the General Plan and Housing Element that will be most directly relevant to the Zoning Code Update.

KEY POLICY DIRECTION	
Ref #	Policy/Implementing Action
General Plan	
LU 1.3	Support agricultural and low-intensity uses beyond the Urban Limit Line.
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.
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.
LE1.E	Restrict the use of housing units as short-term rentals, except for those allowed by the Short-Term Rental Ordinance.
LU 2.1	Promote a mix of housing types and price ranges that are consistent with the Housing Element RHNA categories of housing affordability.
LU 2.2	Encourage new residential development that is consistent in design, size, color, and floor area ratio (FAR) with the older residences in the neighborhood.
LU 2.3	Protect residential neighborhood views of surrounding vineyards and mountains.
LU 2.4	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.
LU 2.5	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.
LU 2.6	"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. "
LU 2.7	"Ensure safe, walkable, and bikeable residential neighborhoods and vibrant, livable streets."
LU 2.8	Ensure walkable and accessible neighborhoods through mixed-use development.

KEY POLICY DIRECTION	
Ref #	Policy/Implementing Action
LU2.A	Update the zoning ordinance and map to be compatible with the General Plan land use map and designations.
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.
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.
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.
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.
LU 3.3	Support the redevelopment of auto-oriented commercial areas into pedestrian-friendly commercial uses.
LU 3.4	Protect historic resources in the commercial areas and encourage appropriate rehabilitation and adaptive reuse.
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.
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.
LU 3.8	Provide sufficient opportunities for offices that support the regional, agricultural-based economy and the local needs of the community.

KEY POLICY DIRECTION	
Ref #	Policy/Implementing Action
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 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."
LU 3.11	Ensure that new commercial development does not obstruct view corridors to the mountains.
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.
LU3.E	Prohibit retail commercial zoning on Main Street north of Pine Street.
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.
LU 4.1	Support and maintain a transitional zone around industrial areas to protect the health and safety of residential neighborhoods.
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.
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.
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.
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 neighborhoods, schools, and parks.
LU 5.1	Discourage conversion of existing farmland to non-agricultural uses.
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.
LU 5.4	Support community-based agricultural uses within the city, including community gardens, orchards, and parks.
LU 5.5	Encourage the use of sustainable agricultural practices.

KEY POLICY DIRECTION	
Ref #	Policy/Implementing Action
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.
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.
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.
LU5.H	Prepare and adopt guidelines and regulations to assist in the determination of the appropriate type and scope of agricultural buffer areas
ES1.4	Encourage the creation of workforce housing to support the local employment base in keeping with small town smart growth.
ES1.5	Encourage commercial uses that provide basic, everyday shopping and services for residents.
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.
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.
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.
ES1.2	Encourage visitor-serving uses oriented toward an upscale market, consistent with the Valley's reputation as a producer of world-class wines. 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.

KEY POLICY DIRECTION	
Ref #	Policy/Implementing Action
ES1.5	Encourage socially and environmentally responsible businesses that make positive contributions to the community and operate in an environmentally-sound manner.
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.
ES1.7	Do not legislate or restrict the number of restaurant seats, but continue to prohibit formula restaurants.
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.
ES3.3	Ensure clarity, transparency, and efficiency in local regulations, permitting processes, and fee structures.
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.
HR1.2	Protect the historic resources that exist in the downtown commercial area.
HR1.3	Encourage the adaptive reuse, rehabilitation, and retrofit of historic buildings in which the original use is no longer feasible.
HR1.4	Promote the application of sustainable building practices to the preservation of historic resources.
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.
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.
HR1.G	Continue to develop and implement downtown design guidelines and/ or standards to protect historic buildings and guide façade changes.
CD1.1	Ensure high-quality design and construction through a robust design review process.
CD1.2	Ensure the construction of sustainable buildings and landscaping in all public and private development projects.
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.

KEY POLICY DIRECTION	
Ref #	Policy/Implementing Action
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.
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.
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.
CD2.3	Encourage distinction within and between buildings by varying roof lines and articulating building facades.
CD2.D	Require businesses and structures to be of a scale commensurate with existing older buildings in the CB and SC land use areas.
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.
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 setbacks.
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.
CD3.E	Require new development to include landscaping and street trees.
CD3.G	Explore a reduction in parking requirements for residential uses that 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.
Housing Element	
HE1.3	Encourage the development of affordable housing and remove development constraints as feasible.
HE1.4	Address workforce housing needs by supporting an improved jobs/housing “match.”

KEY POLICY DIRECTION	
Ref #	Policy/Implementing Action
HE1.5	Encourage innovative housing types and designs.
HE1.6	Address emergency shelter and transitional housing requirements.
HE1.B	Review and possibly amend the Growth Management System to encourage the production of regulated affordable and workforce housing units. Review the Growth Management System (GMS) to make sure that it is not disproportionately affecting the development of affordable housing. 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.
HE1.J	Encourage development of co-housing, ecohousing, ‘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.
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.
HE2.1	Encourage higher density development where appropriate.
HE2.2	Ensure that higher density housing opportunity sites are not lost to lower density uses.
HE2.3	Promote mixed-use developments.
HE2.4	Promote second unit production.
HE2.5	Allow conversion of single-family homes to multi-unit dwellings.
HE2.6	Promote a balance of types of housing throughout the whole community.
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.
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.
HE2.C	Amend regulations to discourage exemptions from the minimum density requirements. The City shall discourage exemptions for minimum density requirements
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

KEY POLICY DIRECTION	
Ref #	Policy/Implementing Action
	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.
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.
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.
HE2.I	Review and revise development standards pertaining to second units. Ensure that the development of second units is physically and financially feasible in targeted areas. Give particular attention to parking standards, setbacks, and impact fees.

Future Zoning Ordinance Amendments *

*Green shaded entries reflect ZOA is complete or in final adoption

	TOPIC	CODE REFERENCE	CHANGE REQUIRED	STATUS
1	ADU owner occupancy X		Per AB 976, remove all owner occupancy requirements for ADUs.	Completed as part of ZOA 2025--001
2	Short-term Rentals X		Add STRs as a permitted use in the A-20 and WW districts or remove reference in STR purpose statement.	n/a
3	Alcohol Sales X	17.22.050	Location subsection: remove 1 and 2 (within 1,000 feet of schools language).	In process as part of ZOA 25-005
4	Electric (E) Bikes O	17.26.080	Update Section 17.26.080 (Bicycle Parking) to include standards for e-bike charging stations.	TBD
5	Accessory Winery Uses X	Table 17.19.020A	Add clarity to Table 17.19.020.A. (i.e., accessory uses prohibited in the A-20 district in the context of small wineries only being permitted in the A-20 and the need for accessory uses).	ASAP
6	Calculation of Housing In-Lieu Fee X	17.30.030 E	With the new fee update in 2024, the City will no longer be calculating in in lieu fee based on percentage of the projected construction costs of market rate units and it will be based on square footage of unit.	Completed as part of ZOA 2024-001
7	Single Family footnote, etc. in the WW zone X	Table 17.19.020A	Remove footnote 2 from "Single Family" in the WW district. There are not a lot of agricultural parcels in the WW zone. Per the GP, single-family homes should be a permitted use. Also, change CUP to P for accessory structures and home occupation permits in the WW – we have standards for both. Tasting room for small winery should be a dash and not a CUP as small wineries are not permitted.	ASAP
8	Exclusions from floor area-accessory structures X	17.34.050 A.2.h	There is a conflict with Table 17.16.030B footnote 5. To clarify Delete "h" .	ASAP
9	Condominium Projects O	17.16.020.A	Clarify process. Multi-family project – ministerial if meets design standards but needs discretionary map approval.	TBD

X = Aaron made an effort at redline edits. Redline versions are in the 2024 Projects folder.

O = Needs addressing

Future Zoning Ordinance Amendments *

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10	Office as accessory use X	Table 17.18.020.A	Add office as a permitted accessory use in the Industrial district. Industrial uses need administrative functions also and the parking standards address office space in the I district.	asap
11	Industrial Setback X	Table 17.18.040.B	States "25 ft from any street or public right-of-way"; should say, whichever is closer	asap
12	Demolition Permit X	17.05.030	B. Should say less than 50 years old <u>or structures that are clearly not historic.</u> Also, there is no carve out exemption for accessory structures which in general should not have to go to Planning Commission to request approval to demolish.	asap
13	Term of Permits X	17.04.130	A conflict exists between subsection A.1 and C.1. Should be 1 year.	asap
14	PQP Uses X	17.20.020	Staff recommends some of the PQP uses should be changed, they are as follows: Caretaker residence should be an CUP or MUP (i.e. a cemetery), not uncommon; cultural institution, government offices and schools should all be P instead of CUP as they are the literal intent of the PQP district.	asap
15	Bed & Breakfast X	17.22.080	Delete sentence referencing a MUP under C. Also amend use table for CB, SC and MU to change "MUP" to "CUP". Justification is that normally all lodging uses need a CUP.	asap
16	2 nd floor setbacks X	17.16.030.B	Should say 'stepback' opposed to setback.	asap
17	Water Use X	17.22.230.E.7	The reference to SHMC Section 13.04.100.f (this section establishes bi-monthly bills for water charges) is incorrect, and should be 13.04.100.e (this section reflects the prohibition of municipal water for agricultural purposes with exceptions).	asap
18	Parking Lot Trees O	Table 17.25.050.A	Remove 20/24 tree per acre standard as difficult to interpret and have standard of 1 tree/4 spaces apply irrespective of number of parking spaces.	TBD
19	Building Orientation X	17.16.040.A.3.a	Exempt flag lots from this requirement	asap

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Future Zoning Ordinance Amendments *

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20	Access Drive X	17.26.020.A	Change the word 'paved' with 'travel' as the entire drive is not required to be paved as described later in the section.	asap
21	Accessory Uses to Large Wineries O	Table 17.19.020A	Insert "large" in front of "winery" in accessory uses (this clarification is needed so small wineries are not subject to this provision)	TBD
22	ADU setback for attached structures	17.22.030 F. 3. b	Add attached ADUs subject to also the 4 foot side and rear setbacks. "No part of any ADU (attached or detached) may be located within 4 feet of a side or rear yard property line.	Completed as part of ZOA 2025--001
23	ADU deed restriction	17.22.030 E (7)	Delete "ADU" from deed restriction. Per City Attorney, only applies to a JADU.	Completed as part of ZOA 2025--001
24	Fences O	17.24.050(A)(2)(a)(i)	Height discrepancy with Building Code Any fence or wall over 7 ft requires a building permit but our zoning code makes it seem like a BP is only required for 8 ft or more.	TBD
25	Accessory Structure Setbacks O	17.24.020(B)	8 ft separation: This section applies only to accessory buildings or structures without toilet plumbing or cooking facilities which creates confusion because many real-world projects fall into the gray area between "accessory structure" and "ADU". Building-separation distances and CUP triggers don't come from the Building Code or Fire Code/ hard to justify.	Restudy as part of next ADU ordinance
26	Event Center in MU O	17.17.020A	Amend MU use table to allow with a CUP	TBD
27	Industrial Uses O	Table 17.18.020 A	Study the Permitted uses and expand footnote 4 to potentially impactful industrial uses that should be elevated to a CUP where adjacent to a property zoned residential or an existing residential use.	TBD
28	Signs/Illumination O	17.27.020 Definition of "Illumination, Internal"	typo is in the definition of "internal Illumination" which should read "'a form of sign illumination that includes single-color LED signs, signs constructed with reverse pan channel letters (but <u>not reverse pan channel letters</u>), or indirect halo illuminated pan channel letters on an unlit or otherwise indistinguishable background on a freestanding sign or building wall."	TBD

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Future Zoning Ordinance Amendments *

*Green shaded entries reflect ZOA is complete or in final adoption

			Comment referring to current code: If you look at 17.27.080(F)(1) Internal Illumination, it is consistent with the prohibition on Pan Channel Letters: F. <i>Sign Illumination.</i> 1. <i>Internal Illumination.</i> 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.	
29	Administrative Determination ○	Table 17.03.030A	There is no reference to this application in the code and what the approval process is. Minimum need to add to Review Authorities Table in Part II of code. Approval is CDD but we send notification of approval to 300 radius.	TBD
30	Special Events TUP ○	17.22.250 C (6) and D(1)	Following the code enforcement issues with frequent events at 2500 Spring Mountain Road, it is evident there is a loop hole in this part of the code where non-profit special events and for profit events could occur at a frequency not compatible with the zoning and neighboring properties. Also need to clarify what qualifies as a “non-residential” property.	TBD
31	Max Lot coverage and ADUs ○	Table 17.16.030B	To improve interpretation of ADU development standards, include a foot note on “Max. Lot Coverage” row that lot coverage cannot preclude development of at least an 800 sq ft ADU (similar to foot note about floor area)	TBD
32	Bundling multiple discretionary actions to the	17.03.030	To avoid piece meal approvals, most cities require that when there are multiple discretionary actions (aka Spring Grove with a Demo Permit and Tentative Subdivision Map) that all approvals are	TBD

X = Aaron made an effort at redline edits. Redline versions are in the 2024 Projects folder.

○ = Needs addressing

Future Zoning Ordinance Amendments *

*Green shaded entries reflect ZOA is complete or in final adoption

	highest review authority ○		elevated to the highest review authority.	
33	On-site accessory storage in CB and MU ○	Table 17.17.020A	A CUP is currently required for on-site storage in the SC zone. There are businesses in the CB and MU that have expressed interest in adding onsite storage to accommodate their growth needs.	TBD
34	Add an “exceptions” section to Minor Design Review Chapter ○	17.05.080	As currently written the section unintentionally captures almost all non-historic exterior work, including routine maintenance, in-kind replacement and includes all changes such as those that cannot be seen from any public right-of-way. The exceptions section would also ensure that routine items handled at the building counter for non-historic buildings such as roofing, siding, repair and mechanical replacements can proceed in an expedited manner.	TBD-staff recommends presenting a draft redline at a future meeting for discussion

✗ = Aaron made an effort at redline edits. Redline versions are in the 2024 Projects folder.

○ = Needs addressing

From: [Best Best & Krieger LLP](#)
To: [Maya DeRosa](#)
Subject: Governor Newsom Signs Four New Accessory Dwelling Unit Bills
Date: Friday, November 7, 2025 10:36:53 AM

BBK Firm



Legal Alerts-2

Governor Newsom Signs Four New Accessory Dwelling Unit Bills

Authors: [Todd R. Leishman](#), [Michael Ervin](#) and [Ryan Stager](#)

California cities, counties, and public agencies take note! Governor Newsom has signed four new ADU/JADU bills (AB 462, AB 1154, SB 9, SB 543) that clarify permitting rules, owner-occupancy, impact fees, and ordinance compliance. Understand how these changes affect how local agencies approve accessory dwelling units. These timely updates to ordinances and processes are crucial to stay in compliance.

[Read the Legal Alert >](#)



**Best Best & Krieger LLP 3390 University Ave.5th Floor, Riverside, CA, 92501
(951) 686-1450**

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December 15, 2025

To Whom It May Concern:

As the City reviews its current Zoning Codes I would again like to bring to your attention to Monte Vista Street (off Hunt Ave.) that I think should be considered for upzoning.

Monte Vista is one block long and consists of 11 multi-unit buildings and approximately 63 rental units. All eleven properties are currently zoned MD, and, by my calculation, as a group they are at the very tip of MD with an average of 19 units per acre. Most of the buildings were built in the 1970s and will most likely be rebuilt in the next decade. It is conceivable that current or new landowners could choose to build fewer units on these parcels and we will lose one of our few local working-class neighborhoods. If these properties are zoned high density, we can increase the possibility that the number of units overall will not go down.

I own property on this street and have had direct contact with many of the working families and senior citizens that have lived on Monte Vista over the last three decades. If these buildings are gradually eliminated and replaced by higher-end duplexes and fourplexes, over two hundred people will eventually lose their ability to live where they work and raise their children in St Helena.

I would like to point out that I have been asking the City to consider this zoning change for over 10 years. I was told by a previous City Planner that the street was supposed to be HD in the 1993 planning process but was color-coded wrong. I was told unofficially that this change could not be considered in the 2016 update because of the threat of litigation by east side residents. In this last iteration, I was not given a reason, but it remains MD.

Once again, I ask the Council and Staff to consider the future of this neighborhood and how it can be kept as one of the few places for working families of moderate income to live in our town.

Thanks for your attention.

Mary Stephenson
2683 Chablis Coury
St Helena, CA 94574

Attachment: Monte Vista Parcels Information

Monte Vista Data Pulled from Public Records 2016

	ADDRESS	APN	UNITS	BLDG SQ FT	PARCEL SQ FT	% ACRE	DU per ACRE	Lot Cover	BUILT
	1313 Monte								
1	Vista*	10	6	5120	20525	0.47119	12.73	25%	
	1327 Monte								
2	Vista	13	6		9166	0.21042	28.51		
	1337 Monte								
3	Vista	25	8	6722	14,403	0.33065	24.19	47%	
	1347 Monte								
4	Vista	16	6	5282	9991	0.22936	26.16	53%	1972
	1357 Monte								
5	Vista	17	6	5282	10172	0.23352	25.69	52%	1972
	1366 Monte								
6	Vista	18	6	5282	10744	0.24665	24.33	49%	1972
	1356 Monte								
7	Vista	19	6	5282	12599	0.28923	20.74	42%	1972
	1346 Monte								
8	Vista	20	4		8617	0.19782	20.22		
	1336 Monte								
9	Vista	26	8	7950	19305	0.44318	18.05	41%	
	1328 Monte								
10	Vista	23	4		10712	0.24591	16.27		
	1326 Monte								
11	Vista	24	<u>2</u>	2028	<u>15210</u>	<u>0.34917</u>	5.73	13%	1969
			62		141444	3.24711			

*also known as 730
Hunt

3.25 total acres
19 average units per acre

Source: Public Records pulled in 2016

From: [Erika Opp](#)
To: [David Crimmins](#)
Cc: [Public Comment](#)
Subject: RE: Planning Commission Meeting...Public Comment...Street-side step-back
Date: Tuesday, December 16, 2025 6:47:37 AM
Attachments: [image001.png](#)

Thank you for your public comment.

Public comments submitted to the City Clerk's Office are uploaded to the meeting agenda **twice per business day**. Comments submitted over the weekend or on holidays will be posted on the **next business day**.

All public comments must be received **three hours** prior to the meeting. Any public comments received after the deadline will be attached to the item the next business day or soon thereafter. Public comments will not be read out loud but will be publicly available and attached to the on-line agenda.

We appreciate your participation in the public process.

Kind regards,

ERIKA OPP

ADMINISTRATIVE ANALYST

City of St. Helena | City Clerk's Office

1088 College Avenue | St. Helena, CA 94574

Direct: (707) 968-2743 | eopp@cityofsthelena.gov | <https://www.cityofsthelena.gov>



From: David Crimmins <dcrimmins@gmail.com>
Sent: Monday, December 15, 2025 6:06 PM
To: City Clerk <cityclerk@cityofsthelena.gov>
Subject: Planning Commission Meeting...Public Comment...Street-side step-back

To Planning Commission:

The code language for Street-side step-back is inconsistent with Front setback and Interior side setback. Effectively, it will encourage 2-story walls at the street side setback, rather than the a 2nd floor stepped-back from the first floor, as is the case for the Front yard and the Interior side yard

Street Side setback (table 17.16.030 B.2)

15'-0" setback for 1-story house.

20'-0" setback for the 2-story house (i.e. 25' height+) for BOTH the 1st and 2nd floor.

Front setback (17.16.040 A.2)

20'-0" setback for 1-story house

Additional 8'-0" step-back for the 2nd floor.

1st story setback remains 20' setback regardless.

Interior Side setback (table 17.16.030 B.2)

5'-0 setback for 1-story house

9'-0" setback for 2nd floor (effectively 4'-0" step-back)

1st story setback remains 5' setback regardless.

In conclusion, a stepped-back 2nd floor facing the street is a good thing. I would suggest making the street-side setback **15' for the 1st floor, and a 5' step-back for the 2nd floor**, much like the code language for the Front yard and Side yard.

Note: this has come to my attention while working on preliminary plans for 1707 Scott Street, which is on the corner of Hillview & Scott.

--

David Crimmins, architect

crimmins-design.com

dcrimmins@gmail.com

(415) 378-6585

SAINT HELENA PLANNING COMMISSION - December 16

Zoning Well-Check / Post-Adoption Code Review

I welcome this meeting with a mixture of both open minded interest and also some degree of trepidation (based upon experience) as we **BEGIN** to study and discuss the post-adoption zoning code. I emphasize the term “**BEGIN**” as I believe that we find ourselves at the beginning of what I hope to be a sincere *reboot* and transparent process to improve the understanding and implementation of Municipal Code and I sincerely hope we can undertake this discussion with open minds. I apologize in advance for the density, sometimes present discomfort, and length of this testimony and fully understand the commitment it will require to allow it to cross your personal threshold. I have endeavored to condense it to its most brief (yet accurate condition). I greatly appreciate the effort requested to intake it with an appropriate and open mind. I believe this is a (more than a single “check the box” and walk away discussion).

At the outset, I believe it is important to acknowledge that there are (at least) two perspectives, (possibly more,) that must be considered as we “study” the code. One is the staff perspective, focused on administration, interpretation, and enforcement. The other is the perspective of those who actively participate in and are affected by the code: architects, designers, business owners, homeowners, and members of the broader community as they observe the effects of the implementation and execution of municipal code as it shapes the environment that we cherish.

These participants experience the code not as an abstract document, but through its real-world execution, how it informs, curtails, and empowers the built environment. A meaningful review should consider both how the code functions administratively (the process) and how it performs on the ground, where its impacts are most directly felt. Upmost in our minds should be the built environment we are seeking to both preserve and shape.

With that in mind, I believe we should step back a moment and sincerely ask ourselves “how are we doing?” Have we accomplished those goals? Or is there more (and how much more) is left to accomplish?

For your consideration I have Included below 6 condensed case study-outlines that stand as an example of my witnessed experience working (post 2023 Code Update):

Case study 1 [1443 Madrona project/someones home]

Case study 2 [1851 Madrona project/someones home] ” bays”

Case study 3 [1565 Pine street project/someones home] “bays”

Case study 4 [1628 Hillview project/someones home] “Bays”

Case study 5 [Spring Grove project]/multiple someones homes, General plan and code compliance?]

Case study 6 [1933 Spring development/multiple someones homes, General plan and code compliance?]]

Case study 1 Timeline/outline events relating to 1443 Madrona project

4 prelim meetings with Planner Aaron Hecock up to the beginning of September 2024
Had worked through any issues and all seemed in conformance...All set to submit/ no issues

9 Sept 2024 Planner Hecock leaves City employment just as Design Review package is submitted (9 Sept) pay fee of \$7100 (expected to cover through Planning Commission hearing and if not used up will receive refund)

All goes on hold waiting for interim planner

Check in with Xinia Gamero on expectation to relay to client when project may get back in the queue and on PC calendar. I meet Planner Galbraith in office and I “welcome to the team and look forward to working with you.”

2 Oct 2024 Meet with Planner Galbraith

Tour project site and meet in office at City Hall to present and discuss plan

Wait for comments/issues letter

11 Oct 2024 The Issues letter from Galbraith (11 Oct 2024) presents alternate interpretation to Planner Hecock on several material points: building setbacks/heights garage connected/definition of cupola and also make discovery of improperly (after code approval) “inserted” language in relation to porches (“*uncovered*” porches)
Changed interpretations and applications of code will require revision of plans.

17 October 2024, I Meet with planner Galbraith to walk through areas of concern in issues letter. He and I were the only ones present in this meeting.

17 Oct 2024 request detail on anatomy of code change(s) from both planner Galbraith and cc'd Maya DeRosa

18 October 2024 Meet again with planner Galbraith on Friday, 18 October 2024.
I called Planner Galbraith (as call logs demonstrate) requested to come by and show him 3 alternate approaches before I offer solution to clients (after city has already assured conformance.) He invites me to City Hall and he then assures me all 3 are viable options. He also volunteered that he had checked the record and that “yes code was in fact changed but said that M DeRosa assured him that she would answer that “query”.... That has still yet to occur.

I see M DeRosa at the CoSH booth at 2024 SH Harvest festival booth and I pleasantly reiterate to M DeRosa the importance to please follow up on clarity on code change question. Her response was “I am not here to talk shop” (M. DeRosa) (while in employ

of COSH having taken Friday off in exchange for Saturday attendance in CoSH booth). City manager Comelo pulls M DeRosa to back of tent and they whisper...I leave the area.

22 Oct 2024 I find out that Planner Galbraith has quit (I believe on Tuesday 22 Oct 2024)

22 Oct 2024 I receive telephone call from Officer Randall Stephenson inquiring about an "incident" on the previous Thursday. I ask "what incident"..... he comes to my house and informs me a report has been made that I had evidently threatened Planner Galbraith. I inform him that is completely false and and that it did not happen I threatened no person and also that I met with Planner Galbraith the next day (18 Oct 2024) when he invited me to City hall offices where we had another cordial meeting to talk about the project. Officer Stephenson says..."well If I thought it was real I would have contacted you right after I got the report". He was also surprised to hear that I had met again with Galbraith and he said "So clearly he wasn't feeling threatened." There was absolutely no evidence that he felt threatened in our meeting. and there was no one else present at any of our meetings. Officer Stephenson also clarified that he had not yet spoken to Planner Galbraith and that he was not the one who had filed the complaint. He would not say who did.

23 Oct 2024 some combination of M DeRosa and Anil Comelo send out false and slanderous letter to members of St Helena City Council and also the city attorney in an attempt to create a fabricated narrative and deflect from City obligation to answer a legitimately asked and critical code change question and also effectively nullify my ability to conduct business in SH. In what jurisdiction is it appropriate procedure or any version of due process to send such a letter personally attacking the character of a private citizen after Police have determined the "incident": did not occur? I asked for and retained a copy of the police report and it is blank. I have not been able to get any notes on the reported "incident" and have seen no evidence that Planner Galbraith expressed that I had threatened him. None of our interactions nor the record reflect any hostility or disrespect.

Project again stalls awaiting third assignment to a planner.

6 Dec 2024 As I continue to have no answer(and cannot operate my legal trade) to question on changed code language. Having received no answer I retain Attorney Farella Braun and Martel (make no mistake at certain cost) to ask Code language change question on my behalf.

Again I/we receive no response from City (updated see *now 3 Feb 2025* letter from City Atty)

10 Dec 2024 Project assigned to Planner Alchin with M Group in Santa Rosa

Wait for a second issues letter from planner Alchin.

12 Dec 2024 We schedule and have a zoom meeting 12 Dec 2024 and go over a (now 3rd) interpretation/application of code. Changed interpretations and applications of code will require revision of plans.

8 Jan 2025 Follow up meeting have recalibrated plan and she has confirmed (verbally) we are now in complete conformance but project is again stalled as city is demanding I must now pay additional fees \$8000 to cover extra required submissions. These extra submissions are due to the City changing planners and with each planner interpretation and application of the code to include the improper changing of code from the approved draft document and have cost me and my client much in both time and resources. Per CoSh document on CoSh website:

If after review of a second submittal, any department identifies additional issues or discrepancies which require further plan revision and resubmittal, the applicant may be required to pay an additional fee to cover the staff time involved to review these revised plans.

Any additional plan check fees are due at the time of resubmission and will be based on the hourly costs associated with the review of the plan revisions, typically resulting in an additional fee of approximately 25%-50% of the initial application fee.

Providing a complete resubmittal package which clearly responds to all identified issues and comments is the best way to avoid these additional fees being assessed.

I have informed Planner Alchin and M DeRosa of my concerns of the appropriateness of requiring additional fees and have asked to discuss my concerns but have received no response as to the genesis of City demand for \$8000 additional fee.

3 Feb 2025 receive response from City Atty confirming that code language was improperly changed sometime between code draft 10 Oct 2023/24 Oct 2023 was approved and code was published 1 Oct 2024

City planning staff continued to push the insertion of language that materially changed the way porches counted towards allowed interior square footage. Each time bringing it forward with a knowingly false accounting of the events involved. City Council then clearly instructed that porches should not be counted toward allowed interior square footage and this small issue was settled (finally in second reading and approval just this past week) more than 1 year after improper alteration was discovered.

To be clear planner Hecock, planner Galbraith and planner Alchin have been a pleasure to engage with. I have compiled the record of all these associated events should you wish to see any of them.

Case study 2 Timeline/outline events relating to 1851 Madrona project: "BAYS"

Case study 3 Timeline/outline events relating to 1565 Pine street project: “BAYS”

Case study 4 Timeline/outline events relating to 1628 Hillview project: “BAYS”

For the sake of brevity I will combine cases 2,3 and 4 as the issues at stake are inter-related. In early discussions (pre-development meetings with planner Oneal) it has become clear that a new interpretation of longstanding piece of code is being applied. That interpretation is contrary to longstanding precedent. Previous planners Hecock and former Planning director Desmond both have understood that the section of code that defines allowed encroachments into setbacks is intended to define the allowed envelop of the encroachment but not the nature, surface or configuration of it. I have demonstrated the consistent precedent of the application of this rule in past (now built projects) but have been told that Planning Commission will decide. I would suggest that it is not an appropriate method to change a rule on any given project. Should there be a desire to alter this rule it should be brought forth within the legally required process of amendment or creation of new Municipal Code. Framing it in a staff report as a confused item or an opportunity to selectively alter code without required process is not correct.

Attached later in this comment letter below are examples of precedent that exercised this section of code that allows encroachment and defines its limits. They are inserted following the outline of the staff report for this session that introduces discussion of the “bays” in question.

Case study 5 Timeline/outline events relating to Spring Grove project:

The approval this past week of limited portions of this project illustrated the Planning Commission’s unwillingness to properly scrutinize ill framed staff report and also submitted comments that demonstrated clear conflict with both areas of Municipal Code and also the General Plan. I believe that the Planning Commission and also the City Council have a responsibility to thoroughly vet all projects, including these, as they will have major impacts upon both the character and infrastructure of St Helena. Planning Commission and City Council stand as the critical checks and balances in our local form of government. When these checks and balances cease to perform Saint Helena will not thrive. It is clear that as configured site 9 should not have been certified as a viable part of our Housing Element and RHNA “strategy”. The case details have been submitted to HCD and an investigation into the matter is underway.

Case study 6 Timeline/outline events relating to 1933 Spring street project:

Similarly to case study above this project has been incorrectly framed in that site 10 acreage/ square footage has been presented as if the site is entirely HDR. That is not the case.

Some general concerns alongside the outline of staff report for this session:

What change has there been in regard to predictability for applicants? and what evidence is there in that regard?

Are “Design Review findings” less subjective?

Is the housing this code update has promoted or delivered more creative? Is the density and infill *strategic*? and if so in what ways?

Have design Review findings become more “clear”? And just as importantly do Planning Commissioners fully understand the import of both scrutinizing findings but also connecting the actual findings to approvals and or denials?

Other than in AG zone what is actual effect or reduction in floor area? Why are we using FAR (floor area ratio) still as a term when there no longer exists a ratio (fraction/ratio to apply to a lot area)?

As we discuss Zoning and how the updated code is doing, are we as Saint Helena citizens, whether in the general public or on Planning commission or City Council Content to **NOT ASK** the critical question as to how and why and who undertook to make changes in the very code we are today studying and discussing? We are all now aware of the alteration to the code regarding porches and I am happy that has been correctly settled but there remain questions asked upon the discovery of the porch item (more than a year ago now) as to what accounting is there, or is City prepared to do in regard to other areas of code that were similarly altered outside of the required legal process? The request for a clear understanding of the process failures and also the extent of of other areas that were altered remains unanswered. It should be obvious that this hearing cannot be considered sincere if we are still unwilling to openly discuss those critical questions.

Under section what is not working with new code?

Chapter 17.27 Sign code: **perhaps too cumbersome? Is it understandable and by whom(applicants/ staff)?**

SHMC 17. 22.250 D : Special Events: **Is framing of question correct here? for Bocelli event did SHFD approve event based on restricted access and fire concerns?**

SHMC 17.18.040 Industrial District Design Standards: **Continue to believe it is not needed or prudent to enter into design standards or pretend one size fits all design widgets will ever produce the sorts of environments we like. Standards should cherish and allow expression and innovation.**

Discussion of Areas where the code could have more clarity:

SHMC 17.24.030 A(1): The **(purposefully undefined examples)** list of what qualifies as an “architectural feature” that may encroach into a setback could have more specificity.

This item of code was carried over verbatim from previous code and has existed for the near 25 years I have been working within code guidelines. Both Previous Planner Hecock and Planning Director Desmond understood and executed this section of code.

Both planners processed multiple projects that applied this aspect of code. In doing so cemented both understanding and precedent. The purpose of this section of code is to define the manner and extent in which projects may encroach into required setbacks. It is clear in its intent and also purposefully not restrictive or specific in the texture or surface or configuration of those allowed encroachments.

Some recent approved “examples”:

From 1616 Madrona staff report:

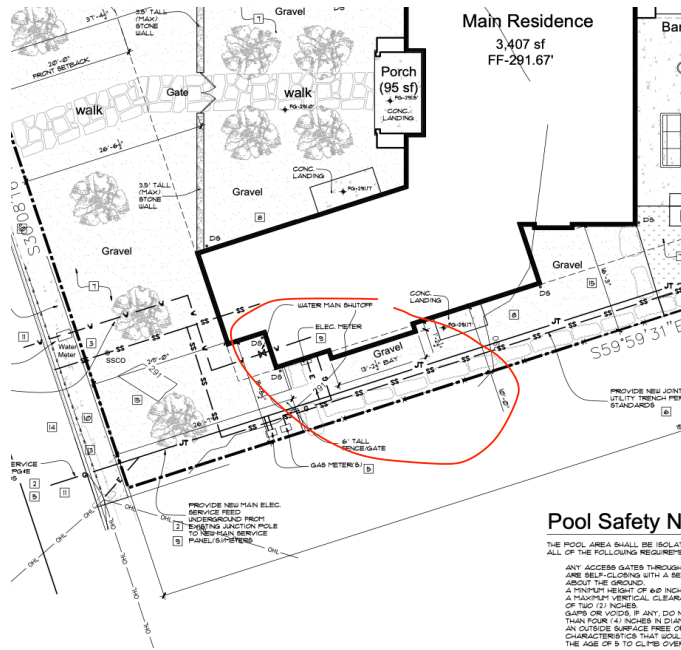
**SHMC Section 17.112.060(A), Projections into required yards and setbacks, permits architectural features less than 15 feet in length, such as a bay window, to extend into any required setback a distance of not more than two (2) feet. The proposed bedroom on the western front elevation has a bay window that is approximately 11 feet in length and extends two (2) feet into the required front setback as permitted by code.*

Completed building and described “bay” (completed in 2022)
Note described “bay”= not more than 15’ wide and not more than 2’ encroachment into setback.



additional example 1837 Madrona “encroachment into required side yard (again note not more than 15’ and 2’ encroachment):

From staff report and submitted plan set Planning Commission hearing:



Statement on subject when queried: Greg Desmond
former SH Planning Director/Current City of Calistoga Planning Director:

“My interpretation is and will be that it doesn’t matter if it is a bay window or any other architectural feature. This section allows for such exceptions by intent.”

Closing Thought

Do I believe the code update is working? I believe these examples demonstrate that it is not. Do I believe it can be fixed? Sure, but will take a sustained commitment. This is why I believe a zoning well-check must be more than procedural. It must ask whether the code, as implemented, is predictable, is the process equitable, and is it faithful to what was adopted? The stability of our built environment, and public trust in this process depends on it. Thank you for your time and consideration. I am prepared to provide additional documentation should the Commission wish to delve further into the record.

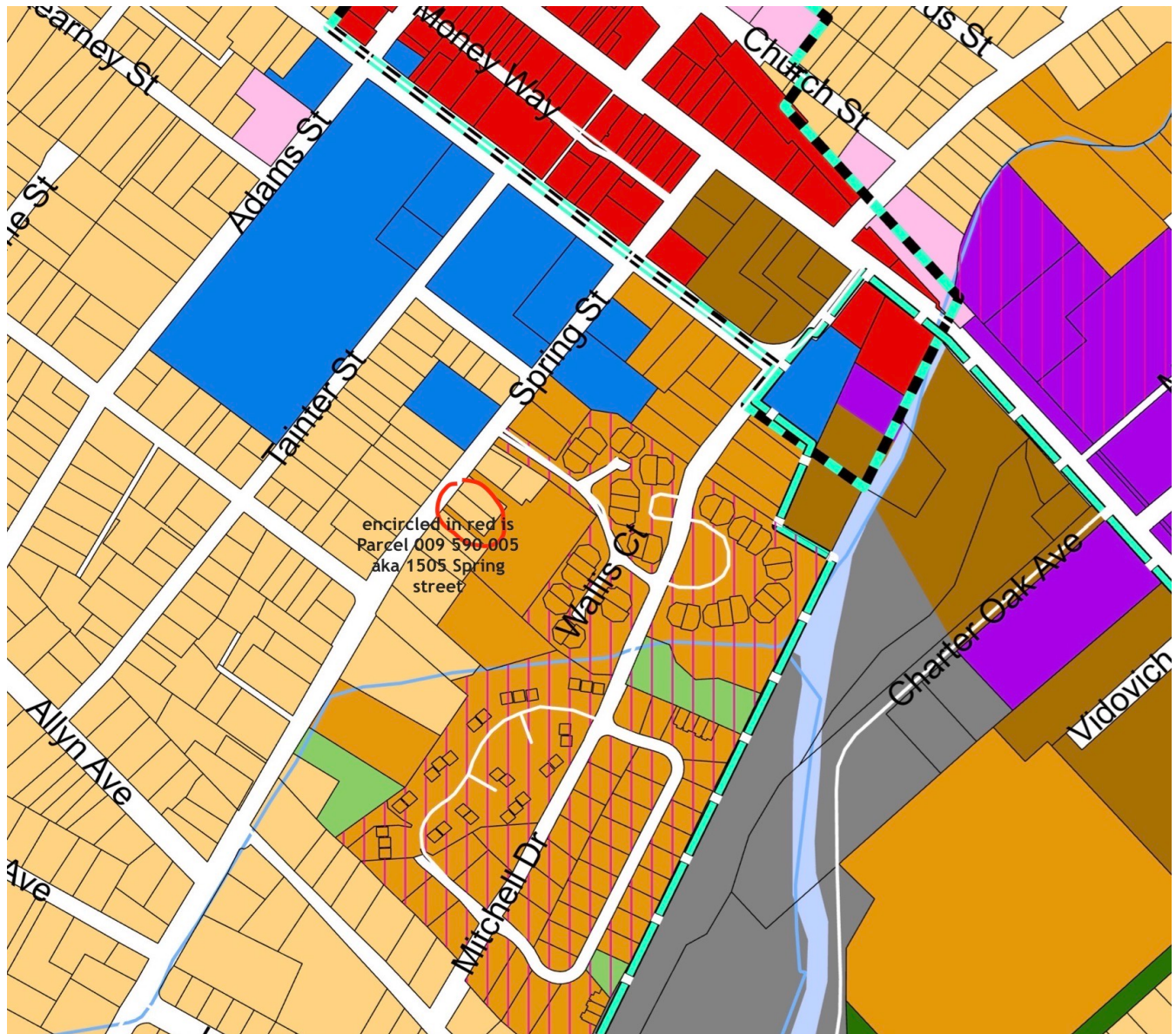
Daniel Hale 1851 Madrona Ave St Helena CA

1505 SPRING STREET
APN 009 590 005
MEDIUM DENSITY RESIDENTIAL

Re: Zoning and Density Compliance Concerns for 1505 Spring Street (APN 009-590-005)

Dear Planning Commission, City Council and City Staff,

I am writing to express significant concerns regarding the treatment of **1505 Spring Street (APN 009-590-005)** within “Housing Site 9” and the manner in which density calculations and zoning designations were applied during 2 DEC PC project approval. As shown on the City of St Helena’s zoning map, the parcel at 1505 Spring Street is *not* designated High Density Residential.



1. Incorrect Application of Density Standards

The parcel at **1505 Spring Street** is zoned **Medium Density Residential (MDR)**, which requires a **minimum of 5.1 dwelling units per acre**. The combined project area (all three parcels) is 2.52 acres, while the 1505 Spring parcel is approx 6141 sf (.14 acres) and it currently contains one single family residence.

However, the density analysis used during approval relied on the **High Density Residential (HDR)** minimum of **16.1 du/acre**, which applies only to parcels **009-590-010** and **009-590-003**, not to parcel **009-590-005**.

Applying HDR density to an MDR parcel is inconsistent with both the general plan and state housing law.

You could recalculate the numbers and assign a higher density per acre to the rear parcels and stay within the required and acceptable overall density range, but that still does not change the fact that the 1550 Spring Street parcel is currently separate and carries an MD designation and is already developed. In every other situation in St. Helena, property owners are required to meet minimum density standards. Maintaining that consistency is not only good planning practice, it is also a legal requirement.

2. Potential Down-Zoning in Violation of State Law

Under state law, cities are prohibited from **reducing the existing development potential** of residential sites in the Housing Element without replacement or up-zoning.

In this case:

- The existing **single-family home**, which has a long rental history at an affordable rate, is proposed for demolition.
- The project **does not replace that unit** within the MDR-zoned portion of the site.
- As a result, the parcel goes from **1 existing dwelling** to **0 units**, which is effectively a **down-zoning** of the property.

This exposes the City to potential legal challenge, as the required procedural steps to authorize such a reduction, up zone or replace the existing unit were not undertaken.

3. It is surprising that “Site 9” was deemed certifiable by the state as part of our Housing Element and housing strategy despite the inconsistency in zoning across its parcels. The existing access drives on the two rear parcels are not wide enough to support a High-Density solution unless the proposal somehow resolves the mismatch created by the front parcel facing Spring Street (1550 Spring), which is the only portion of the site that provides an access drive of adequate width for the proposed development.

4. Solutions That Would Bring the Project Into Compliance (on density and zoning aspect only)

There are multiple options to bring the project into conformance with state law and the general plan (in regard to zoning and required density), two methods are outlined below:

1. **Up-zone parcel 009-590-005 from MDR to High Density Residential**, making the current project configuration consistent with the HDR density range; or
2. **Retain the MDR designation** but require that the parcel accommodate at least the **minimum density of 5.1 units/acre**, which would equate to at least **one dwelling unit** on 1505 Spring Street.

The latter is particularly important given that demolition of an existing occupied rental unit without replacement directly reduces the city's lower-cost housing stock.

5. Conflict With the General Plan and Risk of Legal Exposure

As approved, the project conflicts with multiple General Plan policies. Those additional conflicts will be addressed in separate correspondence. This letter focuses solely on the misapplication of density standards to the 1505 Spring parcel. The misapplication of HDR density to an MDR parcel, combined with the removal of an existing unit, provides a clear basis for legal action and leaves the City vulnerable due to improper process. It clearly should not have been approved in its current configuration.

Conclusion

I respectfully request that the City revisit the zoning and density determinations for this project and ensure that any approval brought forward complies with state law and the General Plan. The community deserves a process that is transparent, accurate, and legally defensible.

Thank you for your time and attention. Please call text or email with any questions or if you would like more background information regarding this issue.

Sincerely,

Daniel Hale

12.16.25

Dear planning commission members,

We need more.

Critical analysis of the published zoning code and subsequent decimation of actionable items can't be processed in a single meeting in this format. Many of the comments submitted during the update process were not considered deeply and much prospective value was lost because of it. Unfortunately the main aspect that was lost was desire of participation from the public. Over the course of many years those with the deep knowledge base of what it means to interpret the meaning and consequence of the code have simply given up and they are in the background with their arms up in the air shaking their heads.

Our current planning director is leaving their position in a few weeks. Please schedule another meeting in two months to follow up on this meeting. Many who are not commenting today will be more engaged when there is new leadership in the position.

If you truly want this exercise to be meaningful and bear fruit it will take conversation and listening in a deep manner to what impacts currently exist and what potential solutions there are. You need a format that shows genuine interest in receiving public comment. Asking knowledgeable people to invest much time and effort to simply stand at a podium and try to designate meaning and impact of code in four minutes will not help to fix the many issues we're faced with. The impact will be a few comments of special interest and a perhaps a few comments that are attempting to go deeper and a general dismissal. What are the next steps after today's meeting?

An approach that may be meaningful would be to schedule a meeting every two months in conversational format and show the public through iterative draft amendments to the code that this is something the city is taking seriously and wants to make better. You are losing the brain trust of the town by the consistent act of placation.

The most meaningful aspects of the code and the issues surrounding them are not mentioned in the report for the meeting today. Housing is the buzzword of our time and yet deeply rooted citizens who have dedicated vast amounts of their lives attempting to create housing in this town are consistently ignored. I think Mary Stephenson's comment today is an excellent example.

We have another change of guard occurring and too many in positions of authority concerned with optics over substance. In the staff report for the agenda item today no mention is made of the by right housing developments proposed and accepted that are blights within town, destroying property values because they are out of scale and out of place, and do not accomplish the goal of public benefit. This is a problem that can be helped enormously through the zoning code and it needs to be addressed. This town has many very accomplished architects who are passionate about this place but the process of engagement is met constantly with a brick wall, this is within your power to fix.

You need a collaborative environment engaging with people who have a fundamental understanding of sense of place for the area in which we live. Passive acceptance of zoning code language is already ruining the fragile ecosystem of our built and natural environment. Through truly collaborative engagement you can create high density zoning projects that meaningfully contribute to this sense of place and provide the on ramp for truly affordable housing rather than more benign, cookie cutter infill that attempts to take advantage of this sense of place and will fail economically while leaving an indelible stain of mediocrity within the context of place we now enjoy.

You have objective standards that cause this outcome. Fix them.

You have many sections within the code that are in direct violation of the general plan. Listen to the people who are trying to bring them to your attention. This is constructive criticism which is exactly what's needed to begin to fix the issues.

Stop consuming open space for ill conceived infill housing that dwarfs the surrounding residential areas and destroys property values just to create stock that is unaffordable for moderate and low income and serves to continue to hollow out our population.

Create an inter-urban AG overlay district that will protect green space and AG land within the urban lot line. This is what the general plan calls for. These parcels are the lowest hanging fruit for star compliance and will be consumed at a rapid pace over the years. A simple update to the code can stop this.

With each planning commission meeting you are beginning to see how broken this zoning code is. You continue to have items that are in contradiction with one another in the code itself, let alone with the general plan.

The current planning director will say that the public was engaged through the entirety of the zoning code update and that the process was inclusive and considered. This is not the experience of many, many people who tried desperately to help with the process and were met with silence or found that their input was met with a cookie cutter approach to inclusion and consideration rather than an inquisitive approach of collaboration.

One of my most succinct memories of the process was to attend a meeting and listen to our planning director along with the consultant changed with authorship to suggest that there should be no setbacks or limits on building footprints, then to come to the next meeting and suggest drafting the code to be more restrictive in building footprints than the last. To be succinct the code as it is currently published is rife with conflicts and reflects a process that was reactive and followed a pattern of random inclusion.

Our previous code was an evolution of process over the course of generations of change. We would be much better off taking it and amending the items that needed to be addressed for state compliance and known improvements and readopting than to continue to suffer the consequences of this current version. I am not speaking these words out of frustration or

contempt, I am simply saying from a rational perspective what we have in place currently will continue to have devastating impacts on our place, and this should be taken seriously rather than simply ignored for reasons of perceived self preservation or self aggrandizing.

Critical assessment is the foundation of progress. Creative fields such as urban planning and architecture require constant questioning of self (concept and solution) and progress toward a goal. This has nothing to do with personal feelings or ego it is simply a requirement to achieving positively meaningful things. Question whether the efforts are furthering progress toward a goal, a program brief, an objective.

In this case, with the endeavor of updating our zoning code, the entire process was conceived and pursued under the guise of having our zoning code come into compliance with our general plan. Our general plan is our municipal program brief, it's what we're supposed to accomplish with our zoning code over the many years and generations of development to come. How are we doing so far? This is a serious question and it deserves a serious process that isn't simply asking people to invest massive amounts of time only to stand at a podium for a few minutes and hope that they were heard.

If you are wondering why there wasn't more of a turn out today, it's not because people are content and don't have anything to say. It's because the vast majority have learned that very little comes from engaging with this process. You can help change this, please do. Rather than dismissing, listen, and have an inquisitive mind that wants to ask questions and learn how to make things better.

Please.

Thank you.

Joshua Parke



TO: City of St. Helena Planning Commission
FROM: Wayne Leong
DATE: December 16, 2025
RE: Spring Grove Reveals Why the Zoning Code Must Be Revised

Dear Chair Warner and Commissioners,

The Spring Grove project is a perfect example of why the Zoning Code needs to be changed.

Spring Grove complied with the City's adopted standards and state housing law. Yet it produced an outcome that many in the community and on this Commission found unacceptable in scale, massing, and impact. That result was not an accident. It was the predictable consequence of how the code is written and applied.

Spring Grove should therefore be treated as a case study—clear evidence that the current framework is producing results the City did not intend.

First, residential density was calculated on gross acreage, including land that cannot be built on: creek corridors, required setbacks, private streets and bioretention areas. This artificially inflated density and forced a higher unit count. State law does not require this approach, and St. Helena itself used net developable area in the past.

Second, density ranges were treated as mandatory minimums, not permissive ranges. The project was described as the “minimum number of units that could be built,” converting an allowed range into a production mandate. That interpretation is not required by law and eliminates lawful discretion. The following sentences could be added to the Zoning Code:

1. Residential density ranges establish the allowable development intensity for a site and shall not be construed to require development at the minimum density
2. Projects may be approved below the minimum density when objective, documented conditions limit feasible development.

Third, the project's architecture, site layout, massing, and landscaping were approved ministerially, leaving no opportunity for Planning Commission design review. Once objective standards were met, staff was legally required to approve the design—even if the result was inconsistent with neighborhood context. The Zoning Code should be revised:

The following residential development projects shall be subject to Discretionary Design Review by the Planning Commission and shall not be eligible for ministerial approval:

1. Residential developments containing twenty (20) or more dwelling units.
2. Residential buildings exceeding two (2) stories or thirty-five (35) feet in height, whichever is more restrictive.
3. Residential developments requesting one or more Density Bonus waivers, concessions, or incentives.
4. Residential developments located adjacent to or containing riparian corridors, waterways, floodways, or environmentally constrained areas as identified in adopted City plans or maps.
5. Residential developments with a floor area ratio (FAR) exceeding .60 (Spring Grove is 1)



Fourth, Density Bonus waivers were granted without requiring proof that each waiver was truly necessary, rather than merely convenient. State law allows waivers only when standards would physically preclude development, and the City can lawfully require stronger findings.

Fifth, the City's 15-year-old Water Neutrality Ordinance is plainly inadequate for today's water supply and quality challenges. While Spring Grove cannot be denied on that basis due to vesting, it demonstrates the urgency of updating the ordinance for future projects. The City should consider a building moratorium on all high density projects until the Water Neutrality Ordinance is modernized.

This Commission should recommend immediate, prospective amendments to:

- Calculate density on net developable area
- Clarify that density ranges are permissive, not mandatory quotas
- Require discretionary design review for large or sensitive residential projects
- Strengthen Density Bonus waiver findings
- Modernize the Water Neutrality Ordinance

If these rules remain unchanged, Spring Grove will not be the exception—it will be the model.

Respectfully,

A handwritten signature in black ink, appearing to read "Wayne Leong", written in a cursive style.

Wayne Leong

COUPLE ADDITIONAL FOLLOW UP ISSUES ON 16 DEC PC CODE UPDATE WELL CHECK

To discussion on “BAYS”

I neglected to include in section regarding consideration of “bays”:

The staff report conflates 2 distinct issues: See attached excerpt from staff report below:

Discussion of Areas where the code could have more clarity:

- SHMC 17.24.030 A(1): The list of what qualifies as an “architectural feature” that may encroach into a setback could have more specificity. We are having projects with full facades with no other feature but a normal window request be considered an architectural feature. The encroachment rules and the FAR rules seem meant to cover the same types of building projections, but they use different terms and don’t line up. One section talks about “architectural features,” another uses “architectural projections” FAR rules list different types of projections and different conditions for excluding them. Recommend defining architectural feature and use in both sections.

“The encroachment rules and the FAR rules seem meant to cover the same types of building projections but they use different terms and don’t line up”

It is critical to point out that the staff report is implying in these sections that they are “covering” (which translates to defining and controlling) two separate and purposefully distinct considerations. That is not the case. In each case it is a separate consideration and defining a separate threshold after which a calculation is based.

In the excluded from FAR rules definition:

2. *Excluded From Floor Area.*

- Mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building’s gross floor area.
- Bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is thirty (30) inches or greater.

The intent of this section is to define the calculation of allowed square footage or also FAR (FAR term is an issue).

In other encroachment section:

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 fifteen (15) feet in length may encroach into any required setback for a distance of not more than two feet.

These are separate considerations and are the application of separate controls. One applies to at what point (when sill is raised from floor 30+ inches) the square footage in a raised “bay” does or does not get calculated towards allowed square footage. The other simply defines the allowed encroachment (2’ into setback and not more than 15’ in length). The square footage of the bay as measured at its footprint is included in allowed square footage. Not understanding and conflating the difference between these (similar in language yet distinct in application) code sections does little to inform Planning Commissioners or the public as they interpret or negotiate Municipal Code.

From staff report on rounding up fractions:

- SHMC 17.34.010 “Measuring Fractions” : Recommend that when calculating density, any fraction requires it be rounded to the next whole number (Instead of current rule where we only round up if fraction is .5 or greater)

Missing here is any rationale or purpose other than “easier math?” I do not believe you can consider this change without presenting the effects. In the case of lots in St Helena this would mean that any MDR lot over 8541 sf (.19 acre) at minimum required density in MDR of 5.1 would require minimum 2 units to be constructed if property is redeveloped. Previous method would not require building an additional unit until your lot size reached approx 12850 sf. That is a substantial alteration to consider without presenting or understanding the full consequences.

I would alternatively suggest it makes more sense not to require an additional unit unless the threshold of the next whole number is reached. Meaning that additional density is not required until that applied density results in a complete or whole unit.