# City of St. Helena
# Special Joint City Council and Planning Commission Meeting
# Special Joint Meeting
# Wednesday, October 26, 2022 @ 5:00 PM
# Vintage Hall Board Room - Second Floor, 465 Main Street, St. Helena
# 465 Main Street, St. Helena
# Published: Monday, October 24, 2022 4:48 PM
# Revised: Thursday, October 27, 2022 5:29 PM

**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.**

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1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ADOPTION OF THE AGENDA
4. ROLL CALL
   Mayor: Geoff Ellsworth, Vice Mayor: Paul Dohring, City Council Members: Anna Chouteau, Eric Hall and Lester Hardy

   Chair: John Ponte, Vice Chair: Autumn Anderson, Commissioners: Rosaura Segura, Marika Rothfeld and Chris Warner.
5. 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.
6. NEW BUSINESS

6.1. Comprehensive Zoning Code Update-Public Meeting #1 5 - 474

CEQA Determination: CEQA will be completed before formal adoption.
Prepared By: Maya DeRosa, Community Development Director
Recommendation:
No Action Required.

Staff Report - Pdf
Public Comment.Kelly Wheaton
Public Comment.Hale
Public Comment.McGrath
Public Comment.McGrath2
LWC_PowerPoint_Presentation

7. ADJOURNMENT

The next Regular City Council meeting is scheduled for November 22, 2022, at 6:00 p.m.

This agenda was posted at City Hall, 1572 Railroad Avenue, and at Vintage Hall, 465 Main Street, St. Helena, California on October 24, 2022.

Cindy Tzafopoulos, City Clerk

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 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act will enable the City to make reasonable arrangements to ensure accessibility to this 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 City Council regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the City Clerk's Office located at 1480 Main Street, St. Helena, California, during normal business hours. In addition, such writings or documents will be made available on the City's web site at https://sthelena.civicweb.net and will be available for public review at the respective meeting.

Report to the City Council
Special Joint City Council and Planning Commission Meeting - 26 Oct 2022

**Agenda Section:** **NEW BUSINESS**

**Subject:** **Comprehensive Zoning Code Update-Public Meeting #1**

**CEQA Determination:** **CEQA will be completed before formal adoption.**

**Prepared By:** Maya DeRosa, Community Development Director

**Reviewed By:** Maya DeRosa, Community Development Director

**Approved By:** Anil Comelo, City Manager

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## BACKGROUND

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

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

- Discretionary Review Process: there is a lack of predictability for applicants; Design Review findings need to be less subjective.
- Housing: there is a need for more creative housing types, density and strategic infill.
- Neighborhood Character: new residential rebuilds are out of context with neighborhood scale and mass; floor area ratio (FAR) should be reduced; design review findings are unclear.
- Downtown: the list of permitted uses in the downtown should be expanded to create economic stimulus.
- Format: the current use-based format of the code should be maintained instead of switching to a form based code.

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

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

**DISCUSSION**

**Summary of Some Key Updates to Code:**

Part II

- Updated Design Review applicability and findings to be less subjective
- Added new permits with staff approval to streamline review process; Minor Use Permit, Minor Design Review, Minor Modification
- Added to the non-conforming code provisions a "Certificate of Present Extent of Legal Nonconforming Use" modeled from Napa County as a consistent method for documenting and reviewing non-conforming uses

Part III

- Added objective standards for new development, allowing multi-family development to occur under ministerial approval consistent with State housing legislation
- Expanded Historic Preservation Overlay ordinance provisions and overlay areas (General Plan Implementation Action HR1.A, HR1.B, HR1.C)
- New Telecommunications Ordinance
- Updated Planned Development Overlay provisions to encourage design excellence
- Added Mixed Use zoning district (Implementing 2019 General Plan)
- Added Live/Work use to zoning code
- Expanded small lot development standards to encourage cottage court type development
- Added illustrative graphics throughout code to convey design standards

- All residential zones except High Density District have a maximum primary unit footprint in order to reduce over sized single family homes.
- Single family uses are no longer permitted in the High Density Residential zone
- Clarified Short Term Rental requirements and process
- Parking Impact Overlay District renamed to "Parking Exemption Overlay District" per City Council direction in 2022

Part IV

- Reduced parking requirements for residential
- Updated Affordable Housing Chapter and Density bonus ordinance to be consistent with State Law
- Updated sign code to be content neutral in accordance with Supreme Court ruling *(Reed v Town of Gilbert, 2015)*
- Bicycle Parking and EV charging station standards added

Part V

- Formula Business definition updated and limitations of where allowed and number by district updated
- Updated definition of demolition
- New definitions added

Note many of these topics are scheduled for public discussion post the 10/26 public meeting.

**Topics of Discussion for Public Meeting #1 on 10-26-2022**

New Permits to Streamline Review (Part II, Chapters 17.05 and 17.11)

In a response to early feedback on the scope of changes requested the zoning code, City staff and consultant looked at ways to streamline the review process of many types of uses or projects that were subject to Planning Commission review. Two new permit processes, Minor Use Permit and Minor Design Review are discussed below.

Minor Use Permit: The codes of other cities were also studied and it was determined that adding a Minor Use Permit application could allow for a staff level review for uses that would be beneficial towards encouraging business investment by limiting review time, fees and uncertainty. For example, in the current code, restaurants require a Use Permit approval by the Planning Commission which can take 4-5 months until approved. With a staff approved Minor Use Permit, there is only internal review by City Departments and no Planning Commission public hearing which streamlines and encourages business investment.

Minor Design Review: Similar to the Minor Use Permit, Minor Design Review allows an applicant to obtain their approval at a staff level review instead of a Planning Commission public hearing. The Minor Design Review is essentially a building permit review but projects must meet the applicable design standards in the zoning code in

order to utilize this streamlined review. The following activities qualify for Minor Design Review:

*1. Those activities not described in Section 17.05.070.B.*
*2.Any form of repair or maintenance where the work solely involves the replacement of materials in like kind and form or to any such work in areas not visible to the public from the public right-of-way or areas accessible to the public.*
*3.The alteration, modification or addition to an existing single-family or multi-family residential structure or building except as identified in Section 17.05.070.B.*
*4.The construction of an accessory structure in keeping with all development criteria of the zoning district in which the structure is proposed.*
*5.Minor changes to the exterior of existing non-historic nonresidential buildings that require a building permit. This includes, but is not limited to, facade changes, relocation of storefront doors, and relocation of windows.*
*6. Changes to a nonresidential site not involving major structural or site changes or changes of use. This includes site alterations such as construction of parking shade structures or other accessory structures; and*
*7.The intentional destruction and removal of less than 50 percent of the finished floor within the exterior walls of a non-historic structure in conjunction with a remodel or addition.*

Residential Major Design Review (Part II Chapter 17.05.070)

Applicability: The following is an updated list of the activities that qualify for Major Design Review:

*1. Any new commercial, industrial, or agricultural building or exterior modification to an existing commercial, industrial, or agricultural building that involves the construction of 500 square feet or more, is visible from a public street or alley and is not subject to Minor Design Review as stipulated in Section 17.05.080.B, Applicability.*

*2. Any new public facility or modification to an existing public facility, excluding structures for utilities.*

*3. New construction and additions to structures in the Historic Preservation Overlay district. Exterior façade changes that are consistent with the standards in Section 17.21.040, Historic Preservation (HP) Overlay District are not subject to Major Design Review.*

*4. Any development within an approved Planned Development (PD) Overlay district.*

*5. Any new structure or exterior modification to an existing structure where a Conditional Use Permit is required, excluding multi-family residential projects.*

*6.The construction of a new single-family home (Enacted by Ord. 87-8 effective 06-26-1987).*

*7.Additions to a single-family home that create a second or third floor, story, or living space in an upper story where one does not currently exist including an addition to an existing second or third story.*

*8.Any residential and residential mixed-use buildings that do not comply with the applicable design standards of Chapters 17.16, Residential Zoning Districts and Chapter 17.17, Commercial and Mixed-Use Zoning Districts.*

How does the above applicability criteria update the process of review for single family and multi-family homes?

Single-family: Most single-family homes are still subject to Major Design Review (small primary dwellings that the city must approve ministerially under SB 9 do not require Major Design Review).

Multifamily: Any multifamily development that is consistent with objective standards is reviewed and approved ministerially, as required by state law. However, if multifamily development is not consistent with all applicable objective standards, and therefore does not qualify for ministerial approval under state law, the city may choose to either prohibit it all together or to allow it subject to discretionary review. Staff is recommending the former because the objective-ministerial path to approval is the most streamlined and efficient path to having appropriate housing actually developed in the city. A discretionary-process alternative would likely be more costly, both to the developer and the city, and adds uncertainty.

Findings: The new proposed zoning code includes updated Major Design Review findings in Chapter 17.05.070 (E). State law restricts the imposition of new subjective standards on residential development, so staff recommends different findings for residential and non-residential projects. There are seven new findings for non-residential projects and two findings for residential projects that are already codified and have been since before 2018. Under state law, the City does not have the option of creating any new residential Design Review finding, but the City may continue to require compliance with existing subjective standards and require related findings.
Residential-Standards (Part III Chapters 17.16.030 and 17.19.030)
In the early phase of receiving public comments on problematic areas of the current code, the City received much feedback that new infill residential occurring in the established neighborhoods was out of scale and incompatible with the more modest development footprint of neighboring properties. The maximum floor area ratios were often being implemented on applications which was allowable by code.

Part III of the new zoning code responds to size and scale concern by clarifying the maximum footprint a primary residence by zoning district and pairs it with clear standards including illustrated objective design examples to further clarify important design principles.

Small Lot Development: (17.16.040B) There is an expanded discussion of how a small lot may apply the standards along with illustrated examples of lot layouts, such as cottage courts to encourage more affordable single family designs.

Development Standard Changes:

- Each chapter provides illustrated site plan key for various standards in the table
- Maximum building footprint by zone-except for High Density (HR) residential. Staff and consultant are continuing to study the Low Density (LR) maximum building footprint so it does not encourage second stories in an area where one stories are the predominant street character.(See attached table on LR maximum footprints for consideration)
- Minimum second story stepbacks are codified to reduce mass and bulk, improve neighbor privacy.
- Minimum interior side step back upper floor.
- All landscaping must be drought tolerant (current code "encourages")

New Objective Design Standards (Chapter 17.16.040):

- Building orientation
- Building Transparency
- Roofline and roof design
- Exterior building materials and colors
- Landscaping
- Site circulation and access
- Parking frontage
- Private outdoor open space
- Required play areas
- Sustainability and energy efficiency
- Multi-family specific objective design standards

Residential Zoning Districts Change

A review of all the zoning districts in the code revealed that there are two distinct low density zoning districts in the City-LR-1A and LR. The 2019 General Plan does not distinguish between these two zones, instead they are both designated "Low Density Residential" with a density range of 1.0-5.0 units per acre. In the current zoning code, the main differences being the LR-1A district (which is concentrated off Spring Mountain Road in the northwest part of the City) includes 1) minimum lot size is at least 1 acre; and 2) the maximum density is 1 dwelling unit per acre.

The existing LR District (Sylvaner neighborhood) in contrast includes 1) minimum lot size is 7000 square feet; and 2) maximum density is 5 dwelling units per acre. It is characterized with generally consistent average lot sizes with some in the range of 10,000 square feet. Since the General Plan does not distinguish between these two

zones, the consultant recommended to staff and the subcommittee consolidating these two districts into one LR District with the development standards as noted in Table 17.16.030.

Regarding the maximum primary building footprint proposed in the LR zone, prior to the release of the public review draft, staff noted that the threshold of 2,400 square feet for lots less than 15,000 square feet may be very limiting to the Sylvaner neighborhood (and encourage second stories), where some lots are 10,000 and a 35% lot coverage would allow 3,500 square feet of total coverage of primary and accessory buildings. Staff recommends the Planning Commission and City Council provide direction on the proposed sliding scale of the maximum primary building footprint attached to this report.

Next Steps

The City will conduct two additional joint City Council and Planning Commission public meetings which at this time are tentatively scheduled for November 16th and December 7th. Public comment and feedback are requested at these meetings and the anticipated topics are below:

November 16, 2022 Code Topics: (Commercial and Mixed-Use Discussion-Part III of Code)

- Uses in the CB, SC and MU zones
- Mixed Use Development Standards
- Standards Specific to Live/Work
- Standards Specific to Formula Business
- Standards Specific to Short Term Rentals

December 7, 2022 Code Topics: (Part III and IV of Code)

- Citywide Standards (parking, signs, affordable housing)
- Overlay Zones (Parking Exemption, Historic Preservation, Planned Development)

At the conclusion of the zoning code public meetings in 2022, staff and the consultant will consider all the comments received. It is important to note that there is limited budget in the current zoning code contract to make significant changes to code content or add substantial new content. Upon receiving clear, unified direction from the City Council and Planning Commission, the consultant will make revisions to the draft code in advance of presenting the updated Public Review Draft Code for adoption in the first quarter of 2023. There will be formal public hearings both by the Planning Commission and City Council to consider the updated code and additional public comment will be received at those meetings.

**RECOMMENDED ACTION**

No Action Required.

**ATTACHMENTS**

Public Review Draft Zoning Code 10-18-2022
Draft Zoning Map 2022
LR District Proposed Standards for Max Building Footprint

# Public Review Draft

## October 2022

*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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# Chapter 17.01 Title, Authority, and Purpose

## 17.01.010 Title

A. Title 17 of the City of St. Helena Municipal Code shall be known and cited as the "Zoning Code" or "Code."

B. The Zoning Map that is a part of the Zoning Code shall be known as the "City of Helena Official Zoning Map" or "Zoning Map" (see Section 17.01.070, Zoning Map).

C. The Zoning Code and the Zoning Map shall be subject to change from time to time as may be determined by the City Council.

## 17.01.020 Authority

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

## 17.01.030 Purpose

The purpose of this Zoning Code is to:

A. Protect and promote the public health, safety, peace, comfort, and general welfare;

B. Encourage orderly, compatible and beneficial uses of land;

C. Minimize conflicts which might result from incompatible and inappropriate land uses;

D. Maintain and enhance the desirable character of the City and its various neighborhoods and areas;

E. Lessen congestion on streets;

F. Prevent and lessen the human and property loss resulting from natural and manmade hazards;

G. Facilitate the provision of adequate community facilities such as schools, parks, streets, fire protection and other public requirements;

H. Provide open space for light and air;

I. Protect agricultural soils, vegetation, wildlife and other natural resources from incompatible and deleterious activities;

J. Preserve, protect and enhance the environment of the City;

K. Provide for a variety of housing types and housing opportunities; and

L. Otherwise promote the general community welfare in accord with the City's General Plan.

M. Protect the City's historic resources.

## 17.01.040 Applicability

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

A. **Compliance with Use Regulations.** No land, building, structure or premises shall be used, designated or intended to be used for any purpose or in any manner other than that which is permitted by this Title, the regulations of the applicable zoning district in which such land, building, structure and premises is located, and any conditions of approval imposed upon any permit authorized by this Title.

B. **Compliance with Development Standards.** No building or part thereof or structure shall be erected, constructed, reconstructed, structurally altered, enlarged, rebuilt or removed except in conformity to the yard, setback, building location and height regulations of this Title, the regulations of the applicable zoning district in which such building or part thereof or structure is located, and any conditions of approval imposed upon any permit authorized by this Title.

C. **Conflicting Regulations.** Where conflict occurs between the regulations of this Title and the Building Code or other regulations effective within the City, the more restrictive regulation shall apply except in areas subject to discretionary design review provisions.

D. **Limitations.** Except as otherwise authorized by the City Council, the City shall not process any application for a permit, approval or clearance that is sought pursuant to this Title (including, without limitation, a Conditional Use Permit, variance, zoning amendment, or General Plan amendment) for any property found in violation of this Title until the violation is corrected.

## 17.01.050 Relationship to the General Plan

A. It is the policy of the City as expressed in the General Plan that the Zoning Code be consistent with the General Plan. For this purpose, consistency is achieved when the various land uses authorized by this Title are compatible with the objectives, policies, general land uses and programs specified in the General Plan.

B. In accord with this policy, the Zoning Code is intended to implement the General Plan of the City as expressed in the text, maps and diagrams of all elements of the General Plan taken together. In determining consistency, the compatibility and timing of proposed developments and other uses of land shall be considered pursuant to the policies of the General Plan.

C. This Title recognizes the supremacy of the General Plan. If an inconsistency between the Zoning Code and the General Plan should for whatever reason arise, the General Plan shall prevail over the Zoning Code; the City, shall, in good faith, make every effort to resolve the inconsistency within a reasonable period of time. Any amendment of this Title shall be consistent with the General Plan.

## 17.01.060 Interpretation of the Zoning Code

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

A. Where this Title imposes a greater restriction than is imposed or required by other rules, regulations or ordinances, the provisions of this Title shall control.

B. Where other rules, regulations, or ordinances impose greater restrictions or more specific standards than those of this Title, the more specific shall control.

C. Where provisions of this Title are in conflict, the more specific regulations shall apply over the more general; where provisions of this Title remain in conflict, the more restrictive provisions shall apply.

## 17.01.070 Zoning Map

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

## 17.01.080 Interpretation of District Boundaries

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

A. The legal description of the lot or lots referenced by the assessor's parcel number of any prior rezoning and/or the existing Zoning Map;

B. Unless otherwise clearly indicated on the Zoning Map, zoning district boundaries shall coincide with property lines, sectional lines, center lines of blocks and/or the boundaries of publicly owned lands;

C. Where the location of the zoning district boundaries cannot be determined by the above rules, the boundaries shall be located by the use of the scale on the Zoning Map.

## 17.01.090 Severability

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

# Chapter 17.02 Reserved

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# Chapter 17.03 Zoning Code Administration

## 17.03.010 Purpose

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

## 17.03.020 Approval Authorities

The following Approval Authorities are established under this Chapter:

A. **Community Development Director.** The Community Development Director shall have such duties assigned by this Code as may be required to fulfill the purposes of this Title. These duties shall be in addition to those contained in Government Code §§ 65900 et seq., as amended. References to the Community Development Director shall also mean any employee(s) of the Community Development Department authorized by the Community Development Director to act in the director's behalf.

B. **Public Works Director.** The Public Works Director shall have such duties assigned by this Code as may be required to fulfill the purposes of this Title. References to the Public Works Director shall also mean any employee(s) of the Public Works Department authorized by the Public Works Director to act in the director's behalf.

C. **Building Official.** The Chief Building Official shall have such duties assigned by this Code as may be required to fulfill the purposes of this Title. References to the Chief Building Official shall also mean any employee(s) of the building division of the Community Development Department authorized by the Chief Building Official to act in the Chief Building Official's behalf.

D. **Planning Commission.** The Planning Commission is established for the purpose of taking final action on certain applications and recommending actions on other applications to the City Council. References to the Planning Commission shall also mean any employee(s) of the Community Development Department when acting in the Planning Commission's behalf while carrying out specific tasks which have been delegated to staff by the Planning Commission. The powers and duties of the Planning Commission shall include:

1. Authority to hear and decide:
    a. Applications for Conditional Use Permit;
    b. Applications for Variances.
    c. Applications for Major Design Review;
    d. Adoption of negative declarations or EIR certification and findings when associated with another application acted upon by the Planning Commission.
2. Authority to review and make recommendations to the City Council on:

a. Applications for ordinance amendments and zoning map changes;

b. Applications for tentative subdivision maps;

c. Applications for General Plan Amendments;

d. Environmental documentation where the final permit approvals above are made by the City Council;

e. Any other action that state law requires the Planning Commission to consider and recommend before Council consideration.

3. Authority to hear an appeal taken from any determination made by an administrative or appointed official, such as the Community Development Department staff, Community Development Director or Zoning Administrator in the administration or enforcement of this Title.

4. The Planning Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Title. All meetings shall be open to the public. The Planning Commission shall keep minutes of all proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its own examinations and other official actions, all of which shall be a public record and be immediately filed with the Community Development Department.

E. **City Council.** The City Council is established through the incorporation of the City and has final review of matters relating to planning and zoning, subject to delegation of such authority as provided in this Title. These duties shall be in addition to those contained in Government Code §§ 65900 et seq., as amended. References to the City Council shall also mean any employee of the City who acts in the City Council's behalf while carrying out specific tasks that have been expressly delegated to staff by the City Council.

## 17.03.030 Summary of Approval Authorities for Decisions and Appeals

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

**Table 17.03.030.A: Approval Authorities**

| Type of Action | Chapter/ Section | Recommending Authority | Approval Authority | Appeal Authority |
|---|---|---|---|---|
| **Planning Permits and Approvals** | | | | |
| Conditional Use Permit | 17.05.020 | Community Development Director | Planning Commission | City Council |
| Demolition Permit | 17.05.030 | Community Development Director | Planning Commission | City Council |
| Development Agreement | 17.05.050 | Planning Commission | City Council | N/A |

| Table 17.03.030.A: Approval Authorities | | | | |
|---|---|---|---|---|
| **Type of Action** | **Chapter/ Section** | **Recommending Authority** | **Approval Authority** | **Appeal Authority** |
| Historic Demolition Permit | 17.05.040 | Community Development Director | Planning Commission | City Council |
| Home Occupation Permit | 17.05.060 | N/A | Community Development Director | Planning Commission |
| Major Design Review | 17.05.070 | Community Development Director | Planning Commission | City Council |
| Major Sign Permit | 17.27.050 | Community Development Director | Planning Commission | City Council |
| Minor Design Review | 17.05.080 | N/A | Community Development Director | Planning Commission |
| Minor Sign Permit | 17.27.040 | N/A | Community Development Director | Planning Commission |
| Minor Use Permit | 17.05.090 | N/A | Community Development Director | Planning Commission |
| Short-Term Rental Permit | 17.05.100 | Community Development Director | Planning Commission | City Council |
| Short Term Rental Renewal | 17.05.100 | N/A | Community Development Director | Planning Commission |
| Temporary Use Permit | 17.05.110 | N/A | Community Development Director | Planning Commission |
| **Amendments** | | | | |
| General Plan Amendments | 17.06 | Planning Commission | City Council | N/A |
| Zoning Map Amendments | 17.07 | Planning Commission | City Council | N/A |
| Zoning Text Amendments | 17.07 | Planning Commission | City Council | N/A |
| **Other Actions** | | | | |
| Pre-Zoning for Annexation | 17.07.030 | Community Development Director | Planning Commission | City Council |
| Specific Plans | 17.08 | Community Development Director | Planning Commission | City Council |
| Reestablishment of an Abandoned Non-conforming Use | 17.09.030 | Community Development Director | Planning Commission | N/A |
| Minor Modifications | 17.11.010 | N/A | Community Development Director | Planning Commission |
| Variance | 17.11.020 | Community Development Director | Planning Commission | City Council |

## 17.03.040 Approvals to Conform to Code

A. All permits, approvals, clearances, or licenses shall conform to the provisions of this Code. If any issued permit, approval, clearance, or license is in conflict with the provisions of this Code, it shall be null and void.

B. When carrying out their assigned duties and responsibilities, all Approval Authorities shall interpret and apply the provisions of this Code as minimum requirements adopted for the promotion of the General Plan.

C. The City shall refuse to issue any permit, approval, or clearance that is sought pursuant to this Title, where the existing or proposed use, building or structure has been found to be in violation of this Code, except as otherwise authorized by the City Council.

# Chapter 17.04 Common Procedures

## 17.04.010 Purpose

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

## 17.04.020 Application Process

A. **Applicant.** Application for any permit shall be made by the property owner, or his or her authorized agent, to the Community Development Director.

B. **Applications.**

1. ***Application Forms.*** Application for permits or amendments shall be made with the Community Development Director on a prescribed form and shall include information that is necessary for adequate review of the application, such as plans, elevations, facts, and information deemed by the Community Development Director to be necessary to show details of the proposed use or development. Applications shall include the property owner's written authorization for any permit, permit amendment or permit extension to be recorded against the property.

2. ***Supplemental Materials and Information.*** The Community Development Director may require the submission of supplemental materials and information as part of an application submittal, including statements, photographs, plans, drawings, renderings, models, material samples, special studies, and other items necessary to describe existing conditions and the proposed project, and to determine the level of environmental review pursuant to the California Environmental Quality Act (CEQA).

3. ***Filing Date.*** The filing date for an application shall be the date an application is certified by the City to be complete pursuant to Government Code § 65943 et seq.

C. **Concurrent Permit/Approval Processing.** The following provisions shall apply to multiple permit/approval processing and action by Approval Authorities:

1. If a project requires more than one discretionary permit or other approval, all permits or other approvals shall be processed concurrently. The concurrent processing of other discretionary permits and approvals associated with but not required for the development of the project (e.g., development agreement) is encouraged.

2. When more than one permit or other discretionary approval is required and Approval Authority rests with both the Planning Commission and City Council, the final action on all discretionary permits or other approvals shall be taken by the City Council. In such cases, the Planning Commission's actions shall consist of recommendations to the City Council.

3. When a subdivision is proposed, the provisions of the Subdivision Ordinance and this Title shall apply. Approval Authorities may combine in a single action or review such approvals as are required by this Title and the single approval shall have the same effect as though each action were taken individually, provided each separate approval required is appropriately entered in the record.

D. **Withdrawn Applications.** An application may be withdrawn by the applicant prior to the opening of the public hearing or thereafter with the consent of the Approval Authority. A request to withdraw an application must be submitted by the applicant in writing. Withdrawal of an application shall terminate all further action on the application. Where an application has been withdrawn, an application for the same or substantially similar project may be filed within one year from the date of withdrawal. Any such subsequent application shall be considered a new application and be processed accordingly.

## 17.04.030 Fees

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

A. **Filing Fee.** Fees for processing applications shall be set by resolution of the City Council and shall be representative of the actual costs incurred by the City for processing the application.

B. **Billing Rates.** The hourly rate to be billed by the City staff shall be periodically set by resolution of the City Council; other processing costs shall be at rates set by resolution of the City Council (e.g., costs of reproduction) or at direct cost to the City (e.g., postage). Such rates shall not exceed the costs (direct and indirect) of the services provided. Consultants shall be billed at the rate and for the expenses charged to the City plus any allocable overhead.

C. **Billing Records.** All processing costs associated with the investigation, processing, inspection or review of development projects, or the enforcement of applicable regulations and conditions to development projects shall be recorded and charged to each project.

D. **Payment of Processing Fees.**

1. The City may, when the Community Development Director deems it appropriate, require an applicant to deposit funds with the City from which the costs described in this Section will be paid. Any remaining unused balance will be returned to the applicant within a reasonable time after a final decision on the application has been made.

2. No development application may be filed without a deposit in an amount estimated to cover processing costs unless payment of processing fees has been waived by action of the City Council, or the applicant is a public entity exempted from payment of such fees. The City shall make subsequent periodic invoices to ensure that the balance in the project account remains sufficient to cover anticipated processing costs, and it shall be the responsibility of those liable for payment to make such payments.

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

E. **Failure to Pay Processing Fees.**

1. Any City body with the authority to approve or conditionally approve or deny a development project may deny such project with leave to amend if after notice the responsible party or parties fail to comply with this Section. The applicant shall be given no less than 10 calendar days' mailed notice of the City's intent to take such action.

2. The Community Development Director, Public Works Director, or Chief Building Official may issue a stop work order if the job site has previously been posted with a notice of intent to issue a stop work order for failure to comply with this Section.

3. An action may be brought in the name of the City, in any court of competent jurisdiction to enforce a lien. In such action, reasonable attorney's fees shall be awarded to the prevailing party.

4. The Finance Director may bring a civil action in the name of the City to collect the fees owing pursuant to this Section. In such action, reasonable attorney's fees shall be awarded to the prevailing party.

F. **Lien on Subject Property.**

1. The Finance Director may notify an applicant or operator and, if different, the owner of the subject property, of the failure to comply with this Section, the amount outstanding and of the fact that if not paid, the processing fees shall become a lien against the property. Such notice shall be given by registered or certified mail upon the owner or owner's agent, as shown on the last equalized assessment roll. Service on one property owner in multiple ownership shall be deemed in compliance with this Section. If an address for an owner cannot be reasonably obtained, the notice required by this Section may be given by posting the subject property.

2. Within 10 days from the date of posting, or date of registered or certified mail service, the applicant or operator, and if different, the owner or any person interested in the property may appeal the decision to file a lien under subsection F.1 to the City Council by filing a written appeal with the City Clerk, setting forth in detail the reasons for appeal. The Council shall hear from the appellant and subsequently approve or deny the appeal. The City Council's decision shall be final and conclusive.

3. At the expiration of the time set for appeal or upon determination of the City Council upon appeal, the processing fees due and any outstanding amounts owed become a lien upon the subject property.

## 17.04.040 Review of Planning Applications

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

B. **Incomplete Application.** Permits authorizing the use, construction, reconstruction, or alteration of any structure may be withheld when information submitted is inadequate or incomplete. If an application is deemed incomplete, the Community Development Director shall provide a written notification to the applicant listing information necessary to complete the application.

1. ***Zoning Code Violations.*** An application shall not be found complete if conditions exist on the site in violation of this Title or any permit or other approval granted in compliance with this Title, unless the proposed project includes the correction of the violations.

2. ***Appeal of Application Completeness Determination.*** Determinations of incompleteness are subject to the provisions of Chapter 17.12, Procedures for Appeals, except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal.

3. ***Submittal of Additional Information.*** A determination will be made whether the permit may be issued or if the applicant must supply additional information to complete the permit application. The applicant shall provide the additional information within the time limit specified by the Community Development Director, which shall be no sooner than 30 days. The Community Development Director may grant one extension of up to 90 days.

4. ***Expiration of Application.*** If an applicant fails to submit the information identified on the written notification of an application that is determined to be incomplete within 180 days, the application shall expire and be deemed withdrawn. After the expiration of an application, a new, complete application, along with all required fees, shall be submitted for review.

C. **Complete Application.** In compliance with the California Permit Streamlining Act §65920, when a planning application is deemed complete, the Community Development Director must make a record of that date and proceed with processing the application. If an application requires a public hearing, the Community Development Director shall schedule a hearing and notify the applicant of the date and time, pursuant to Section 17.04.080, Public Hearing Notice.

D. **Procedure for Zoning Compliance.** Prior to approval of the following land use activities the Community Development Director shall first establish compliance with the provisions contained in this Title:

1. Business license requests;

2. Issuance of building permits;

3. The first and subsequent nonresidential occupancies or uses of any land, lot, building or structure;

4. Any full or partial change in the nonresidential occupancy or use of any land, lot, building or structure; or

5. The expansion of any nonresidential occupancy or use of any land, lot, building or structure.

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

E. **Referral of Application.**

1. When the Community Development Director is the Approval Authority, the Community Development Director has the discretion to refer the application to the Planning Commission.

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

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

## 17.04.050 Determination of Similar Use

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

A. **Community Development Director.** The Community Development Director may administratively determine that the proposed uses are similar to those of the appropriate use category where the uses are clearly similar in character to those uses listed and consistent with the purposes of the zoning district and General Plan.

B. **Planning Commission.** The Planning Commission's determination of similar use is subject to appeal to the City Council pursuant to the provisions of Chapter 17.12, Procedures for Appeals.

## 17.04.060 Interim Zoning Ordinance

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

## 17.04.070 Environmental Review

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

## 17.04.080 Public Hearing Notice

A. **Applicability.** Public hearing notices are required for all applications subject to a public hearing.

B. **Noticing Procedures.** The following noticing procedures shall be observed when a public hearing is required by this Title:

1. Notice shall include:

   a. The date, time and place of the hearing;

   b. The identity of the hearing body;

   c. A brief description of the matter to be considered and permits required;

   d. A description (text or diagram) of the location of the property involved;

   e. The following statement: "If you challenge the City's decision on this matter in Court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing."

2. Notice shall be given not less than 10 calendar days prior to the public hearing.

3. Notice shall be given by the following, except as provided below in subsection C, Special Provisions:

   a. Mailed notice to the applicant, the owner of the property, persons who have requested notice of a hearing for a specific project, and all property owners within 300 feet of the proposed project site.

   b. Publication of legal notice in a newspaper determined to be a newspaper of general circulation in St. Helena.

4. Notice for all applications considered by the City Council at a public hearing which have been considered previously by the Planning Commission shall consist of the same notice required for the Planning Commission hearing.

C. **Special Provisions.** The following special public hearing notice provisions shall apply to the adoption of a General Plan, General Plan element, substantive text amendment of the General Plan, substantive text amendment of the Zoning Ordinance and any project, including General Plan land use map amendment, for which the number of property owners who would be sent a public hearing notice pursuant to this Title is greater than 1,000:

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

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

## 17.04.090 Continuance of Public Hearing

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

## 17.04.100 Timing and Notice of Action

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

A. **Time of Action.**

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

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

## 17.04.110 Authority to Apply Conditions of Approval

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

## 17.04.120 Effect of Approvals

A. **Issuance of Approval.** The issuance of a permit or approval requirement described in this Title authorizes the holder to proceed in compliance with the terms of the permit. The applicant must follow the procedures of this Title for any additional applicable permits or approvals in order to complete the development and occupancy requirements for the subject property.

B. **Conditions of Approval.** All conditions of approval shall be binding upon the applicant, their successors, and assigns; shall run with the land; shall limit and control the issuance and validity of Certificates of Occupancy; and shall restrict and limit the construction, location, use, and maintenance of all land and structures within the development.

C. **Ownership and Transferability of Permits and Approvals.** An approved permit or other discretionary approval applies to the subject property and runs with the land, except as specifically provided in this Title. Once vested, an approved permit or other discretionary approval remains effective unless terminated, abandoned, revoked or modified even if the subject property is subsequently rezoned. An approved permit or other discretionary approval is transferable to any future owner of the subject property.

D. **Inspections.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, the property owner, or successor property owners to comply with such conditions.

## 17.04.130 Terms of Approvals

A. **Term of Permits and Approvals**.

1. A discretionary approval authorized by this Title shall expire one year from the date that such approval becomes effective unless the applicant has established a vested right to proceed, or a subdivision map that was concurrently approved for the project remains valid.

2. A discretionary approval takes effect the day following the expiration of the appeal period if no appeal is filed or the day following the denial of an appeal.

B. **Validity of Permits.** The following shall establish the validity of permits or other discretionary approvals:

1. ***Establishment of Use.*** A permit or other discretionary approval shall remain valid as long as the use authorized by the permit is lawfully established prior to the expiration of the permit, or the holder of the permit or other discretionary approval has established to the satisfaction of the Community Development Director a good faith, diligent effort to lawfully establish the use pursuant to the procedures set forth by this Section.

2. ***Valid Building Permit.*** A permit or other discretionary approval shall remain valid as long as there is a valid building permit for construction authorized by the permit. If the building permit expires, or if no building permit has been issued for construction

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

C. **Expiration of Permits.** The following establish the expiration of permits or other discretionary approvals.

1. ***Failure to Establish Use.*** Any permit or discretionary approval that allows for the establishment of a use shall be revoked by the Community Development Director if it is determined that the use has not been established within a period of six consecutive months from the date the permit was issued or the discretionary approval was granted.

2. ***Failure to Continue Use.*** Any permit or discretionary approval that allows for the establishment of a use shall be revoked by the Community Development Director if it is determined that the use has been abandoned, ceased operations, or has been vacated for a period of six consecutive months from the date the permit was issued or the discretionary approval was granted, unless the holder of the permit or other discretionary approval has confirmed to the satisfaction of the Community Development Director a good faith, diligent effort to continue the use pursuant to the procedures set forth by this Section.

3. ***Incompletion of a Project*.** If only a portion of a project is completed pursuant to a permit authorizing its development, the permit or other discretionary approval for the balance of the project shall expire if no substantial action is taken toward completion of the balance of the project in a one-year period.

D. **Determination of Expiration or Extension.** The following provides for determination of the expiration or extension of permits or other discretionary approvals.

1. ***Notification of Determination of Expiration.*** If the Community Development Director determines that the holder of the permit or other discretionary approval has not attempted to establish or continue the approved use diligently and in good faith, the Community Development Director shall notify the holder of the permit or other discretionary approval in writing of that determination, and that the permit or other discretionary approval is expired, lapsed and null and void. The Community Development Director's determination that the permit or other discretionary approval has expired may be appealed to the Planning Commission by the holder of the permit or other discretionary approval.

2. ***Notification of Determination of Extension.*** If the Community Development Director determines that the holder of the permit or other discretionary approval has attempted to establish or continue the approved use diligently and in good faith, the Community Development Director shall notify the holder of the permit or other discretionary approval in writing of that determination, and that the permit or other discretionary approval has been extended for an additional period. Any such extension shall be for a period of one year and shall be subject to the requirements

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

## 17.04.140 Extension of Permits and Approvals

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

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

## 17.04.150 Modifications to an Approval

A. **Minor Modifications to an Approval.** At the discretion of the Community Development Director, a minor modification to a discretionary approval may require only administrative review and approval, but no minor modification may change the approved use, density, or intensity.

B. **Major Modifications to an Approval.** Any modification to a discretionary approval that is not a minor modification under subsection A above is a major modification and must be approved by the Approval Authority that issued the discretionary approval.

## 17.04.160 Effect of Denials

A. **Denial with Leave to Amend.** If an application for a permit or other discretionary approval is denied with leave to amend, an application for the same or a substantially similar project may be filed within one year from the date of the denial without being considered a new application. A denial without leave to amend must be accompanied by a statement that no right or privilege of the applicant is waived or lost by the denial if an amended application is resubmitted within one year from the denial.

B. **Denial without Leave to Amend.** If an application for a permit or other discretionary approval is denied without leave to amend, in compliance with subsection A, no new application for the same or a substantially similar project may be filed for a period of one year from the date of the denial.

1. If an application for a permit or discretionary approval on the same property is received within one year from the date of denial, the Community Development Director shall make the threshold decision whether the project is substantially similar to the rejected project and therefore cannot be filed for processing.

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

3. Upon request of Community Development Director, the matter shall be placed on the agenda for a decision whether the project is substantially similar.

## 17.04.170 Appeals

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

# Chapter 17.05 Planning Permits and Approvals

## 17.05.010 Purpose

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

## 17.05.020 Conditional Use Permit (CUP)

A. **Purpose.** The purpose of a Conditional Use Permit (CUP) is to allow the proper integration in the City of essential or desirable uses while ensuring that such uses are and will continue to be compatible with surrounding existing and planned uses. The purpose is also to establish conditions as necessary to ensure the harmonious integration and compatibility of uses in the neighborhood and with surrounding areas.

B. **Applicability.** Part III, District Regulations and Overlays, identifies land uses and activities that require a CUP.

C. **Application.**

1. ***Application.*** An application for a CUP shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.

2. ***Responsibility.*** It is the responsibility of the applicant to provide support for the findings required by subsection E.

D. **Public Hearing and Procedure.**

1. Public hearings shall be property noticed in compliance with Section 17.04.080, Public Hearing Notice.

2. The Planning Commission shall hold a public hearing on the CUP application and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the requirements for conditional uses and other applicable Sections of this Code.

E. **Findings.** The Planning Commission may approve the CUP only after making the following findings:

1. The proposed use is consistent with the goals and policies of the General Plan and any applicable Specific Plan;

2. The proposed use is appropriate for the zoning district in which it is located, compatible with uses allowed in the zoning district, and complies with all other applicable provisions of the Zoning Code;

3. The proposed use will not be materially detrimental to the health, safety, and welfare of the public or the property and residents in the vicinity;

4. The subject site is physically suitable for the use and compatible with existing and future land uses, buildings and structures in the vicinity;

5. For formula businesses, the proposed use is consistent with the findings of Section 17.22.120, Formula Businesses; is consistent with the unique and historic character of St. Helena; will preserve the distinctive visual appearance and shopping experience of St. Helena for its residents and visitors; and will be compatible with existing uses in the zoning district;

6. The subject site is served by streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate or that the streets in question are physically or financially impossible to be improved and that the proposed use is deemed to be beneficial to the City; and

7. The project is categorically exempt under CEQA or other applicable Environmental Documents have been certified as complete and adequate.

F. **Conditions of Approval.**

1. The Planning Commission may attach conditions of approval to a CUP as are necessary to carry out the purposes of the General Plan, other adopted plans, or findings of subsection E. Some of the conditions may include limitations on size, bulk, and location; requirements for additional landscaping or buffers; mitigation of adverse environmental impacts; and other conditions such as the duration of the permit, hours of operation, and time limits on construction.

2. Conditions of approval will only be imposed if they are necessary to ensure:

   a. The intent and purpose of the General Plan and this Code are met;

   b. Compatible and complementary development and operation of the property; and

   c. The provision of appropriate off-site improvements.

G. **Master Use Permit.**

1. ***Purpose and Applicability.*** A Master Use Permit is a special type of Conditional Use Permit which authorizes more than one conditional use, including future uses, from the list of conditional uses of the zoning district in which a property is located. The Planning Commission may approve a Master Use Permit on properties with one or more buildings which are occupied or designed for occupancy by multiple nonresidential uses.

2. ***Application Requirements.*** See subsection C above for application requirements.

3. ***Public Hearing and Procedure.*** The procedure and findings for a Master Use Permit shall be the same as that of a CUP as described above. Following approval of a Master Use Permit, any uses so authorized may be established subject only to compliance with any conditions of approval. Each Master Use Permit shall list all of the conditional uses authorized by the Permit and may be subject to conditions or requirements over and above those which might be applied for any particular use.

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

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

2. ***Appeals.*** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.

3. ***Expiration, Extensions and Modifications.*** Conditional Use Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

## 17.05.030 Demolition Permit

A. **Purpose.** The purpose of this Section is to provide the procedure for processing a demolition permit for non-historic structures.

B. **Applicability.** This Section applies to all buildings and structures less than 50 years old that are proposed for demolition.

C. **Application Requirements.**

1. ***Application.*** An application for a Demolition Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process. If the structure is 50 years or older, a historic resource determination report may be needed from a qualified architectural historian. Applicants should contact the Community Development Department to verify requirements.

2. ***Responsibility.*** It is the responsibility of the applicant to provide information regarding the findings described by subsection D.

D. **Findings.** No permit authorizing the demolition of any building within any zoning district shall be issued until approved by the Planning Commission in accordance with the following findings:

1. The building is determined not to be a significant architectural or historical building based on the public record and testimony presented at a public hearing;

2. The demolition would not eliminate elements that are required to maintain the essential character of the neighborhood;

3. Design review of the proposed replacement structure is approved prior to, or in conjunction with, approval of the demolition of a structure; and

4. The building to be demolished does not reflect neglect by the owner.

E. **Notice of Action, Appeals, Expiration, Extensions, and Modifications.**

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

2. ***Appeals.*** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12 Procedures for Appeals.

3. ***Expiration, Extensions and Modifications.*** Demolition Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

## 17.05.040 Historic Demolition Permit

A. **Purpose.** The purpose of this Section is to provide procedures for the processing of a demolition permit for potential historic structures.

B. **Applicability.** This Section applies to:

1. All structures over 50 years old within the Historic Preservation Overlay District or determined to be a historic resource by a qualified architectural historian; and

2. Any structure listed on the City's Historic Resources Master List (Local Register).

3. ***Exemptions.*** The following are exempt from the Historic Demolition Permit requirement:

a. Buildings and structures determined by the Chief Building Official to pose a serious and immediate threat to the public health, safety or general welfare.

b. A building or structure included in the City's Local Register but whose listing is determined by the Community Development Department to be based on erroneous information, based on evidence in the record.

c. The structure or building is determined by the Community Development Department to not meet criteria for historical significance as defined by Public Resources Code § 5020.1 or 5024.1, based on evidence in the record.

d. Demolition of interior partitions, walls, or any other demolition that will not modify the exterior appearance of the structure or building.

C. **Application Requirements.**

1. ***Application.*** An application for an Historic Demolition Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process. Specific requirements unique to the Historic Demolition Permit are listed on the Application.

2. ***Responsibility.*** It is the responsibility of the applicant to provide information regarding the findings described by subsection F.

D. **Environmental Review.** Environmental review of a historic demolition permit application shall be conducted in accordance with CEQA.

E. **Public Hearing and Procedures.**

1. Public hearings shall be property noticed in compliance with Section 17.04.080, Public Hearing Notice.

2. The Planning Commission shall hold a public hearing on a Historic Demolition Permit application and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the provisions of Chapter 17.04, Common Procedures.

F. **Findings**. In order to approve an application for a historic demolition permit, the Planning Commission must make at least three of the following findings:

1. The building or structure does not represent a unique and irreplaceable historic or architectural resource.

2. The adaptive reuse of the structure is infeasible or inappropriate, due to economic considerations, structural conditions or land use incompatibility.

3. The relocation of the structure is infeasible due to cost, structural conditions or lack of an interested party.

4. Restoration of the building or structure is not feasible or practical using current building codes including, but not limited to, the Historic Building Code provisions of the California Building Standards Code.

5. No public or other funding is available for financing renovation or purchase of the property on which the building or structure is located.

6. The characteristics of the building or structure that originally supported its inclusion in a cultural resources survey are no longer present and such absence is not a result of:

   a. Willful or negligent acts by the owner that resulted in structural deterioration,

   b. Failure to perform normal maintenance and repairs,

   c. Failure to diligently solicit and retain tenants, and

   d. Failure to secure and board the structure if vacant.

7. The base zoning of the site is incompatible with the intended reuse of the existing structure.

8. The structure cannot be restored without repairs that would exceed 50 percent of the value of the structure itself. This finding shall be supported by 1) an appraisal prepared by a certified appraiser to determine the value of the structure and 2) at least two bids from qualified contractors to determine the cost of repairs to the structure.

9. The historic resource must be removed from the site in order for the property to be utilized for a structure or use that substantially benefits the public.

10. Demolition of the structure will not have a significant impact on the historic integrity of the designated or potential historic district.

G. **Notice of Action, Appeals, Expiration, Extensions, and Modifications.**

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

2. ***Appeals.*** A decision of Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.

3. ***Expiration, Extensions and Modifications.*** Historic Demolition Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

H. **Conditions of Approval**. Potential conditions of approval that may be adopted by the Planning Commission in approving a historic demolition permit include, but are not limited to, the following:

1. Prior to demolition, the applicant shall provide archival quality photographs, floor plans and elevation drawings, as appropriate, to record the building(s) or structure(s) being demolished.

1. Prior to issuance of the Historic Demolition Permit, the Planning Commission shall approve a design review application for new construction for the site of the demolished structure(s) and a building permit shall be issued for the replacement structure(s). In addition to the findings required under Section 17.05.070, Major Design Review, the Planning Commission shall find that the proposed design is compatible with the historic character of the surrounding historic neighborhood, if applicable.

2. The applicant shall donate to the St. Helena Historical Society any artifact or other architectural element identified by the preservation consultant or Planning Commission. The artifact or architectural element shall be carefully removed and delivered to the St. Helena Historical Society in good condition to be used in future conservation work.

3. The applicant shall offer any reputable firm, group or individual, the opportunity to move the building to another site for restoration.

4. The applicant shall bond for no less that 25 percent of the estimated construction cost of the replacement structure or structures approved under subsection 2.

## 17.05.050 Development Agreement

A. **Purpose.** The purpose of this Section is to provide procedures for the processing of development agreements.

B. **Applicability.** The City may enter into an agreement with a qualified applicant for the development of real property as provided in this Chapter under the authority of Government Code §§ 65864 through 65869.5.

C. **Qualifications.** Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property that is the subject of the development agreement. The Community Development Director may require an applicant to submit proof of his or her interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the Community Development Director shall obtain the opinion of the City Attorney to confirm the sufficiency of the applicant's interest in the real property to enter into the agreement.

D. **Application Requirements.**

1. ***Application.*** An application for a development agreement shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.

2. ***Form of Agreement.*** Each application shall be accompanied by the form of development agreement proposed by the applicant. This requirement may be met by designating the City's standard form of development agreement and including specific proposals for changes in, or additions to, the language of the standard form.

E. **Public Hearing and Procedures.**

1. A public hearing on an application for a development agreement shall be held by the Planning Commission and the City Council. Notice of intention to consider adoption of a development agreement shall be given as provided in Government Code §§ 65100 and 65110. These notice requirements are declaratory of existing law. If state law prescribes a different notice requirement, notice shall be given in that manner.

2. The failure of any person entitled to notice required by law or this Chapter to receive such notice does not affect the authority of the City to enter into a development agreement.

3. The failure of any person entitled to notice required by law or this Chapter to receive such notice does not affect the authority of the City to enter into a development agreement.

4. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice finding, record, hearing, report, recommendation or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown.

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

1. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan;

2. Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

3. Is in conformity with public convenience, general welfare and good land use practice;

4. Will be detrimental to the health, safety and general welfare;

5. Will adversely affect the orderly development of property or the preservation of property values. The recommendation shall include the reasons for the recommendation; and

6. Will have a sufficient water supply for subdivisions pursuant to the requirements of Government Code § 66473.7 and new non-residential development

G. **City Council Decision.**

1. After the City Council completes its public hearing, it may accept, modify, or disapprove the recommendation of the Planning Commission. The City Council may refer matters not previously considered by the Planning Commission during its

hearing back to the Planning Commission for report and recommendation. The Planning Commission may hold a public hearing on matters referred back to it by the City Council.

2. The City Council may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the General Plan and any applicable specific plan.

3. If the City Council approves the development agreement, it shall do so by the adoption of an ordinance. When the ordinance approving the development agreement takes effect, the City may enter into the agreement.

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

1. ***Minor Amendments.*** At the discretion of the Community Development Director, a minor amendment to a Development Agreement requires only administrative review and approval.

2. ***Major Amendments or Cancellations.*** The procedure for proposing and adoption of a major amendment to or cancellation in whole or in part of the development agreement is the same as the procedure described in subsection E.

I. **Recordation.**

1. Within 10 days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the county recorder.

2. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in subsection H, or if the City terminates or modifies the agreement as provided in subsection K for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the county recorder.

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

1. The time for review may be modified either by agreement between the parties or by initiation in one or more of the following ways:

   a. Recommendation of the Community Development Director;

   b. Affirmative vote of at least three members of the City Council.

2. The Community Development Director shall begin the review proceeding by giving notice that the City intends to undertake a periodic review of the development agreement to the property owner. The notice shall be given at least 15 days in advance of the time at which the matter will be considered. The review shall be conducted by the City Council.

3. The City Council shall conduct a public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.

4. The City Council shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.

5. If the City finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded.

6. If the City finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the City may modify or terminate the agreement.

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

1. The time and place of the hearing;

2. A statement as to whether or not the City proposes to terminate or to modify the development agreement;

3. Other information that the City considers necessary to inform the property owner of the nature of the proceeding.

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

## 17.05.060 Home Occupation Permit

A. **Purpose.** The purpose of the Home Occupation Permit is to allow for the conduct of a business in the residential districts and to prescribe the conditions under which limited nonresidential activities may be conducted when incidental to residential activities.

B. **Applicability.** Section 17.22.130, Home Occupations, identifies uses and activities that require a Home Occupation Permit.

C. **Application.**

1. ***Application.*** An application for a Home Occupation Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.

2. ***Responsibility.*** It is the responsibility of the applicant to comply with the standards identified in Section 17.22.130, Home Occupations and the findings of subsection D.

D. **Findings.** The Community Development Director or the Planning Commission after an appeal shall approve a Home Occupation Permit if it is determined that the proposed home occupation would:

1. Be consistent with the General Plan, any applicable Specific Plan, and the development and design standards of the subject residential zoning district;

2. Be consistent with the home occupation criteria and standards of this Section 17.22.130, Home Occupations;

3. Be consistent with all other municipal codes and applicable laws.

E. **Conditions of Approval.** In approving an application for a Home Occupation Permit, the Approval Authority may impose additional conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the provision of Section 17.22.130, Home Occupations.

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

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

2. ***Expiration, Extensions and Modifications.*** Home Occupation Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

## 17.05.070 Major Design Review

A. **Purpose.** This Section establishes procedures for the review and approval or denial of development applications requiring Major Design Review. The purpose of Major Design Review is:

1. To promote those qualities in the environment that bring value to the community;

2. To foster the attractiveness and functional utility of the community as a place to live and work;

3. To preserve the character and quality of our heritage by maintaining the integrity of those areas that have a discernible character or are of special historic significance;

4. To protect certain public investments in the area;

5. To ensure that new residential development within existing neighborhoods is respectful of the existing scale of development and promotes harmonious design;

6. To encourage, where appropriate, a permissible mix of uses; and

7. To raise the level of community expectations for the quality of its environment.

B. **Applicability.** Major Design Review shall be required for the following:

1. Any new commercial, industrial, or agricultural building or exterior modification to an existing commercial, industrial, or agricultural building that involves the construction of 500 square feet or more, is visible from a public street or alley and is not subject to Minor Design Review as stipulated in Section 17.05.080.B, Applicability.

2. Any new public facility or modification to an existing public facility, excluding structures for utilities.

3. New construction and additions to structures in the Historic Preservation Overlay district. Exterior façade changes that are consistent with the standards in Section

17.21.040, Historic Preservation (HP) Overlay District are not subject to Major Design Review.

4. Any development within an approved PD Overlay district.

5. Any new structure or exterior modification to an existing structure where a Conditional Use Permit is required, excluding multi-family residential projects.

6. The construction of a new single-family home (Enacted by Ord. 87-8 effective 06-26-1987).

7. Additions to a single-family home that create a second or third floor, story, or living space in an upper story where one does not currently exist including an addition to an existing second or third story.

8. Any residential and residential mixed-use buildings that do not comply with the applicable design standards of Chapters 17.16, Residential Zoning Districts and Chapter 17.17, Commercial and Mixed-Use Zoning Districts.

C. **Application.**

1. ***Application.*** An application for a Major Design Review shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.

2. ***Responsibility.*** It is the responsibility of the applicant to provide support for the design review findings criteria required by subsection E.

D. **Public Hearing and Procedures.**

1. Public hearings shall be property noticed in compliance with Section 17.04.080, Public Hearing Notice.

2. The Planning Commission shall hold a public hearing on an application requiring a Major Design Review and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with this Code.

3. The Community Development Director may, on a case by case basis, require the applicant to erect story poles on the project site to illustrate the height and or scale of a two story (or more) proposal, particularly when there are adjacent neighboring structures.

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

1. ***Nonresidential Projects.***

a. The project is in conformance with the General Plan and applicable design standards in the Zoning Code;

b. The proposed siting, form and architectural style are appropriate for the project site and with the surrounding sites and structures;

c. In the CB district, the façade composition, door placement and design, and building fenestration encourage urban design which provides a connection to the street;

d. The roof design, building massing, and building articulation are reflected on all sides of the building that together create a visually engaging structure;

e. Project details including materials and colors are used in a manner that creates a visually cohesive design;

f. The building design and landscaping support public safety and security by allowing for a visual connection between the building frontages and the right-of-way, common open spaces, and other buildings on the site; and

g. In a National Register Historic District, the proposed work complies with the Secretary of the Interior's standards and guidelines.

2. ***New Single-Family Dwellings and Additions of Second or Third Stories to Existing Single-Family Dwellings.***

a. Consistency and compatibility with applicable elements of the General Plan (Enacted by Ord. 87-8 effective 06-26-1987); and

b. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions (Enacted by Ord. 87-8 effective 06-26-1987).

F. **Review Limitations.**

1. The Planning Commission shall not design or assist in the design of any buildings or projects submitted for approval except as requested by an applicant. The Planning Commission shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant.

2. Individual initiative and experimentation by the applicant are to be encouraged.

3. Only the applicant's failure to take reasonable account of the items discussed in subsections A and E shall justify the Planning Commission's disapproving a proposal solely on the basis of design.

4. In its endeavor to improve the quality of a design, the Planning Commission shall keep considerations of cost in mind. However, consideration of cost shall not override the other objectives of this Title.

5. The Planning Commission shall not use the Major Design Review process to intentionally or inadvertently exclude housing for minority groups or housing for low- and moderate-income persons.

6. The Planning Commission shall not use the Major Design Review process to intentionally or inadvertently to prohibit or unduly restrict building types, materials, or methods or to vary the specific allowances or other development controls.

G. **Exemptions.** This Community Development Director has the discretion to exempt a proposal from Design Review upon finding that the proposal:

1. Is clearly consistent with the findings of this Section and the remaining requirements of this Title and the General Plan; or

2. Consists of the replacement of existing architectural features that do not involve substantial design changes or changes in materials.

3. Involves a conforming residential dwelling where less than 50 percent of the gross floor area has been destroyed by a natural disaster and the proposal to reconstruct uses the same materials and design, is located on the same footprint, and does not increase the gross floor area of the previously existing structure.

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

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

2. ***Appeals.*** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.

3. ***Expiration, Extensions and Modifications.*** Major Design Review approval expires after one year. Major Design Review approval may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

## 17.05.080 Minor Design Review

A. **Purpose.** The purpose of the Minor Design Review process is to allow for the administrative review and approval of development applications that do not have site or architectural design impacts.

B. **Applicability.** The following activities are subject to all design criteria of the City of St. Helena; however the review shall be conducted administratively by City Planning Staff as a component of the building permit review:

1. Those activities not described in Section 17.05.070.B.

2. Any form of repair or maintenance where the work solely involves the replacement of materials in like kind and form or to any such work in areas not visible to the public from the public right-of-way or areas accessible to the public.

3. The alteration, modification or addition to an existing single-family or multi-family residential structure or building except as identified in Section 17.05.070.B.

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

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

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

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

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

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

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

E. **Review and Final Decision.**

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

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

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

## 17.05.090 Minor Use Permit

A. **Purpose.** The purpose of a Minor Use Permit (MUP) is to provide an administrative review process for proposed uses and activities to ensure that they are compatible with locational, use, structural, traffic, and the character of neighboring properties.

B. **Applicability.** Part III, District Regulations and Overlays, identifies the uses and activities that require an MUP.

C. **Application Requirements.**

1. ***Application.*** An application for a Minor Use Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
2. ***Responsibility.*** It is the responsibility of the applicant to provide information on the proposed use that support the findings described in subsection D.

D. **Findings.** The Community Development Director may approve a MUP upon making the following findings:

1. The proposed use is consistent with the goals and policies of the General Plan and any applicable Specific Plan;
2. The proposed use is appropriate for the zoning district in which it is located, compatible with uses allowed in the zoning district, and complies with all other applicable provisions of the Zoning Code;
3. The proposed use will not be materially detrimental to the health, safety, and welfare of the public or the property and residents in the vicinity;
4. The subject site is physically suitable for the use and compatible with existing and future land uses, buildings and structures in the vicinity;
5. The subject site is served by streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate; and
6. The project is categorically exempt under CEQA or other applicable Environmental Documents have been certified as complete and adequate.

E. **Review and Hearing Procedures.**

1. The Community Development Director shall review the projects described in subsection B for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Minor Use Permit review process. Each application shall be reviewed by the Community Development Director to ensure that the proposal complies with all applicable requirements of this Title.
2. Prior to a decision on a Minor Use Permit, the City shall provide notice of a public hearing in compliance with Section 17.04.080.
    a. *Public Notice.* The notice shall state that the director will decide whether to approve or disapprove the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person prior to the specified date for the decision.
    b. *Hearing.* When a hearing is requested, notice of the hearing shall be provided in compliance with Section 17.04.080, and the Community Development Director shall conduct the public hearing prior to a decision on the application in compliance with Chapter 17.04, Common Procedures.

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

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

## 17.05.100 Short-Term Rental Permit

A. **Purpose.**

1. The City Council finds that unregulated transient occupancy uses (i.e. short term rentals) in residential and agricultural district present a threat to the public welfare..
2. The purposes of the short term rental regulations are to:
    a. Establish a permitting process and appropriate restrictions and standards for short-term rental of single-family dwellings;
    b. Provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City;
    c. Ensure the collection and payment of transient occupancy taxes;
    d. Minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods; and
    e. Retain the character of the neighborhoods in which any such use occurs.
3. The short term rental regulations are not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals.
4. The short term rental regulations are not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this Section.
5. The City Council also finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to Short-Term Rental Permits is necessary to protect the public health, safety and welfare. The purposes of the short term rental permit regulations are to:
    a. Provide a permit system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density;
    b. Ensure the health, safety and welfare of renters and guests patronizing short-term rentals;
    c. Impose limitations on the total number of permits issued in order to ensure the long-term availability of the affordable housing stock; and
6. Provide for robust enforcement remedies and penalties to prevent and deter violations of this Section and unjust enrichment by those who violate this Section.

B. **Application Requirements.**

1. ***Application.*** An application for a Short-Term Rental Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.
2. ***Responsibility.*** It is the responsibility of the applicant to provide information on the proposed use that support the findings described in subsection D.

C. **Public Hearing and Procedures.**

1. The public hearing notice shall:

   a. Contain a description of the proposed short-term rental operation, parking on the site, and number of bedrooms to be used for short-term rental use, together with a location map identifying the short-term rental dwelling lot in relationship to all other lots within a 300-foot distance.

   b. State that the noticed owners may file a written protest against the proposed short-term rental use with the Community Development Director provided that the protest is postmarked or received within 14 days of the mailing of the notice of application.

2. The Planning Commission shall hold a public hearing on an application for a Short-Term Rental Permit and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with this Code.

D. **Findings.** The Planning Commission shall review and either approve or deny the application pursuant to the requirements of this Section after considering the effects the proposed use would have on surrounding uses and the cumulative impacts within the community. In approving a Short-term Rental Permit application, the Planning Commission must make the following findings:

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

2. The establishment of a short-term rental at the subject property is consistent with the purpose of the General Plan, including policies regarding the displacement of rental units in the housing stock;

3. The establishment of a short-term rental at the subject property will not be detrimental to a building, structure or feature of significant aesthetic, cultural, architectural, or engineering interest or value of a historical nature;

4. The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses;

5. The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City and will help to ensure the collection and payment of transient occupancy taxes; and

6. There exists no substantial evidence of operation of an unpermitted short-term rental on the part of the applicant anywhere within the City.

E. **Conditions of Approval.** The Community Development Director may recommend, and the Planning Commission may impose, conditions on the granting of an application for a Short-Term Rental Permit to mitigate the impacts of the proposed land use.

F. **Permit Availability.** If no Short-Term Rental Permits are available pursuant to the limitation on short-term rentals described in Section 17.22.200.D, the Community Development Director shall place interested property owners on a waiting list in the order in which they were received. If a permit becomes available, applications shall be accepted and reviewed in the

order that they are listed on the waiting list subject to the local preference policy established in Section 17.22.200.D.15.

G. **Notice of Action, Appeals, Term of Permit, and Conditions Subsequent to Short-Term Rental Permit Approval.**

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

2. ***Appeals.*** Any person whose application for a short-term rental permit has been denied by the Planning Commission, or whose permit has been suspended or revoked by the Community Development Director, may appeal pursuant to Chapter 17.12, Procedures for Appeals. A third party may also file an appeal of an approval of a Short-Term Rental Permit.

3. ***Term of Permit.*** Short-term rental permits shall be valid for a period of two years.

4. ***Conditions Subsequent to Approval.*** Short-Term Rental Permits shall be subject to any changes to this Section approved by the City Council and conditions that the Council may impose subsequent to the issuance of the permit.

H. **Renewals Procedure.**

1. The permit holder shall submit a short-term rental permit renewal application and pay applicable fees to the City a minimum of 30 days prior to the expiration of a current Short-Term Rental Permit.

2. Upon receipt of a renewal application, the Community Development Director will confirm with the Finance Department that the applicant's business license is current and that all required Transient Occupancy Taxes (TOT) have been reported and paid (see Chapter 5.08, Business License Generally, for the requirements related to business licenses).

3. The Community Development Director will refer the application to the St. Helena Police Department to request all police calls for services and complaints lodged against the property over the course of the two-year permit.

4. If the permit holder has a current business license, has rented their property on a short-term basis for an average of 60 days per year (as applicable), has been properly reporting and paying TOT, and has fewer than three valid complaints or confirmed Code violations related to Short-Term Rental Permits filed over the two years, the Community Development Director may administratively approve the renewal which shall be valid for an additional two years. The Community Development Director has the discretion to determine whether a complaint is valid. If all of these provisions are not met, the renewal shall be referred to the Planning Commission for action at a public hearing. The Community Development Director also has discretion to refer the renewal application to the Planning Commission for a decision pursuant to the process and standards set forth in Section D**.**

5. No renewal shall be approved without written verification of tax payments by the permit holder, and no permit shall be approved if the operation of the short-term rental has created adverse impacts on the neighborhood as specified in 17.05.100.K,

in which it is situated or has otherwise caused the loss of the character of that neighborhood.

6. The Community Development Director may deny the renewal if the applicant has violated any provision of this Section.

7. *Notice* of Action, Appeals, Term of Permit, and Conditions Subsequent to Approval of a Short-Term Rental Permit Renewal.

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

   b. *Appeals.* Any person whose application for a short-term rental permit renewal has been denied by the Community Development Director may appeal to the Planning Commission pursuant to Chapter 17.12 Procedures for Appeals. A third party may also file an appeal of an approval of a short-term rental permit renewal.

   c. *Conditions Subsequent to Approval.* Short-Term Rental Permit Renewals shall be subject to any changes to this Section approved by the Planning Commission and conditions that the Commission may impose subsequent to the issuance of the permit.

I. **Inspections.**

1. The Community Development Director has the right to enter upon any property at any reasonable time to make inspections and examinations for the purpose of enforcement of this Section, subject to the provisions of Code of Civil Procedure § 1822.50 et seq.

2. The Fire Department shall annually inspect the dwelling used as a short-term rental and submit the inspection report to the Community Development Department.

3. The Community Development Director shall have the right to inspect any records related to the use and occupancy of the short-term rental to determine that the objectives and conditions of this Section are being fulfilled.

J. **Revocation.**

1. The Community Development Director may revoke a Short-Term Rental Permit pursuant to Chapter 17.13, Enforcement, if the Community Development Director determines that:

   a. The owner-applicant gave false or misleading information during the application process;

   b. There has been a violation of any of the terms, conditions and restrictions on the use of the dwelling unit for short-term rental use;

   c. The owner-applicant has violated any provision of this Section; or

   d. The owner-applicant has failed to timely pay the transient occupancy tax as required by this Code.

2. If an owner-applicant's short-term rental permit is revoked, the owner-applicant may not reapply for another permit for two years after the date of revocation. If there is a waiting list to receive a permit, the owner-applicant will be added to the list.

K. **Violations, Enforcement, and Civil Penalties.**

1. Any property owner or responsible person who uses, or allows the use of, or advertises or causes to be printed, published, advertised, or disseminated in any way, the availability of residential property in violation of this Section is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this Section. Such violation shall be punishable pursuant to Chapter 1.20, General Penalty. For purposes of this Section, "responsible person" shall mean and include any manager or other person responsible for allowing property to be used for short-term rental in violation of this Section.

2. Short-term rental use, and advertisement for use, of a residential property in violation of this Section is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, Enforcement Procedures, except that the civil penalty for a violation shall be $1,000.00. Each day the violation occurs shall constitute a separate offense.

3. Any property owner or responsible person who violates this Section shall be liable and responsible for a civil penalty of $1,000.00 per violation per day such violation occurs. The City may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the City, including without limitation the City's staff time, investigation expenses and attorney's fees.

   a. Where the City proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this Section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this Section. In any such civil action the City also may abate or enjoin any violation of this Section.

   b. Where the City proceeds by administrative citation, the City shall provide the property owner or responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.

      i. The property owner or responsible person has the right to request the administrative hearing within 45 days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the property owner or responsible person shall notify the City Clerk in writing within 45 days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances, and arguments upon which the appeal is based.

ii. The City Manager is hereby authorized to designate a hearing officer to hear such appeal. The City Hearing Officer shall conduct a hearing on the appeal within 90 days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall only consider those facts, circumstances, or arguments that the property owner or responsible person has presented in the appeal notification.

iii. The hearing officer shall render a decision in writing within 30 days of the conclusion of the hearing. The hearing officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability or inability to pay. Provided, however, that in exercising its discretion the hearing officer should consider the purpose of this Section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this Section.

iv. Any aggrieved party to the hearing officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County superior court in accordance with the timelines and provisions set forth in Government Code § 53069.4.

v. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this Section, such penalty, if unpaid within 45 days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to Chapter 1.12, Enforcement Procedures. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.

4. Any violation of this Section may also be abated or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, Enforcement Procedures except that the civil penalty under Chapter 1.12 for a violation shall be $1,000.00.

5. Each day the violation of this Section occurs shall constitute a separate offense.

6. Any property owner who uses, or allows the use of, residential property as a short-term rental without a permit shall be liable for the transit occupancy tax that would have been owed under Chapter 3.28, Transient Occupancy Tax had the use been legal, including the penalty and interest provisions of Section 3.28.070.

7. The remedies under this Section are cumulative and in addition to any and all other remedies available at law and equity.

## 17.05.110 Temporary Use Permit

A. **Purpose.** This Section establishes the procedures for granting of administrative Temporary Use Permits for short-term activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with surrounding areas.

B. **Applicability.** A Temporary Use Permit allows for the short-term activities described in Section 17.22.250, Temporary Uses, that may not comply with the normal development or use standards of the applicable zoning district but may otherwise be acceptable because of their temporary nature. Temporary Use Permits are not subject to design review or the standard parking requirements otherwise required by this Code.

C. **Application Requirements.**

1. ***Application Requirements.*** A Temporary Use Permit application submittal shall include information identified in Section 17.04.020, Application Process.

2. ***Responsibility.*** It is the responsibility of the applicant to provide information on the proposed use that supports the considerations described in subsection D and findings listed in subsection F.

D. **Considerations.** In the review a Temporary Use Permit application, the Community Development Director shall consider the type and duration of the proposed temporary activity; input from other departments (Police, Fire, Public Works, etc.); the requirements and development criteria of the applicable zoning district and use standards established in Chapter 17.24, General Site Standards; and the following considerations:

1. Floor areas, heights, hours of operation, nuisance controls, off-street parking, setbacks, and other structure and property development features;

2. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code;

3. The project's compliance with the requirements of Chapter 17.27, Signs;

4. The applicable zoning standards pertaining to the outdoor storage, display and sale of merchandise; and

5. Limitation on duration of proposed temporary structures to a maximum of 12 months, to ensure that the structure does not become permanent or long-term.

E. **Conditions.** In reviewing the Temporary Use Permit, the Community Development Director may attach any conditions governing access, hours of operation, parking, and circulation, fencing and other temporary structures, drainage, dust control, trash/litter control, public safety, and other items as necessary to assure compatibility with surrounding uses and minimize potential adverse effects.

F. **Findings.** The Community Development Director may approve the Temporary Use Permit only after finding that:

1. The temporary activity complies with applicable standards identified in Section 17.22.250, Temporary Uses; and

2. Maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed temporary activity.

G. **Notice of Action, Appeals, Expiration, and Modifications.**

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

2. ***Appeals.*** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.

3. ***Modifications.*** Temporary Use Permits may only be modified as provided for in Section 17.04.150, Modifications to an Approval.

H. **Post Approval Procedures.** Procedures specific to temporary use Permits include the following:

1. ***Condition of the Site Following Temporary Activity.*** Each site occupied by a temporary activity shall be cleaned of debris, litter, or any other evidence of the temporary activity upon completion or removal of the activity and shall thereafter be used in compliance with the provisions of this Zoning Code. A performance security (including a bond or financial deposit) in a form and amount acceptable to the Community Development Director may be required before initiation of the activity to ensure cleanup after the activity is finished.

2. ***Performance Security for Temporary Structures.*** Before issuance of Temporary Use Permit the applicant shall provide performance security in a form and amount acceptable to the director to guarantee removal of all temporary structures within 30 days following the expiration of the Temporary Use Permit.

3. ***Extensions of Temporary Use Permits Prohibited.*** The term of a Temporary Use Permit may not be extended. Applicants for activities that would exceed the allowed terms identified in Section 17.22.250.D, Allowed Temporary Activities, shall file for a Conditional Use Permit, rather than a Temporary Use Permit, in compliance with Section 17.05.020, Conditional Use Permit, and all other applicable zoning standards.

4. ***Required Lapse of Time for Temporary Use Permits.*** Except for seasonal sales lots, a minimum of 30 days shall pass between the expiration of a Temporary Use Permit and the issuance of a new and similar Temporary Use Permit for the same property, or the actual removal of the materials and structures associated with the former activity, whichever last occurs.

# Chapter 17.06 Amendments to the General Plan

## 17.06.010 Purpose

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

## 17.06.020 Initiation of Amendment

A General Plan amendment may be initiated by:

A. A majority vote of the Planning Commission or of the City Council. Generally, initiation by the City Council shall be a direction to the Planning Commission to initiate such an action;

B. The Community Development Director; and

C. An application filed by a property owner or the owner's authorized agent. All General Plan amendments initiated by property owners must be processed for preliminary review pursuant to the provisions of Section 17.06.030, Applications.

Individuals or groups seeking to change the General Plan land use classification independent of an application should contact the City Council.

## 17.06.030 Applications

A. **Application.** A completed application for a General Plan amendment shall be submitted on a form provided by the Community Development Department accompanied by the required fee at least 30 days prior to the scheduled review date.

B. **Application Review.** Complete applications received for a General Plan amendment shall be presented to the City Council for preliminary review at the Council's first regularly scheduled meetings in March and September of each year. Following the review, the City Council, at its discretion, may order the application to be further processed or may direct staff to cease processing the application. Any authorization to proceed does not imply in any way ultimate approval or disapproval of an application.

   1. If the City Council authorizes the application to be processed, it shall refer the matter to the Planning Commission, which shall hold public hearings pursuant to state law after the necessary environmental review process and staff analysis have been completed.

   2. In the event the City Council directs staff to cease processing an application pursuant to the provisions of this Section, a new application for a General Plan amendment

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

3. ***Exemptions.*** Applications for General Plan amendments shall be exempt from the provisions of this Section if:

   a. The application proposes only residential development and at least 60 percent of the planned residential units shall be affordable as defined in Chapter 17.32, Definitions of Terms; or

   b. The City Council finds for reasons documented in writing that it is in interest of the public health, safety, or welfare to allow the processing of the General Plan Amendment to proceed.

## 17.06.040 Public Hearing

The Planning Commission shall hold a public hearing on all proposed amendments and make a recommendation to the City Council, where a public hearing shall also be held prior to a final decision by the City Council. The Planning Commission may recommend the approval, modified approval or denial of the proposed amendment.

## 17.06.050 Considerations

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

A. Allow for consideration of elements not initially considered at the time of approval of the General Plan;

B. Reflect changes in goals, policy, physical, social, or economic conditions;

C. Acknowledge when, due to naturally occurring physical constraints or changes, the anticipated land usage per the General Plan is no longer feasible;

D. Take into consideration the consistency of the proposed amendment with the goals, policies and programs of the General Plan, adopted Planning Commission (where applicable) and other existing City policies;

E. When considering the reduction of residential density, ensure compliance with Government Code § 65863 by either finding that the remaining sites identified in the housing element are adequate to accommodate the City's share of the regional housing need or by identifying sufficient additional, adequate, and available sites with an equal or greater density so that there is no net loss in residential density.

F. Ensure that there is no net loss of potential housing units.

## 17.06.060 Modifications by City Council

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

A. The City Council may modify any proposed amendment by making non-substantive changes in the wording of a proposed text amendment. However, any substantive change proposed

by the City Council that was not discussed by the Planning Commission shall be referred back to the Planning Commission for a report and recommendation.

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

## 17.06.070 Annual review

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

# Chapter 17.07 Amendments to the Zoning Map and Text

## 17.07.010 Purpose

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

## 17.07.020 General Plan Conformance Required

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

## 17.07.030 Pre-Zoning for Annexation

A. **Purpose.** The purpose of Pre-zoning property is to determine the zoning designation that will apply to property upon subsequent annexation to the City.

B. **Applicability.** The Pre-zoning process applies to unincorporated territory adjoining the City that is subject to a pending annexation.

   1. All properties that have been pre-zoned in such manner shall be annexed with the retention of their pre-zoning classifications.

   2. All properties that have not been pre-zoned in accordance with the provisions of this Chapter shall automatically be zoned A-20, agriculture district upon annexation.

C. **Initiation.** Pre-zoning shall be initiated by City Council.

## 17.07.040 Initiation of Amendment

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

## 17.07.050 Application

A. **Application.** An application for a zoning amendment shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.

B. **Responsibility.** It is the responsibility of the applicant to provide information regarding the findings described by Section 17.07.020, General Plan Conformance Required, and 17.07.070, Considerations.

## 17.07.060 Public Hearings

The Planning Commission shall hold a public hearing on all proposed Zoning Map and text amendments and make a recommendation to the City Council. The Planning Commission may recommend the approval, modified approval, or denial of the proposed text or Zoning Map amendment. Following the Planning Commission hearing, the City Council shall hold a public hearing prior to a final decision.

## 17.07.070 Considerations

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

A. Take into consideration the consistency of the proposed amendment with the goals, policies and programs of the General Plan, adopted Planning Commission (where applicable) and other existing City policies;

B. When considering the reduction of residential density, ensure compliance with Government Code § 65863 by either finding that the remaining sites identified in the housing element are adequate to accommodate the City's share of the regional housing need or by identifying sufficient additional, adequate, and available sites with an equal or greater density so that there is no net loss in residential density; and

C. Ensure that there is no net loss of potential housing units.

## 17.07.080 Modifications by City Council

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

A. The City Council may modify any proposed amendment by making non-substantive changes in the wording of a proposed text amendment; or in the case of a rezoning, by reducing the area involved, or by adopting a more restrictive zoning classification without first referring the matter to the Planning Commission for a report and recommendation. However, any substantive change proposed by the City Council that was not discussed by the Planning Commission shall be referred back to the Planning Commission for a report and recommendation.

B. When the City Council has referred a matter back to the Planning Commission, it shall report back to the City Council within 30 days after the date of the City Council referral unless the City Council specifically allows for a longer period of time for the Planning Commission report

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

# Chapter 17.08 Specific Plans

## 17.08.010 Purpose

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

A. Specific Plans are established to implement the policies of the General Plan that call for the preparation and adoption of Specific Plans in certain areas of the City.

B. Specific Plans can address a wide variety of situations including:

1. Large-scale projects;
2. Projects proposed on sites that have multiple development constraints;
3. Projects that require significant coordination among a number of properties;
4. Projects in that the phasing or timing is critical;
5. Projects that will generate significant infrastructure needs; and
6. Projects that have important and broadly based community-wide implications.

## 17.08.020 Applicability

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

## 17.08.030 Pre-Application Review Required

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

A. The applicant shall submit a letter of intent and a concept plan showing the general arrangement and design of the land uses and major elements of the proposed development to the Community Development Director for review.

B. The Community Development Director shall forward the pre-application to the City Council for a determination of which goals, policies and programs of the General Plan are applicable and need to be reflected in the proposed Specific Plan.

C. The Public Works Director shall determine the scope of the infrastructure improvements to be analyzed in conjunction with the Specific Plan. The scope of infrastructure to be analyzed shall be based on a review of the project impacts and a nexus of improvements necessitated by the project.

## 17.08.040 Application

Following the Pre-Application Review described in Section 17.08.030, the applicant shall submit an application in compliance with the provisions of Section 17.04.020, Application Process. The proposed Specific Plan and application shall:

A. Contain enough information to clearly demonstrate how the proposed Specific Plan will implement the applicable General Plan goals, policies and programs. This includes detailed regulations, conditions, programs, and proposed legislation necessary or convenient for the systematic implementation of the General Plan.

B. Be prepared under the supervision of the City with all costs of the planning document including the CEQA analysis paid by the property owners unless the Community Development Director determines that all or a portion of the costs will be paid by the City.

## 17.08.050 Public Hearing

The Planning Commission shall conduct a public hearing and issue a recommendation to the City Council for decision.

## 17.08.060 Modifications by City Council

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

A. The City Council may modify any Specific Plan by making non-substantive changes without first referring the matter to the Planning Commission for a report and recommendation. However, any substantive change proposed by the City Council that was not discussed by the Planning Commission shall be referred back to the Planning Commission for a report and recommendation.

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

# Chapter 17.09 Nonconforming Provisions

## 17.09.010 Purpose

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

A. Encourage improvements for appearance, maintenance, and safety, while limiting the extent to which nonconforming uses and structures may continue to be used, altered, expanded, moved, or replaced. Unless specified otherwise, this Chapter is intended to be administered in a manner that encourages the eventual elimination of nonconformities.

B. Ensure that nonconformities shall not be reestablished after abandonment or discontinuance or restored after involuntary destruction, except in compliance with this Chapter.

## 17.09.020 Continuation and Maintenance

A. Any nonconforming use, building, structure, or other physical features may be continued, used, and maintained indefinitely in compliance with this Chapter.

B. Any nonconforming lot may be used, developed, and maintained in compliance with this Chapter.

C. A nonconforming use, lot, structure, building, or other physical feature may be transferred or sold, provided that no such use or structure, building, or other physical feature shall be enlarged or altered except as otherwise provided in this Chapter.

## 17.09.030 Nonconforming Uses

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

A. **Extension of Use.** A nonconforming use may not be extended to other parts of a building, or other physical feature except that on a site where existing residential uses are nonconforming, other buildings on the same site may be expanded or enlarged upon approval of a Conditional Use Permit by the Planning Commission consistent with the procedures established in Section 17.05.020, Conditional Use Permit.

B. **Change of Use.** Consistent with the procedures of Chapter 17.04, Common Procedures and Section 17.05.020, Conditional use Permit, the Planning Commission may grant a Conditional Use Permit for a change of use from a nonconforming use to another nonconforming use provided the following:

1. The Planning Commission determines that the resultant use is more consistent with the uses permitted in the district than the former use.

2. The new use is less intensive in terms of hours of operation, number of employees, occupancy capacity, energy consumption, volume of traffic or noise generated by the use, or amount of parking is required.

3. The Planning Commission establishes an amortization schedule for the nonconforming use, by setting a date after which the nonconforming use must be discontinued or replaced with a conforming use.

C. **Reestablishment of a Nonconforming Use.** When a nonconforming use has been changed to a conforming use, the nonconforming use shall not be reestablished thereafter.

D. **Reestablishment of an Abandoned Nonconforming Use.**

1. A residential or non-residential nonconforming use that has been given up, closed, surrendered, interrupted, terminated or discontinued for a period of 60 continuous days, regardless of intent to surrender the nonconforming use, is considered an abandoned nonconforming use.

2. ***Public Hearing and Procedures*.** The Planning Commission shall hold a public hearing, noticed in compliance with Section 17.04.080, on an application for the reestablishment of an abandoned nonconforming use and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the following criteria:

a. *Abandonment with an Approved Conditional Use Permit*. An abandoned nonconforming use that has been operating in conformance with a previously approved Conditional Use Permit may be resumed, reestablished, or reopened within a six-month time period from the date of abandonment in accordance with the following criteria:

i. The use is the same use which previously existed.

ii. Written notice of the date of reestablishment shall be given to the Community Development Director prior to reestablishment of the use.

iii. A City business license shall be obtained.

iv. All permits/approvals from any agency regulating the nonconforming use shall be obtained.

v. A fictitious business name shall be filed with Napa County if required by state regulations.

vi. All required information shall be filed with the State Board of Equalization.

vii. If a building permit is requested to remodel the existing building, the Conditional Use Permit remains vested, provided the building permit has been issued, construction consistent with the building permit has commenced, and construction is actively pursued toward completion prior to the six-month time period defining abandonment.

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

b. *Abandonment Without an Approved Conditional Use Permit where a Conditional Use Permit is Required*. An abandoned nonconforming use that requires but has not been granted a Conditional use Permit may be reestablished in accordance with the following criteria:

   i. The permit application is submitted within 60 days of written notice provided by the Community Development Director of the need for reestablishment of the Conditional Use Permit;

   ii. The Planning Commission makes findings required of a Conditional Use Permit as defined in Section 17.05.020; and

   iii. If the operation is substantially changed, the new use is either a permitted use in the district or a Conditional Use Permit is first be approved by the Planning Commission to allow the change in the operation of the same type of business previously established. Change in the operation of the business shall include, but not be limited to expansion of floor area, substantial modification of the type of business, change in type of merchandise which results in a different type of business, change in hours of operation which results in a different type of business (i.e., restaurant use to nightclub use) or changes to the business which will result in increased traffic, water use, or wastewater generation impacts.

c. *Abandonment Without an Approved Conditional Use Permit where the Use Is Not Permitted*. An abandoned nonconforming use that is not permitted and has not been granted a Conditional use Permit may not be reestablished unless the Planning Commission finds that all of the following criteria are met:

   i. The use complies with the findings required of a Conditional Use Permit as defined in Section 17.05.020;

   ii. The building or structure was specifically designed or modified for a nonconforming use;

   iii. The structural alterations necessary to bring the building or structure into conformance with the standards of the Municipal Code are estimated by the Chief Building Official to cost more than 50 percent of the current market value of building or structure; and

   iv. The proposed reestablishment of a nonconforming use will not be detrimental to any existing or potential permitted use in the area in which the nonconforming use is located.

   If the operation is substantially changed, the new use is either a permitted use in the district or the change in operation does not increase the degree of nonconformity. Change in the operation of the business shall include, but not be limited to expansion of floor area, substantial modification of the type of business, change in type of merchandise (one type of business to another type of business), change in hours of operation which results in a different type of business (i.e., restaurant use to nightclub use) or changes to the business

which will result in increased traffic, water use, or wastewater generation impacts.

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

F. **Certificate of Present Extent of Legal Nonconforming Use.**

1. The owner of a legal nonconforming use:

   a. At any time may apply for a certificate determining the present extent of a legal nonconforming use; or

   b. Upon notification by the Community Development Director in the event of a dispute over voluntary abandonment, entitlement to issuance of a building or other permit, or the intensity and/or scope of the nonconforming use, shall apply for a certificate determining the present extent of the legal nonconforming use.

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

3. Public Hearing.

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

   b. For residential projects, the public hearing may be waived and the Community Development Director is authorized to render an administrative decision in writing if, after providing notice of the intended decision and right to request a public hearing to property owners within 300 feet of the subject property, the Community Development Director finds that no member of the public has requested said hearing, and that no additional information is required to render a decision.

4. At the conclusion of the hearing, the Planning Commission shall determine the present extent of the legal nonconforming use and issue a certificate setting forth such determination.

5. The determination of the Planning Commission may be appealed to the City Council in accordance with the procedures set forth in Chapter 17.12, Procedures for Appeals.

6. Within 30 calendar days of issuance of the certificate or, in the event of appeal, within 30 calendar days of the final decision of the City Council on appeal, the Community Development Director shall file a true and correct copy of the certificate with the Napa County assessor.

7. The procedure set forth in this Section shall also be used to determine the present extent of those certain winery and winery-related uses permitted without a Use Permit pursuant to Part III, District Regulations. For purposes of such determination, all references in this Section to "legal nonconforming" shall be replaced by the term "uses permitted pursuant to Part III, District Regulations."

## 17.09.040 Nonconforming Lots

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

A. **Change in Nonconforming Lots.** A nonconforming lot shall not be changed in any way that would increase the degree of nonconformity unless there is a corresponding decrease in the degree of nonconformity of an adjoining lot and no new lot(s) or additional density permitted will result.

B. **Uses on Nonconforming Lots.** Any conforming use or conforming building, structure or other physical feature may be established on any nonconforming lot provided the use, building, structure or other physical feature conforms to the standards and regulations of the zoning district in which it is located and the provisions of this Title.

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

## 17.09.050 Nonconforming Buildings or Structures

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

A. **Expansion and Enlargement.** A nonconforming building, structure or other physical feature shall not be reconstructed, except as provided for in subsection C of this Section, expanded, or enlarged unless the new work will be in conformance with the regulations and standards of the zoning district in which it is located and the provisions of the Zoning Code. Nor shall any nonconforming building, structure or other physical feature be absorbed, remodeled into or

made part of, all or in part, any other building, structure or other physical feature unless all nonconforming portions, items or aspects are brought into conformance.

B. **Remodel, Rehabilitation, and Alteration.** A nonconforming building, structure or physical feature may be remodeled, rehabilitated, or structurally altered if the new work does not increase the degree of nonconformity.

C. **Repair, Maintenance, and Reconstruction.**

1. A nonconforming building, structure or physical feature damaged or destroyed by any means except demolition or intentional removal, may be reconstructed to its original condition if the Chief Building Official determines that no more than 50 percent of the gross floor area has been lost. If more than 50 percent of the building structure, or physical feature is damaged or destroyed, then it must be rebuilt in compliance with current development standards.

2. If the Chief Building Official determines that the extent of destruction exceeds 50 percent of the gross floor area, the nonconforming building, structure or physical feature may be reconstructed to its original or other nonconforming condition only upon the approval of a Conditional Use Permit pursuant to the provisions of Section 17.05.020 provided the application for the Conditional Use Permit is submitted within one year of the damage or destruction. The Planning Commission may require as a condition of approval that the building is thereafter devoted to a conforming use.

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

## 17.09.060 Illegal Nonconforming Uses and Structures

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

## 17.09.070 Nonconforming Signs

The following provisions shall apply to all permanent signs, mounted or freestanding:

A. **Continuance of Legally Nonconforming Sign or Billboard.** A legally nonconforming sign or billboard may be continued for up to five years after the Effective Date or seven years from date of erection, whichever is shorter.

B. **Abandonment, Destruction, or Discontinuance.** Any nonconforming sign that is abandoned, destroyed to less than one-half of the value as determined by the Chief Building

Official, or discontinued for a period of six months or more shall be removed by the owner of the property on which the sign is located. Historic signs are exempt.

C. **Enlargement, Alteration, Reconstruction, or Replacement.** No nonconforming sign or billboard shall be enlarged, altered, reconstructed, or replaced except for reasonable repair or maintenance.

D. Subsections A through C shall also apply to nonconforming signs. Any time limit for the suspension of a nonconforming sign shall date from the enactment of this Title or any amendment of district boundaries that may make the signs nonconforming.

E. **Sign Removal.** It shall be the duty of the owner of any nonconforming sign and the duty of the owner of any premises upon which a nonconforming sign is located, to remove the sign or to bring sign into conformance, pursuant to the provisions of this Title.

1. If such owners fail to perform such duty, the City Council shall direct the Chief Building Official to notify such owners in writing, registered mail, postage prepaid, to their last known addresses, to cause such removal or conformance within 30 days after mailing of such notice.

2. The owners shall have the right, upon owner's request, to a public hearing at any City Council meeting following receipt of the notice and prior to the expiration of the 30-day period on the issue of whether or not the owner is obligated to perform such duty.

3. If the owners fail to perform such duty within the 30-day period as described in Section E.2, the City Council, in addition to other available remedies, may cause the removal of such signs to be done by the City or its contractor and assess the cost and expense of the same against the property on which the sign was located. Such costs and expenses may be a lien upon such property and if not paid, payment may be enforced against the property by any appropriate action in a court.

# Chapter 17.10 Historic Designation

## 17.10.010 Purpose

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

## 17.10.020 Designation Process

A. **Local Historic Resources.** Local historic resources shall be designated by the Planning Commission in the following manner:

1. ***Initiation of Designation***. Designation of an historical resource may be initiated by the Planning Commission or by the owner of the property that is proposed for designation. Applications for designation originating from outside the Planning Commission must be accompanied by such historical and architectural information prepared by a qualified architectural historian as is required by the Planning Commission to make an informed recommendation concerning the application, together with the fee set by the City Council.

2. ***Review, Notice and Hearing.*** The Planning Commission shall conduct a public hearing on a nomination for local historic resource designation. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 17.04.080, Public Hearing Notice, including mailed notice to the owners of any property proposed for such designation.

3. ***Findings, Decision***. Following a public hearing, the Planning Commission may approve or disapprove a nomination for designation as a local historic resource. The commission shall record the decision and the findings upon which the decision is based. Approved designations will be added to the City's Local Register. The Planning Commission may approve such designation only if it finds that the resource meets at least one of the following criteria:

   a. It is associated with events that have made a significant contribution to St. Helena's history and cultural heritage; or

   b. It is associated with the lives of persons important in St. Helena's past; or

   c. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

   d. It has yielded, or may be likely to yield, information important in St. Helena's prehistory or history.

B. **Local Historic Districts.** Local historic districts shall be designated by the City Council upon the recommendation of the Planning Commission in the following manner:

1. ***Initiation of Designation.*** The designation of a local historic district may be initiated by the City Council or the Planning Commission.

2. ***Requirements for Designation.*** The designation of a local historic district is subject to evaluation by a qualified architectural historian and a finding by the Approval Authority that all of the following requirements are met:

   a. The proposed district is a geographically definable area;

   b. The proposed district possesses either a significant concentration or continuity of buildings unified by past events or aesthetically by plan or physical development;

   c. Considered as a whole, a sufficient concentration of buildings within the proposed district demonstrates integrity of design, setting, materials, workmanship and association;

   d. The collective historic value of the buildings and structures in the proposed district is greater than the historic value of each individual building or structure; and

   e. The designation of the area as a historic district is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this Chapter and is not inconsistent with other goals and policies of the City.

3. ***Planning Commission Hearing and Recommendation.*** The Planning Commission shall conduct a public hearing on a nomination for local historic resource district. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 17.04.080, Public Hearing Notice, including mailed notice to the owners of any property proposed for such designation. Following the public hearing, the commission shall recommend approval in whole or in part or disapproval of the application for designation in writing to the City Council, setting forth the reasons for the decision. The Planning Commission may approve a recommendation for a local historic district only if it makes the findings set forth in subsection B.2 of this Section.

4. ***City Council Hearing and Decision.*** The City Council shall conduct a public hearing on a nomination for local historic district. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Section 17.04.080, Public Hearing Notice, including mailed notice to the owners of any property proposed for such designation. Following the public hearing, the City Council shall by resolution approve the recommendations in whole or in part shall by motion disapprove them in their entirety. The City Council may approve a designation as a local historic district only if it makes the findings set forth in subsection B.2 of this Section. If the City Council approves a local historic district, notice of the decision shall be sent to property owners within the district. Properties identified as contributors to a local historic district shall be added to the HP Overlay.

## 17.10.030 Amendment or Rescission

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

## 17.10.040 Local Register

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

B. The Planning Commission shall maintain a register of designated local historic resources and districts (Local Register).

# Chapter 17.11 Minor Modifications and Variances

## 17.11.010 Minor Modifications to Development Standards

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

B. **Applicability.** The Community Development Director may grant a Minor Modification Permit from the requirements of this Code for the following types of modifications:

**Table 17.11.010.A: Types of Minor Modifications**

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

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

D. **Precedents.** Each Minor Modification application shall be reviewed on an individual case-by-case basis and the approval of a Minor Modification in one situation is not relevant to the City's consideration of the approval of a Minor Modification in a new situation.

E. **Application Requirements.** An application for a Minor Modification shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.

F. **Responsibility.** It is the responsibility of the applicant to comply with the findings of subsection G below.

G. **Findings.** The Community Development Director shall approve, with or without conditions, a Minor Modification application, only after the following findings are made:

1. The deviation is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances.

2. The Minor Modification is the minimum departure from the requirements of this Code necessary to grant relief to the applicant and would not be detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located.

3. Granting the requested deviation will not detract from the overall appearance of the neighborhood or immediate vicinity and will not impair the provision of adequate light, air, circulation, or visual openness.

4. The deviation, as proposed and conditioned, will achieve the general purposes of this Code or the specific purposes of the zoning district in which the project is located.

H. **Review and Hearing Procedures.**

1. The Community Development Director shall review the projects described in subsection B for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Minor Modification review process. Each application shall be reviewed by the Community Development Director to ensure that the proposal complies with all applicable requirements of this Title.

2. Prior to a decision on a Minor Modification, the City shall provide notice of a public hearing in compliance with Section 17.04.080, Public Hearing Notice.

   a. *Public Notice.* The notice shall state that the director will decide whether to approve or disapprove the Minor Modification application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person prior to the specified date for the decision.

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

I. **Notice of Action, Appeals, Expiration, Extensions, and Modifications.**

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

2. ***Appeals.*** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.

3. ***Expiration, Extensions and Modifications.*** Minor Use Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

## 17.11.020 Variances

A. **Purpose.** In compliance with Government Code § 65900 et seq., this Section allows for variances from the development standards of this Code only when, because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other properties in the vicinity and under the identical zoning district.

B. **Applicability.**

1. The Planning Commission may grant a Variance from the requirements of this Code in compliance with this Chapter and state law. The power to approve Variances does not extend to use regulations in compliance with Government Code § 65906.

2. A Variance shall not be granted to permit a use or a density otherwise permitted in the zoning district in which the property in question is situated.

3. Nonconforming uses or developments on adjacent properties shall not be considered grounds for issuance of a variance.

4. If the variance pertains to a new structure or building, or an addition to a structure or building, design review of the structure or building must be approved pursuant to Section 17.05.070, Major Design Review, prior to or simultaneous to the approval of the variance.

C. **Application Requirements.** An application for a Variance shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.

D. **Public Hearing and Procedures.**

1. ***Precedents*.** A previous variance shall not be considered to have set a precedent for the granting of further variances; each case must be considered on its individual merits.

2. ***Notice.*** Public hearings shall be property noticed in compliance with Section 17.04.080, Public Hearing Notice.

3. ***Public Hearing*.** The Planning Commission shall hold a public hearing on the Variance application and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with the requirements for conditional uses and other applicable Sections of this Code.

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

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

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

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

# Chapter 17.12 Procedures for Appeals

## 17.12.010 Purpose

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

## 17.12.020 Procedure

A. **Filing An Appeal.** Any applicant or other interested person dissatisfied with any action taken under this Title may appeal such action and decision, in compliance with the following provisions:

1. Appeals from the decision of the Community Development Director or any other administrative official in taking any of the actions authorized by this Title shall be made to the Planning Commission through the Community Development Director, unless otherwise indicated.
2. Appeals from the decision of the Planning Commission in taking any of the actions authorized by this Title shall be made to the City Council through the City Clerk.

B. **Fourteen-Day Appeal Period.**

1. All appeals shall be made in writing and be accompanied by the appropriate fee, in accordance with the provisions of Section 17.04.030, Fees, unless otherwise indicated.
2. Appeals must be received by the Community Development Director or City Clerk not later than 14 calendar days following the date of action from which such appeal is being taken. If the fourteenth calendar day is a weekend or a City holiday, the deadline will be extended to the next working day of the City.
3. No appeal is allowed or shall be heard, and the decision shall be final, after the lapse of the 14-day appeal period.
4. The appeal period shall commence the day following the date of action or decision.

C. **Appeal Letter.** The letter of appeal must state:

1. The specific action being appealed;
2. The action which the appellant requests the Planning Commission or City Council to take;
3. The reason for the appeal; and
4. The name, address, and telephone number of the appellant or contact person if there are multiple appellants.

D. **Appeal Review.** Within three working days of receipt of the appeal, the Community Development Director or City Clerk shall examine the appeal, and if it is found to be incomplete, return it by certified mail to the appellant for revision. Appellant shall have five working days to file an amended appeal. Upon failure to file an amended appeal within the five days, the appeal shall be deemed withdrawn.

E. **Receipt of Appeal.** The receipt of a written appeal shall stay all actions or put all permits or other discretionary approvals that may have been granted in suspension, pending the effective date of the Approval Authority hearing the appeal.

F. **Motion for Appeal.**

1. The Planning Commission or the City Council may, by motion adopted by majority vote, initiate an appeal on that Approval Authority body's behalf. A motion for appeal must be passed within 14 days following rendering of the decision appealed; provided, however, that if no regularly scheduled meeting of the Planning Commission or City Council occurs within such 14-day time period, the time for such appeal shall be extended through the date of the next succeeding regularly scheduled meeting. No grounds for appeal need be stated nor must a letter of appeal be submitted.

2. Appeals shall be scheduled for the earliest regular meeting of the hearing body, not less than 10 days or more than 60 days after the date of filing a complete appeal application or passing a motion for appeal, consistent with the agenda preparation procedures and schedule of the hearing body.

3. All appeals shall be considered in a public hearing if a public hearing was required for the decision appealed, consistent with the procedures set forth in 17.04, Common Procedures. All Approval Authorities hearing appeals shall consider the project in its entirety, or de novo. The Planning Commission or the City Council may affirm, reverse, or modify the decision appealed as deemed just and equitable, provided such action is not contrary to any provisions set forth in this Title.

# Chapter 17.13 Enforcement

## 17.13.010 Purpose

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

## 17.13.020 Determination of Violation

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

## 17.13.030 Penalty

A. **Declaration of Public Nuisance.** The following is unlawful and may be declared a public nuisance:

1. Violation of, or noncompliance with, any term, condition, mitigation measure or project description incorporated into any permit, approval or clearance granted pursuant to this Title.

2. Any building set up, erected, built, or moved, and any use of property contrary to the provisions of this Title.

B. **Action.** When any building or any use of property is contrary to the provisions of this Title, the City may immediately commence any action or proceeding for the abatement, removal, and enjoinment thereof pursuant to Chapter 1.12, Enforcement Procedures or state law.

C. **Penalty.** Any persons, whether as principal, agent, employee or otherwise, violating any of the provisions of this Title shall be guilty of an infraction, and upon conviction shall be punishable by a fine not to exceed $500.00. Such persons shall be deemed guilty of a separate offense for each and every day, considered to be any time period within a day when a violation of this Title is committed, continued, or permitted by such person.

## 17.13.040 Issuance of Stop Orders

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

or on the current records in the office of the Napa County Assessor. Such order shall become effective immediately upon posting.

B. **Correction of Violation.** After service of a stop order, no person shall perform any act in violation of the terms of the stop order, except such actions as are determined by the Community Development Director, Fire Chief, Chief Building Official, or other Code Enforcement Official to be necessary to correct the violation or to render the premises safe and secure, until such violation has been corrected to the satisfaction of the person serving the stop order.

C. **Appeal of Stop Order.** Within 10 days after the posting of a copy of the order on the premises, any person adversely affected by the terms of the stop order may appeal such order to the City Council, which shall hold a hearing and make such decisions as may be appropriate in accordance with the provisions of Chapter 1.12, Enforcement Procedures.

D. **Responsibility of Stop Order Appeal.** The property owner and responsible person shall be liable for all processing costs, including attorney fees, incurred by the City in carrying out this Section, pursuant to the procedures set forth in Chapter 17.04, Common Procedures.

## 17.13.050 Administrative Enforcement Proceedings

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

A. **Public Notice.** Notice of any administrative enforcement hearing shall be given to the public in the same manner as generally provided for public hearings pursuant to Section 17.04.080, Public Hearing Notice.

B. **Demonstration of Violation.**

1. If an enforcement proceeding has been commenced by the City, the City has the burden of demonstrating that a violation has occurred or that the operation of the use is detrimental to the public health, safety, or general welfare.

2. Where the party against whom the enforcement proceeding has been directed raises a defense, that party has the burden of proving the defense.

C. **Final Decision.** If the Planning Commission determines that there has been a violation of this Title or that the use has been conducted in such a way as to be detrimental to the public's health, safety or welfare, the Planning Commission may make any order it deems appropriate under the circumstances, including the revocation or modification of permits or approvals previously issued or the referral of the matter to the City Attorney for the initiation of any criminal or civil proceeding that may be deemed appropriate. Any action taken by the Planning Commission shall set forth the following:

1. The Municipal Code section, permits, or approvals violated;
2. A statement describing the detrimental effect found upon public health, safety or welfare;
3. The ultimate facts upon which the determination or violation or detrimental effect is based;
4. The action(s) ordered to be taken; and
5. In the event the Planning Commission chooses to modify a permit or approval, the modifications including any new conditions to be imposed to ensure that violation or the detrimental effect will cease and will not be repeated.

D. **Appeal.** The acts and determination of the Planning Commission or designated hearing officer shall be appealable to the City Council pursuant to the terms of Chapter 17.12, Procedures for Appeals.

E. **Responsibility.** The property owner and responsible person shall be liable for all processing costs, including attorney fees, incurred by the City in carrying out this Section, pursuant to the procedures set forth in Chapter 17.04, Common Procedures.

## 17.13.060 Remedies

All remedies provided for herein shall be cumulative and not exclusive. In addition, the remedies set forth in Chapter 1.12, Enforcement Procedures are available.

# Chapter 17.14 Reserved

# Chapter 17.15 Establishment of Base Zoning Districts

## 17.15.010 Purpose

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

## 17.15.020 Establishment of Base Zoning Districts

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

**Table 17.15.020.A: Base Zoning Districts**

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

# Chapter 17.16 Residential Zoning Districts

## 17.16.010 Purpose and Applicability

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

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

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

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

## 17.16.020 Use Regulations

**Table 17.16.020: Use Regulations – Residential Zoning Districts**, lists the uses permitted, permitted with a Minor Use Permit granted by staff-level review, and permitted with a Conditional Use Permit granted at a public hearing. A Conditional Use Permit is also required for any business which consists of two or more permitted uses. The right-hand column provides references to other Sections of this Title where additional regulations are located.

**Table 17.16.020: Use Regulations – Residential Zoning Districts**

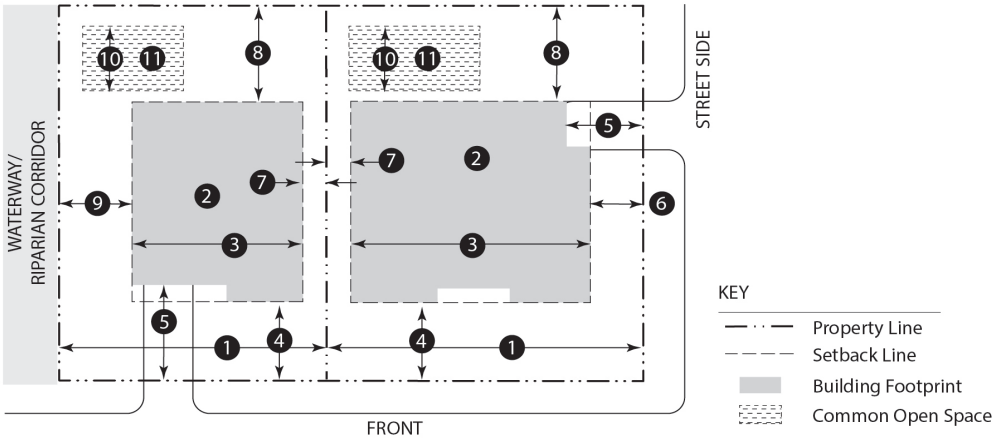
| Use Classification | *LR* | *MR* | *HR* | Additional Regulations |
|---|---|---|---|---|
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| **Residential Uses** | | | | |
| Single-family dwelling | P | P | — | |
| Multi-family dwelling | — | P | P | |
| Single room occupancy | — | — | P | Sec. 17.22.210, Single Room Occupancy Units |
| New small lot development | — | CUP | CUP | |
| Mobile home | CUP | CUP | CUP | Sec. 17.22.160, Mobile Homes and Sec. 17.21.020, Mobile Home Park Overlay |

| Table 17.16.020: Use Regulations – Residential Zoning Districts | | | | |
|---|---|---|---|---|
| **Use Classification** | ***LR*** | ***MR*** | ***HR*** | **Additional Regulations** |
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| **Commercial Uses** | | | | |
| Lodging | | | | |
| *Bed and Breakfast Inn* | CUP | CUP | — | Sec. 17.22.080, Bed and Breakfast Inns |
| *Boarding house* | CUP | CUP | CUP | |
| *Short-term rental* | P | P | P | Sec. 17.22.200, Short-term Rentals |
| Model Home Sales Office | MUP | MUP | MUP | |
| **Transportation, Communications and Utilities** | | | | |
| Public services, major | CUP | CUP | CUP | |
| Public services, minor | MUP | MUP | MUP | |
| Solar energy system | Sec. 17.22.240, Solar Energy Systems | | | |
| Telecommunication Facilities | Sec. 17.22.270, Wireless Telecommunication Facilities | | | |
| **Agricultural and Extractive** | | | | |
| Community garden | P | P | MUP | Sec. 17.22.100, Community Gardens |
| **Public/Institutional Uses** | | | | |
| Child day care facility | | | | |
| *Seven or more persons* | CUP | MUP | MUP | |
| *Six or fewer persons* | P | P | P | |
| **Accessory Uses – See also Sec. 17.22.020, Accessory Uses** | | | | |
| Accessory dwelling unit | Sec. 17.22.030, Accessory Dwelling Units | | | |
| Animal keeping | P | P | P | Sec. 17.22.060, Animal Keeping |
| Beekeeping | P | P | P | Sec. 17.22.070, Beekeeping |
| Cottage food operations | P | P | P | Sec. 17.22.110, Cottage Food Operations |
| Family day care, large | P | P | P | |
| Family day care, small | P | P | P | |
| Garage, carport, workshop, pool house, gazebo, patio cover, and other accessory structure | P[1] | P[1] | P[1] | Sec. 17.24.020, Accessory Buildings and Structures |

| Table 17.16.020: Use Regulations – Residential Zoning Districts | | | | |
|---|---|---|---|---|
| **Use Classification** | ***LR*** | ***MR*** | ***HR*** | **Additional Regulations** |
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| Home occupation | P | P | P | Sec. 17.22.130, Home Occupations |
| Swimming pool | P | P | P | |
| **Notes:** | | | | |
| [1] Indoor plumbing and indoor cooking facilities not permitted. | | | | |

## 17.16.030 Development Standards

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




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

| Table 17.16.030: Development Standards – Residential Zoning Districts | | | | |
|---|---|---|---|---|
| **Standard** | ***LR*** | ***MR*** | ***HR*** | **Key** |
| Max. Primary Building Footprint (excludes accessory structures) | Max. 2,400 sq ft for lots ≤15,000 sq ft;<br>Max. 4,800 sq ft for lots >15,000 sq ft;<br>1,400 sq ft for detached small lot development | 1,800 sq ft for lot widths ≤45 ft;<br>2,000 sq ft for lot widths >45 ft;<br>1,400 sq ft for detached small lot development | None;<br>1,400 sq ft for detached small lot detached | ❷ |
| Max. Building Frontage | 60% of lot width | Lot widths ≤45 ft: Max. 25 ft; Lot widths >45 ft: Max. 36 ft | None | ❸ |
| Max. Building Height | | | | |
| *Principal Structure* | 30 ft/2 stories | 30 ft/2 stories | 42 ft/3 stories; 30 ft/2 stories for small lot development | |
| *Accessory Structure* | 16 ft | 16 ft | 16 ft | |
| Setbacks | | | | |
| *Min. Front Setback* | 20 ft for structures ≤25 ft; 30 ft for structures >25 ft | 20 ft; 12 feet for small lot development | 15 ft; 25 ft for 3rd floor and above; 10 ft for small lot development | ❹ |
| *Min. Garage or Carport Setback from Building Façade* | None | 10 ft | None | ❺ |
| *Min. Street Side Setback* | 20 ft for structures ≤25 ft; 30 ft for structures >25 ft | 15 ft for structures ≤25 ft; 20 ft for structures >25 ft | 15 ft | ❻ |
| *Min. Interior Side Setback, ground floor* | 10 ft for structures ≤25 ft; 15 ft for structures >25 ft | 5 ft; combined interior side setbacks: 15 ft for structures ≤25 ft; 20 ft for structures >25 ft | 10 ft | ❼ |
| *Min. Interior Side Setback, upper floors* | 10 ft for structures ≤25 ft; 15 ft for structures >25 ft | 10 ft when adjacent to an LR or MR district | 10 ft | ❼ |
| *Min. Rear Setback* | 20 ft for structures ≤25 ft; 30 ft for structures >25 ft | 20 ft for structures ≤25 ft; 30 ft for structures >25 ft | 10 ft | ❽ |
| *Min. Setback from Abutting Waterway* | Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways. | | | ❾ |
| Landscaping and Open Space | | | | |

| Table 17.16.030: Development Standards – Residential Zoning Districts | | | | |
|---|---|---|---|---|
| **Standard** | ***LR*** | ***MR*** | ***HR*** | **Key** |
| *Private Open Space for Multi-Family Development* | n/a | Min. 120 sq ft/unit | Min. 120 sq ft/unit | |
| *Min. Dimension for Private Open Space* | n/a | 6 ft | 6 ft | |
| *Common Usable Open Space for Multi-Family Development* | n/a | Lot widths ≤45 ft: Min. 150 sq ft/lot.<br>Lot widths >45 ft: Min. 200 sq ft/lot | Min. 150 sq ft/lot | ❿ |
| *Min. Dimension for Common Usable Open Space* | n/a | 15 ft; 20 ft for small lot development | 15 ft; 20 ft for small lot development | ⓫ |
| *Max. Paved/ Hardscaped Area* | 25% of a front setback area | 30% of a front setback area | 30 % of a front setback area | |
| *Min. Landscaped Area*[2] | 35% of lot area; 25% for small lot development | Min. 25% of lot area. | Min. 25% of lot area. | |
| *Required Buffer Abutting Agricultural Use* | A landscaped buffer min. 15 ft width with street trees at 30 ft on center | | | |

**Notes:**

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

[2] Landscaped setbacks areas count toward this requirement.

[3] Densities existing as of January 1, 2023, are permitted to remain.

## 17.16.040 Design Standards

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

A. **Design Standards for All Residential Development Types.**

1. ***General Standards.*** All development is subject to the provisions of Part IV, Citywide Standards.

2. ***Required Second Story Step-backs in the LR and MR districts.*** Second stories both in new construction and additions must be stepped back 10 feet from the ground floor front façade and five feet from the ground floor interior side and rear facades.

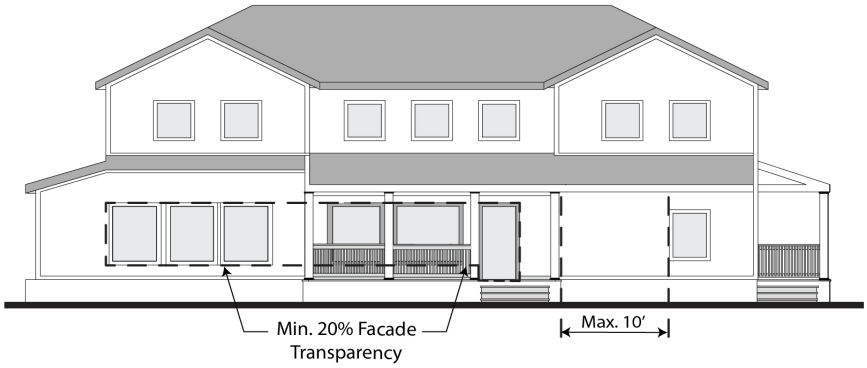
3. ***Building Orientation***.

   a. Buildings must be oriented toward public rights-of-way or internal walkways.

b. Window, balcony, and deck placement must be a minimum of 12 horizontal feet from window areas of existing facing residences (on-site or off-site).

4. ***Building Transparency.*** At least 20 percent of the area of each street-facing facade of a residential building must consist of windows, doors, or other openings. No wall that faces a sidewalk, pedestrian walkway, or publicly accessible outdoor space may run in a continuous plane of more than 10 feet without a window, door, or other opening. In the MR district, the front door of any primary single-family unit must be visible to the public street.

**Figure 17.16.040.A: Façade Transparency**



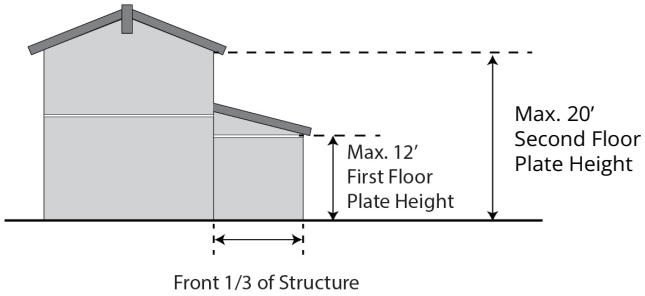

5. ***Roofline and Roof Design.***

a. Roofs must be either flat or have a pitch of no less than 5:12.

b. Ground floor street-facing plate height must not exceed 12 feet on the front one-third of the building.

c. Second story plate height must not exceed 20 feet.

**Figure 17.16.040.B: First and Second Story Plate Height**




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

6. ***Exterior Building Materials and Colors.***

   a. Vinyl siding, aluminum siding, artificial stone finishes, plywood (including particle board and oriented strand board), corrugated metal, and common concrete block are prohibited.

   b. Bright colors must only be used for trim or for accents.

   c. A consistent palette of materials and colors must be used on all sides of buildings.

7. ***Landscaping.*** The entire front and street side required setbacks, exclusive of permitted driveways or parking areas, must be landscaped. See Section 17.25, Landscaping.

8. ***Site Circulation and Access.***

   a. A system of pedestrian walkways must connect the primary entryways of all on-site buildings, all on-site automobile and bicycle parking areas, to any on-site open space areas or pedestrian amenities, to all shared trash enclosure areas, and to the public sidewalk on the perimeter street frontage.

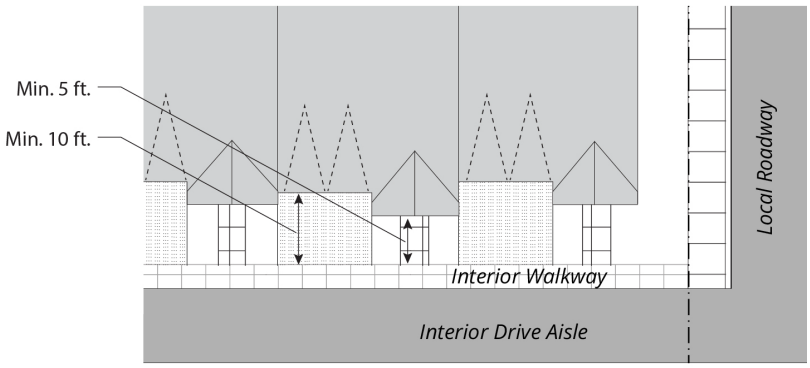
   b. Where a required walkway crosses parking areas or loading areas, it must be clearly identifiable with a raised crosswalk, a different paving material, or similar method.

   c. New streets or drive aisles must form a continuous pedestrian network from the primary right-of-way and within the development.

   d. Walkways must be a minimum of four feet wide, must be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.

   e. The minimum distance from the back of any drive aisle or walkway interior to a site must be 10 feet to the garage door and five feet to any living area or covered porch.

**Figure 17.16.040.C: Distance to Interior Drive Aisle or Walkway**

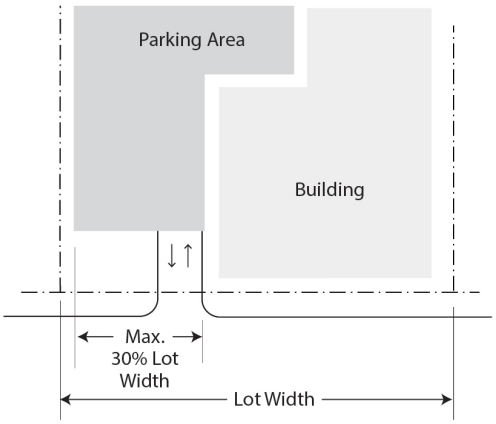



   f. Automobile and pedestrian access points into multi-family residential developments must not be gated or closed off to the public.

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

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

**Figure 17.16.040.D: Parking Frontage**




10. ***Private Outdoor Open Space.*** For multi-story dwelling units, private outdoor open space must be provided by a combination of balconies, porches, decks, or private ground floor open space (for ground floor units).

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

a. Have a minimum dimension of 15 feet in any direction and a minimum area of 600 square feet.

b. Contain play equipment, including equipment designed for children aged five years and younger.

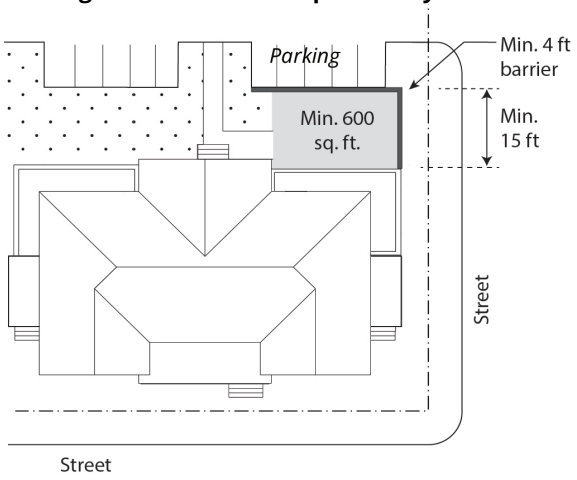
c. Be visible from multiple dwelling units within the project.

d. Be protected from any adjacent streets or parking lots with a fence or other barrier at least four feet in height.

e. Include safe material under play equipment that provides protection from falls.

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

**Figure 17.16.040.E: Required Play Area**




12. **Sustainability and Energy Efficiency.**

    a. All development must be consistent with the standards of the California Green Building Standards Code (CalGreen) applicable mandatory measures.

    b. All new construction must incorporate landscaping and fenestration to passively cool the building; energy-efficient HVAC; and energy efficient lighting.

    c. All energy generation devices must blend in with the building color.

    d. All on-site landscaping must be drought-resistant and require minimal irrigation.

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

1. ***Small Lot Size***. Detached or attached single-unit residential development is permitted on lots less than the minimum lot size established for zoning districts allowing single-family or multi-family residential uses, in accordance with Table 17.16.030: Development Standards – Residential Zoning Districts.

2. ***Small Lot Configurations.*** Small lot development types may include but are not limited to drive courts or cottage courts abutting a local roadway. Figures 17.16.040.F and 17.16.040.G and show potential configurations of small lot development within a perimeter lot line. Interior lot line placement varies by development and is not regulated by this Title.

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

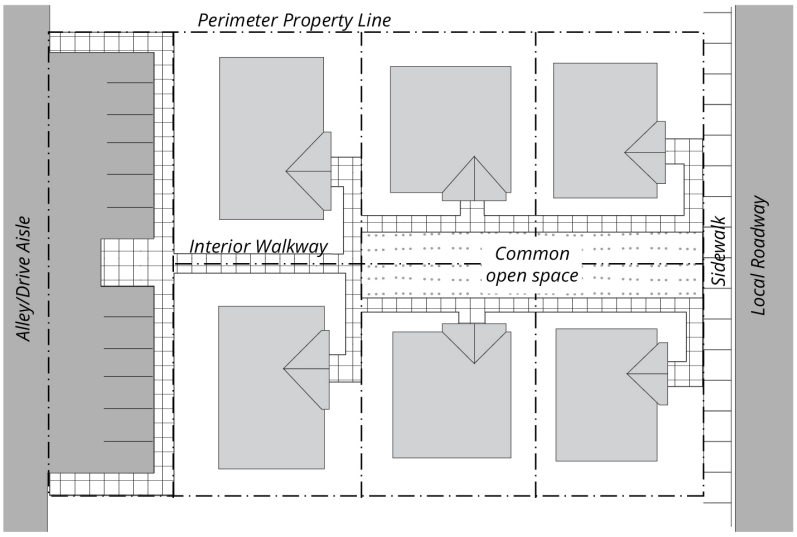
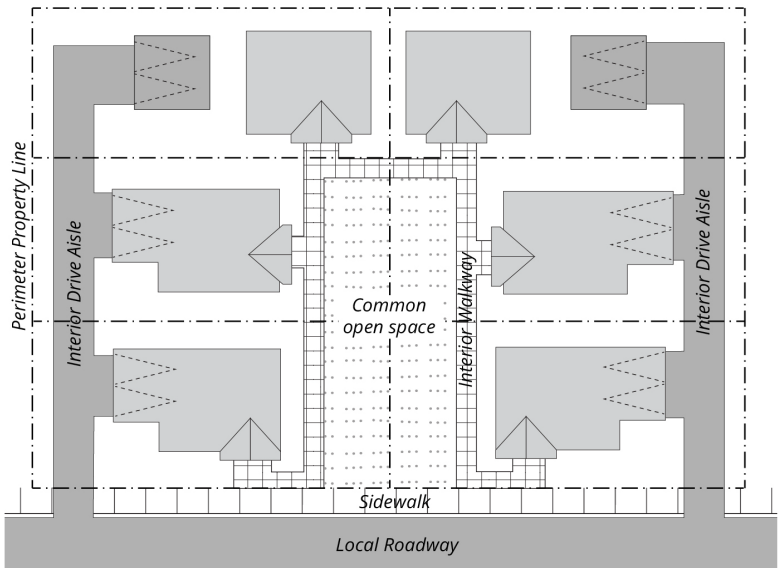



**Figure 17.16.040.G: Cottage Court with Perimeter Drive Aisle and Detached or Attached Garages (Example Configuration)**




3. ***Small Lot Perimeter Setbacks.*** The minimum setbacks for the primary structures from the perimeter property lines of small lot single unit development are the same as the required setbacks of the underlying zoning district.

4. ***Small Lot Entrances.***

   a. The primary entry of units located in the interior of the development must be oriented towards and visible from a pedestrian pathway that is connected to a public right-of-way or private street.

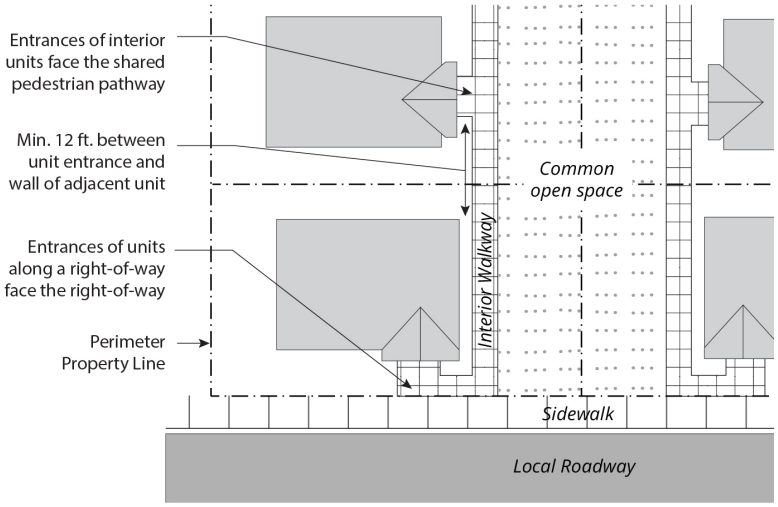
   b. Each unit must have a primary covered or recessed entry that is generally oriented to the common central open space.

   c. The primary entry of units located along the right-of-way must be oriented toward the right-of-way.

   d. A minimum 12-foot separation is required between the primary entryway of a unit and the adjacent building wall of a neighboring unit.

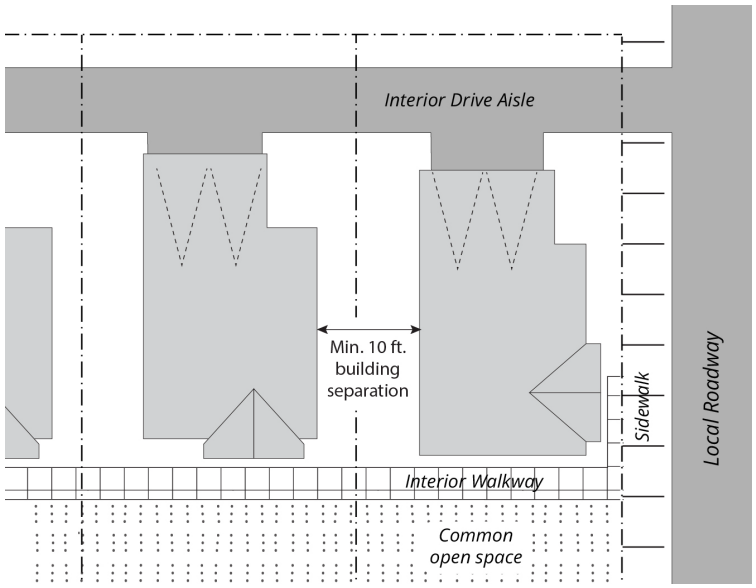
   e. Each primary entrance must incorporate a front porch that provides a minimum five-foot clear depth and that faces either the common open space or abutting right-of-way.

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




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

**Figure 17.16.040.I: Small Lot Building Separation for Detached Units**




6. ***Small Lot Parking and Access.***

   a. Garages may not be oriented to face perimeter streets.

   b. Required parking must be provided on each small lot, within a common parking area, or in a combination of the two.

   c. Parking must be designed and located such that it is not be visible from public rights-of-way.

7. ***Small Lot Landscaping.***

   a. A minimum 25 percent of the total site area must be landscaped.

   b. Lots with units facing a common open space must have at least five feet of landscaping between the entrance and any interior walkway.

8. ***Small Lot Private Open Space.***

   a. Minimum of 200 square feet ground-level private open space must be provided for each small lot unit. This space may take the form of a porch, deck, patio, or garden.

   b. The minimum allowed dimensions for required private open space is six feet.

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

1. ***Design.***

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

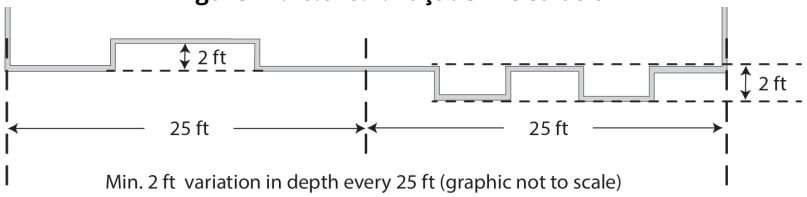
**Figure 17.16.040.J: Roofline, Attached Single Unit and Multi-Unit Development**

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

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

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

**Figure 17.16.040.K: Façade Articulation**




Min. 2 ft variation in depth every 25 ft (graphic not to scale)

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

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

f. At least two materials shall be used on any building frontage, in addition to glazing and railings. Any one material must comprise at least 20 percent of the building frontage.

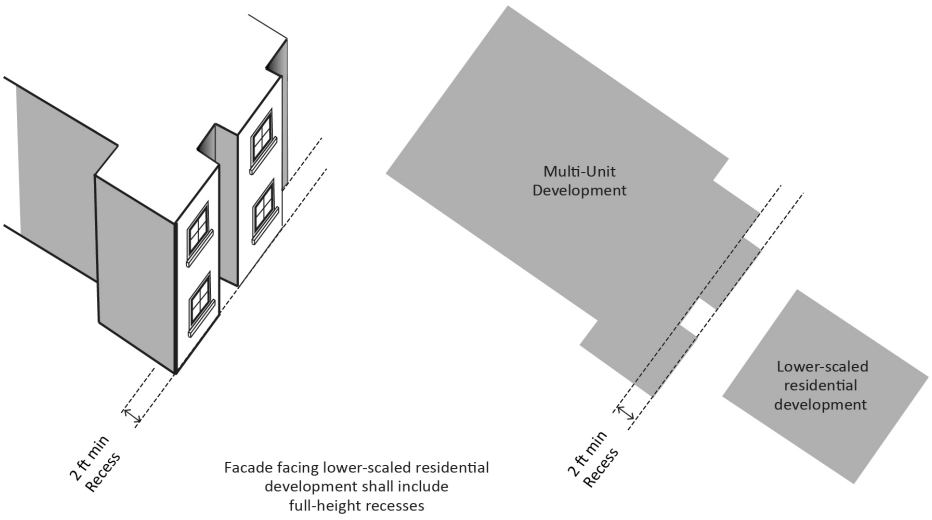
g. Buildings over two stories must provide a ground floor elevation that is distinguished from the upper stories through a material change along at least 75 percent of building façades facing rights-of-way or public open space.

h. Dwelling units facing common open space areas must include a minimum of two windows providing a direct view onto the common area.

i. A unified palette of materials with at least two complementary colors shall be used on all sides of buildings.

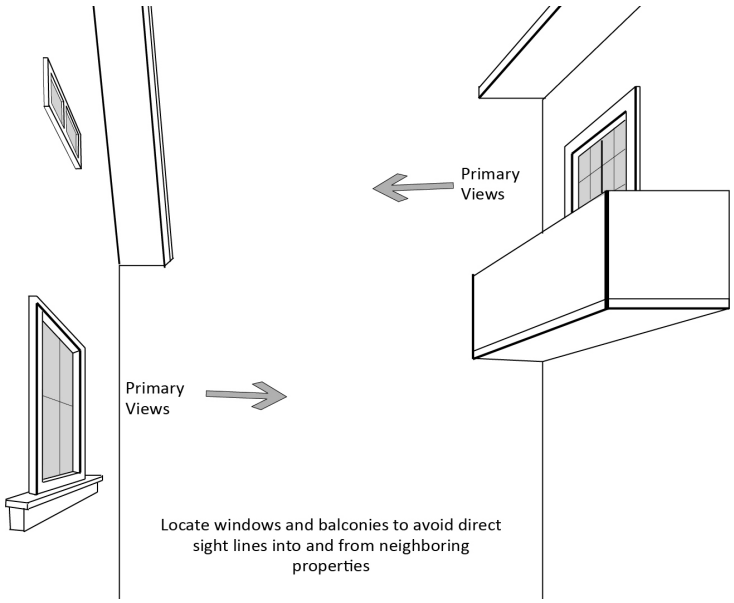
j. Where a new multifamily development is built adjacent to existing lower-scaled residential development, the façade opposite the existing lower-scaled residential development shall incorporate at least one full-height recess a minimum two feet in depth.

**Figure 17.16.040.L: Full-Height recesses, Attached Single Unit and Multi-Unit Development**




k. Windows, balconies, and other private open spaces shall be offset to avoid direct sightlines into and from neighboring properties.

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




l. Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet. The required private storage space may be used for bicycle parking.

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

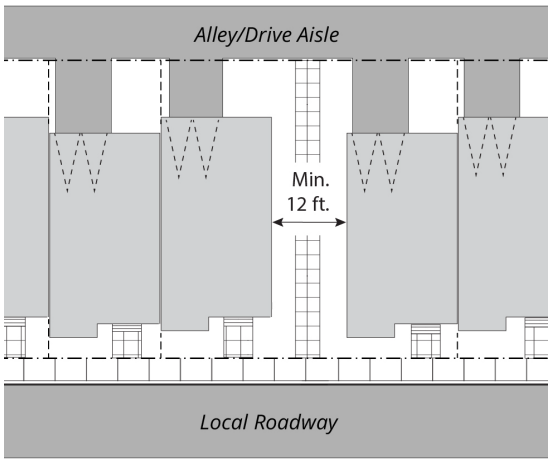
2. ***Attached Rowhouse Design.***

a. Attached rowhouse development may be configured with vehicular access provided via an on-site drive aisle, from an abutting alley, or from the primary building frontage.

b. Blocks of attached rowhouses must be a minimum of three units and a maximum of eight units.

c. For attached rowhouse units, a minimum separation of 12 feet must be provided between blocks of units.

**Figure 17.16.040.N: Separation at End of Row**




3. ***Entry Design.***

   a. Shared entrances to multi-family developments must be visible from the right-of-way. Direct pedestrian access must be provided between the public sidewalk and all shared entrances.

   b. Individual ground floor entrances to units within a multi-family development must:

      i. Be visible and directly accessible form the right-of-way or a shared pathway; and

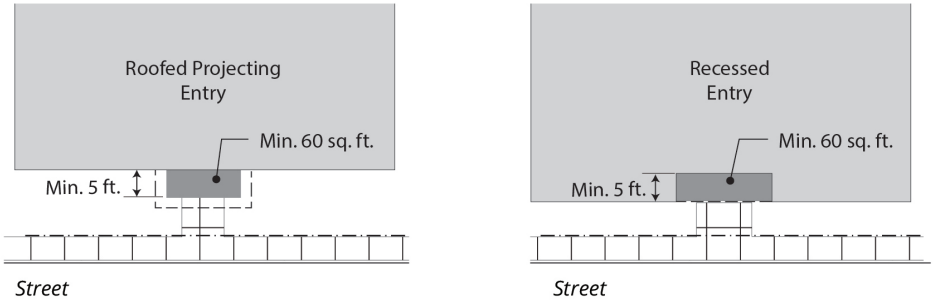
      ii. Incorporate usable outdoors areas such as patios, porches, stoops, terraces, or forecourts.

   c. Exterior entrances to units in multi-family developments may be either individual or shared. Exterior entrances to individual units on upper floors are permitted; however, shared exterior access corridors located above the ground floor and visible from the street may provide access to a maximum of three units.

   d. Duplexes, triplexes, and fourplexes abutting single-family neighborhoods shall include individual front doors and interior stairs (when stairs are needed).

   e. Exterior entrances serving multiple units must have a roofed projection or recess with a minimum depth of five feet and a minimum horizontal area of 60 square feet.

**Figure 17.16.040.O: Entrances Serving Multiple Units**




f. Exterior entrances serving a single unit must have a roofed projection or recess with a minimum depth of at least five feet and a minimum horizontal area of at least 25 feet.

4. ***Common Outdoor Recreation Space.*** Common open space must meet the following requirements:

   a. *Use.* Common outdoor recreation space must be available for passive and active outdoor recreational purposes for the enjoyment of all residents of each project. Outdoor recreation space types include but is not limited to picnic areas, tot lots, sports courts, swimming pools, and community gardens.

   b. *Slope.* The slope of the common outdoor recreational space must not exceed a slope of 10 percent and must be easily accessible for all residents.

   c. *Accessibility.* Common outdoor recreation spaces must be visible from primary living spaces of all units and be accessible and be to all residents of the project for which the space is provided.

   d. *Precluded Areas.* Common outdoor recreation space must not include driveways, public or private streets, or utility easements where the ground surface may not be appropriate for recreational space.

5. ***Parking.***

   a. *Location for All Multi-Family Residential.* Off-street parking serving multi-family residential development must be located in one of the following facilities:

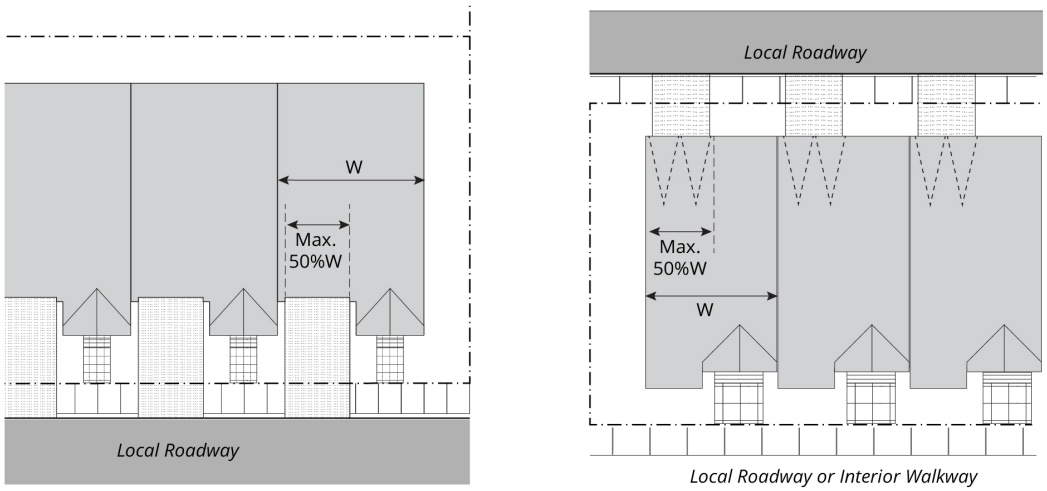
      i. Surface parking lots, garages, or carports located to the side or rear of residential buildings in relation to adjacent streets. If a site fronts on two or more streets, this standard applies to the front of the lot.

      ii. Garages with side entries, in which the face of the garage door is generally perpendicular to the street.

      iii. Attached individually secured garages.

   b. *Rowhouse Garages Frontage.* Rowhouse garages with doors that face the street must be recessed from the primary façade and may not occupy more than 50 percent of the width of any street-facing building façade.

**Figure 17.16.040.P: Rowhouses Garages**




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

   a. At least one entrance without steps and a flat threshold.

   b. Living space on one floor or stair landings big enough to accept lifts.

   c. Wide interior doors (32-inch clear, typically provided with 36-inch door), hallways, and alcoves with 60 by 60-inch turning space at doors, in kitchens, and dead ends.

   d. A 30 by 48-inch clear space at appliances and fixtures in bathrooms and kitchens.

# Chapter 17.17 Commercial and Mixed-Use Districts

## 17.17.010 Purpose and Applicability

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

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

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

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

## 17.17.020 Use Regulations

**Table 17.17.020, Use Regulations – Commercial and Mixed-Use Zoning Districts,** lists the uses permitted, permitted with a Minor Use Permit granted by staff-level review, and permitted with a Conditional Use Permit granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zone development and design standards.

**Table 17.17.020: Use Regulations – Commercial and Mixed-Use Zoning Districts**

| Use Classification | CB | SC | MU | Additional Regulations |
|---|---|---|---|---|
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| **Residential Uses** | | | | |
| Live/work | CUP | — | MUP | Sec. 17.22.140, Live/Work Units |

| Table 17.17.020: Use Regulations – Commercial and Mixed-Use Zoning Districts | | | | |
|---|---|---|---|---|
| **Use Classification** | **CB** | **SC** | **MU** | **Additional Regulations** |
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| Multi-family dwelling | CUP[1] | — | CUP[2, 13] | |
| Single room occupancy | CUP[1] | — | P[2] | Sec. 17.22.210, Single Room Occupancy Units |
| **Commercial Uses** | | | | |
| Adult entertainment | — | CUP | — | Sec. 17.22.040, Adult-Oriented Businesses |
| Agricultural supply sales | — | P | — | |
| Animal boarding facility/kennel | — | CUP | — | |
| Automobile/Vehicle sales and services | | | | |
| *Auto rental* | — | CUP | CUP | |
| *Auto sales* | — | CUP | — | |
| *Auto service and repair* | — | CUP | — | |
| *Car wash* | — | CUP | — | |
| *Service station* | CUP | CUP | — | Sec. 17.22.190, Service Stations |
| Banks and financial institution | P[3] | P | P | |
| Business services | | | | |
| *Cleaning and janitorial services* | — | P | P | |
| *Equipment rental and leasing* | — | CUP | CUP | |
| *General business service* | P | P | P | |
| *Printing and copy service* | P | P | P | |
| *Security service* | — | P | P | |
| Cinema/Theater | CUP | CUP | CUP | |
| Eating and drinking establishments | | | | |
| *Bar*[4] | CUP | CUP | CUP | Sec. 17.22.050, Alcoholic Beverage Sales |
| *Brewpub* | P | P | P | Sec. 17.22.050, Alcoholic Beverage Sales |
| *Micro-brewery* | CUP | CUP | CUP | Sec. 17.22.050, Alcoholic Beverage Sales |
| *Mobile food vendor* | CUP | CUP | CUP | Sec. 17.22.150, Mobile Food Vendor |
| *Restaurant, full service*[4, 12] | MUP | MUP | MUP | Sec. 17.22.050, Alcoholic Beverage Sales |

| Table 17.17.020: Use Regulations – Commercial and Mixed-Use Zoning Districts | | | | |
|---|---|---|---|---|
| **Use Classification** | **CB** | **SC** | **MU** | **Additional Regulations** |
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| *Restaurant, limited counter service* | P | P | P | |
| Food and beverage sales | | | | |
| *Farmers' market* | MUP | MUP | MUP | |
| *Fruit and vegetable market* | P | P | P | |
| *Grocery store* | MUP[5] | MUP[6] | MUP[6] | |
| *Liquor store* | CUP | CUP | CUP | |
| *Public market* | CUP | CUP | CUP | |
| *Winery tasting room* | CUP | CUP | CUP | Sec. 17.22.050, Alcoholic Beverage Sales |
| *Wine shop* | MUP | MUP | MUP | |
| Food preparation | — | P | CUP | |
| Formula business | CUP[11] | P | CUP[11] | Sec. 17.22.120, Formula Businesses |
| Funeral home and mortuary | — | MUP | MUP | |
| Health club and fitness center | — | MUP | MUP | |
| Indoor recreation | CUP | CUP | CUP | |
| Lodging | | | | |
| *Bed and breakfast* | MUP | — | MUP | Sec. 17.22.080, Bed and Breakfast Inns |
| *Boarding house* | — | — | CUP[3] | |
| *Hotel* | CUP[7] | CUP | CUP | |
| *Short-term rental* | — | — | P | Sec. 17.22.200, Short Term Rentals |
| *Time share* | CUP | CUP | — | |
| Maker's space | | | | |
| *Candle-making* | P | P | P | |
| *Ceramics/pottery* | MUP | MUP | MUP | |
| *Glass blowing* | MUP | MUP | MUP | |
| *Jewelry* | P | P | P | |
| *Multi-media* | P | P | P | |
| Model Home Sales Office | — | — | MUP | |

| Table 17.17.020: Use Regulations – Commercial and Mixed-Use Zoning Districts | | | | |
|---|---|---|---|---|
| **Use Classification** | **CB** | **SC** | **MU** | **Additional Regulations** |
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| Offices | | | | |
| *Business, professional, and technology* | P[2] | P | P | |
| *Medical and dental* | P[2] | P | P | |
| *Walk-in clientele* | P[3] | P | P | |
| *Winery offices (off-site)* | — | P/CUP[8] | P/CUP[8] | |
| Personal services | | | | |
| *Hair salon/nail salon/spa* | P[3] | P | P | |
| *Dry cleaners, drop-off and pick-up* | P[3] | P | P | |
| *Laundromat, self-service* | — | P | P | |
| *Massage establishment* | MUP[2] | MUP | MUP | |
| *Tanning salon* | — | P[2] | P[2] | |
| *Tattoo and piercing* | CUP | — | P | |
| Retail | | | | |
| *Art gallery* | CUP | CUP | CUP | |
| *Building materials and supply* | — | P | — | |
| *Firearm sales* | — | MUP | — | |
| *Furniture store* | P | P | P | |
| *General retail and merchandise* | P | P | P | |
| *Health care equipment* | — | P | P | |
| *Nursery, lawn, and garden supply store* | — | CUP | CUP | |
| *Saddle and equestrian store and repair* | — | P | P | |
| *Tobacco/smoke shop* | CUP | CUP | CUP | |
| *Used merchandise store* | — | P | — | |
| Reupholstery and furniture repair | — | P | P | |
| Veterinary clinic | — | P[9] | — | |
| **Industrial Uses** | | | | |
| Contractor's yard | — | CUP | — | |

| Table 17.17.020: Use Regulations – Commercial and Mixed-Use Zoning Districts | | | | |
|---|---|---|---|---|
| **Use Classification** | **CB** | **SC** | **MU** | **Additional Regulations** |
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| Contractor's shop | — | P | — | |
| Custom and artisan manufacturing | — | MUP | MUP | |
| Food and beverage manufacturing/brewery | CUP | CUP | CUP | |
| **Transportation, Communications, and Utilities** | | | | |
| Communication facilities | | | | |
| *Audio/video recording studio* | — | P | P | |
| *Telecommunication facility* | Sec. 17.22.270, Wireless Telecommunication Facilities | | | |
| Emergency services | — | CUP | — | |
| Public services, major | | CUP | CUP | |
| Public services, minor | — | MUP | MUP | |
| Solar energy system | Sec. 17.22.240, Solar Energy Systems | | | |
| Transit station and terminal | CUP | CUP | CUP | |
| **Agricultural and Extractive Uses** | | | | |
| Community garden | — | MUP | MUP | Sec. 17.22.100, Community Gardens |
| Winery, large | — | CUP | — | |
| **Public/Institutional Uses** | | | | |
| Amphitheater | CUP | CUP | CUP | |
| Colleges and trade schools | — | MUP | MUP | |
| Community assembly | MUP | MUP | MUP | |
| Church | — | P | — | |
| Cultural institution and museum | CUP | MUP | MUP | |
| Day care facility | | | | |
| *Seven or more persons* | — | P | MUP | |
| *Six or fewer persons* | — | P | P | |
| Government office | P | P | P | |
| Instructional services | CUP | P | P | |
| Low barrier navigation center | p | — | P | |
| Parking facilities | CUP[3] | CUP | CUP | |
| Senior center | P[3] | P | — | |

| Accessory Uses – See also Sec. 17.22.020, Accessory Uses | | | | |
|---|---|---|---|---|
| Accessory dwelling unit | Sec. 17.22.040, Accessory Dwelling Units | | | |
| Catering | P | P | P | |
| Cottage food operations | P | P | P | Sec. 17.22.110, Cottage Food Operations |
| Family day care, large | — | — | MUP | |
| Family day care, small | — | — | P | |
| Music/entertainment, live or amplified | P/CUP[10] | P | P/CUP[10] | |
| On-site storage facilities | — | CUP | — | |
| Outdoor dining | MUP | MUP | MUP | Sec. 17.22.170, Outdoor Dining and Seating |
| Outdoor display and sales | Sec. 17.22.180, Outdoor Display and Sales | | | |
| Small recycling facility | — | MUP | MUP | Sec. 17.22.220, Small Recycling Center |

**Notes:**

[1] Permitted on upper floors only.

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

[3] Not permitted on Main Street.

[4] The following are not permitted:

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

[5] Seating is not permitted.

[6] Limited to 10,000 gross square feet.

[7] Rental of rooms limited to upper floors only for properties fronting onto Main Street.

[8] A CUP is required for nonpublic wine tasting, offered to wine distributors and wine merchants only.

[9] Overnight boarding of animals is not permitted.

[10] A CUP is required for live or amplified music/entertainment outdoors.

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

[12] Formula and take-out restaurant establishments are not permitted.

[13] Must be part of a mixed-use development.

## 17.17.030 Development Standards

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

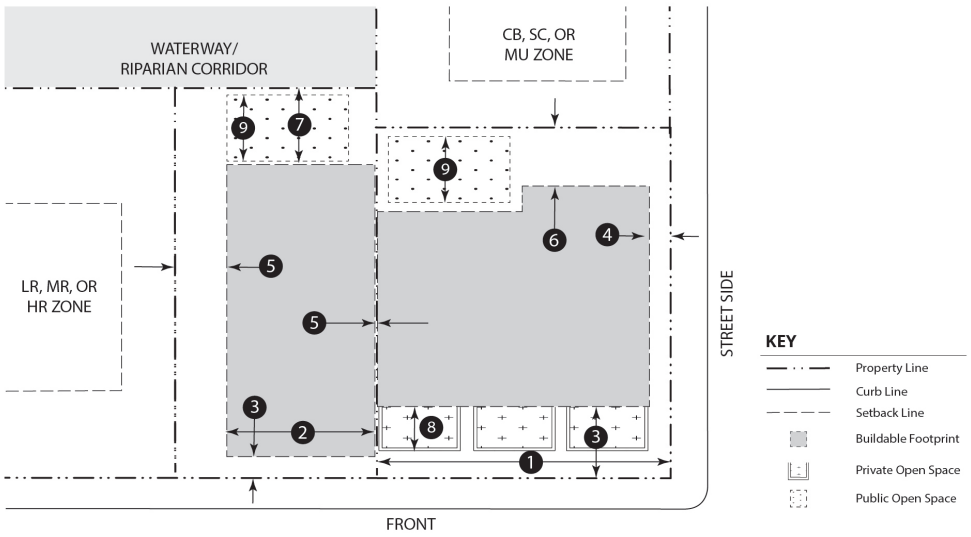



**Table 17.17.030: Development Standards– Commercial and Mixed-Use Zoning Districts**

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

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

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

**Notes:**

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

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

[3] Landscaped setbacks areas count toward this requirement.

## 17.17.040 Design Standards

The design standards in this Section apply to all development within the commercial and mixed-use zones. These design standards supplement the development standards of Table 17.17.030: Development Standards – Commercial and Mixed-Use Zoning Districts.

A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.

B. **Highway 29 Specific Plan Applicability.** Properties within the Highway 29 Specific Plan area shall meet the requirements of the Highway 29 Specific Plan as well as the design standards of this Section 17.17.040.

C. **Residential Development in the Mixed-Use Zoning District.** Buildings where a minimum of two-thirds of the floor area of the building is residential must meet the requirements of Section 17.16.040, Design Standards, as well as those of this Section 17.17.040.

D. **Building Orientation.**

1. Buildings must be oriented toward public rights-of-way or internal walkways.

2. Building design must prevent direct visual access into adjacent residential properties. Where a new or existing primary interior residential space has an uninterrupted line of sight to windows of a primary interior space at the same floor level within 20 horizontal feet, the glazing of the new windows shall be offset horizontally from the existing glazing by a minimum of 24 inches.

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

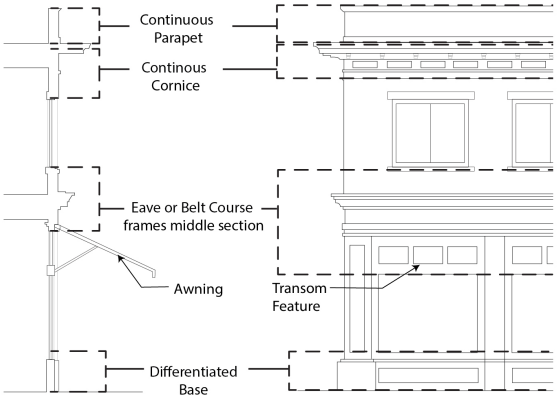
**17.17.040.A: Building Articulation**

F. **Building Facades Visible from a Public Street.**

1. Horizontal articulation must include a differentiated base, a roof cornice line or parapet, and an eave, awning, overhang, transom feature, belt course, or other architectural element that frames the middle section of the building.

2. Buildings or portions of buildings over two stories must include articulation for the top story of the building. This may be accomplished through a change in color, change in material, a cornice/belt course at the bottom of the uppermost floor, change in roof pitch, such as a gable, or an upper-story step-back.

**Figure 17.17.040.B: Building Façade Visible from Public Street**



3. Awnings must be of a durable, commercial grade fabric, canvas or similar material having a matte finish.

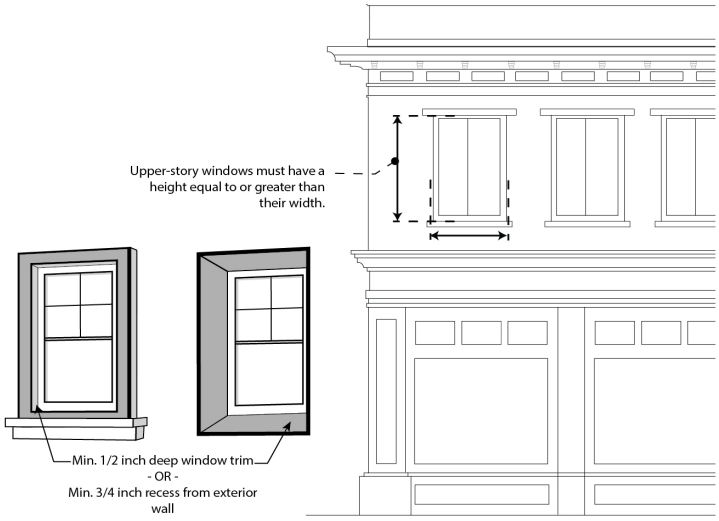
4. Canopies must be constructed of wood or other natural materials in keeping with materials used historically in the City.

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

1. Upper-story windows must have a height equal to or greater than their width.

2. Trim at least one-half inch in depth must be provided around all windows, or windows must be recessed at least ¾ inches from the plane of the surrounding exterior wall. Foam is not a permitted trim material.

**Figure 17.17.040.C: Upper-Story Window Design**




H. **Exterior Building Materials and Colors.**

1. Vinyl siding, aluminum siding, artificial stone finishes, plywood (including particle board and oriented strand board), and common concrete block are prohibited.

2. Bright colors may only be used as trim or for accents.

3. A unified palette of materials and colors must be used on all sides of buildings.

4. A palette of contrasting colors is required along Main Street within the CB and MU Districts.

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

1. At least one entrance without steps and a flat threshold;

2. Living space on one floor or stair landings big enough to accept lifts; and

3. Wide interior doors (32-inch clear, typically provided with 36-inch door), hallways, and alcoves with 60 by 60-inch turning space at doors, in kitchens, and dead ends.

4. A 30 by 48-inch clear space at appliances and fixtures in bathrooms and kitchens.

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

1. Visually distinguish parking areas from pedestrian areas;

2. Emphasize the building entrance and any on-site open space; and

3. Frame required building transparency.

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

1. ***Container Materials.*** Containers used for the collection and storage of refuse and recyclable materials shall be constructed of a durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected between collection schedules.

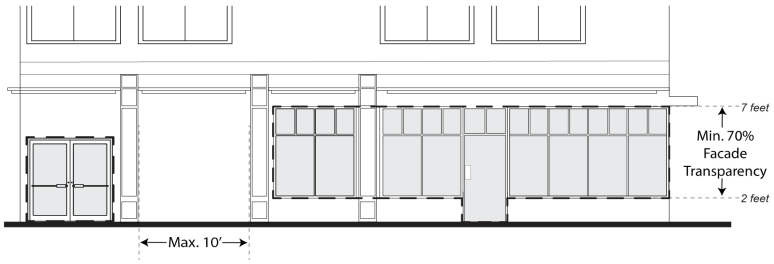
2. ***Enclosure Materials.*** Unless specifically waived by the design review processes described in Chapter 17.05, Planning Permits and Approvals, all development projects shall have a refuse enclosure constructed of such materials as to be opaque and of sufficient size to permit the storage, removal, and replacement of standard commercial size refuse containers. No collection, storage or stacking of refuse is permitted outside the refuse enclosure. This requirement does not preclude the placement of individual refuse containers within the I, PQP, PR, and OS districts.

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

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

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

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



a. ***Design of Openings***. Openings fulfilling this requirement must have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

b. ***Exceptions for Parking Garages.*** Multi-level garages are not required to meet the ground-floor transparency requirement.

c. ***Reductions.*** The building transparency requirement may be reduced or waived upon finding that:

i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible; and

ii. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

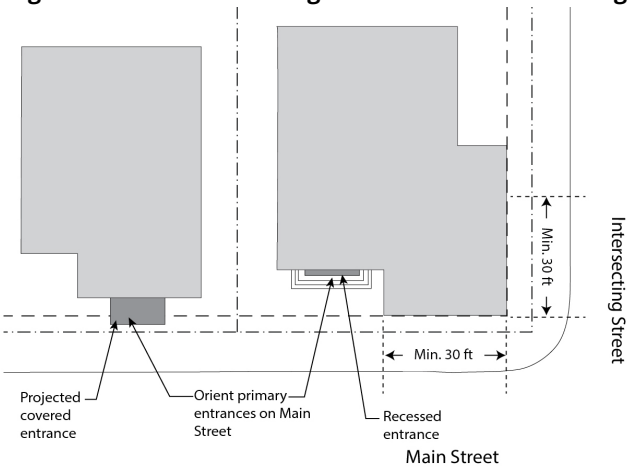
2. ***Buildings with Main Street Frontage in the CB and MU Districts.***

a. Buildings must be oriented to face Main Street with the primary entrance on Main Street.

b. Building entrances must be either covered or recessed a minimum of four feet from the building façade.

c. Buildings on corner parcels must be placed at the intersection of the front and side setback lines for a minimum of 30 feet along both setback lines.

**Figure 17.17.040.E: Buildings with Main Street Frontage**




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

a. Off-street parking spaces may not be accessed from the front of the lot.

b. Off-street parking spaces may not be located within 40 feet of a street-facing property line. Exceptions may be granted through Design Review upon finding that:

i. The design incorporates habitable space built close to the street frontage to the maximum extent feasible;

ii. The site is small and constrained such that underground parking or surface parking located more than 40 feet from the street frontage is not feasible; and

iii. A screen wall designed to match the building materials of the primary building or a row of landscaping screens any off-street parking located within 40 feet of the street frontage.

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

1. ***Frontages.***

a. Building design must emphasize active frontages and establish a connection to the right-of-way street.

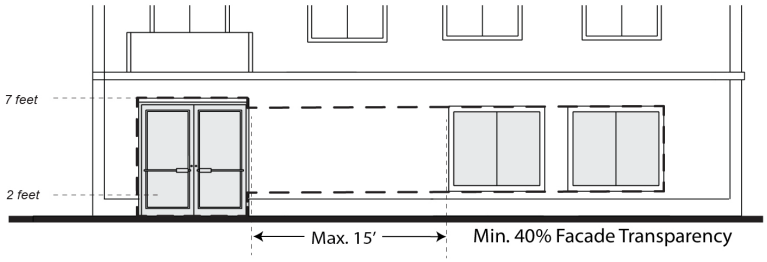
b. Frontages must feature at least one entry.

c. Buildings more than 50 feet in length along a right-of-way must incorporate at least one recessed entry with a minimum depth of six feet from the front façade.

d. The width of the recessed entry must be appropriate relative to the size of the building, with the maximum ratio of building height to entry recess 2.5:1 (height less than 2.5 x width).

2. ***Building Transparency/Required Openings.*** Exterior walls facing and within 40 feet of a street facing lot line or pedestrian walkway must include windows, doors, or other openings for at least 40 percent of the building wall area located between two and seven feet above the level of the sidewalk or walkway. These walls may run in a continuous plane for no more than 15 feet without transparency or an opening.

**Figure 17.17.040.F: Building Transparency for SC District**




a. ***Design of Openings***. Openings fulfilling this requirement must have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces.

b. ***Reductions.*** The building transparency requirement may be reduced or waived upon finding that:

i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible; and

ii. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

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

a. Off-street parking spaces may not be located within 10 feet of a street-facing property line. For properties within the Highway 29 Specific Plan area, please refer to that Plan for location and design of proposed parking areas.

b. Curb cuts are limited to one per 80 linear feet of any one street-facing frontage.

# Chapter 17.18 Business and Industrial Districts

## 17.18.010 Purpose and Applicability

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

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

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

## 17.18.020 Use Regulations

**Table 17.18.020, Use Regulations – Business and Industrial Zoning Districts** lists the uses permitted, permitted with a Minor Use Permit granted by staff-level review, and permitted with a Conditional Use Permit granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zone development and design standards.

**Table 17.18.020: Use Regulations – Business and Industrial Zoning Districts**

| Use Classification | *BPO* | *I* | Additional Regulations |
|---|---|---|---|
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | |
| **Residential Uses** | | | |
| Live/Work | MUP | CUP | Sec. 17.22.140, Live/Work Units |
| Multi-family dwellings | P[1] | — | |
| Single room occupancy | MUP[1] | — | Sec. 17.22.210, Single Room Occupancy Units |
| **Commercial Uses** | | | |
| Agricultural supply sales | — | P | |
| Animal care and service | | | |
| *Animal boarding facility/kennel* | — | CUP | |
| *Veterinary clinic* | — | P | |
| Automobile/Vehicle sales and services | | | |
| *Farm/Agricultural equipment sales, service, and rental* | — | P | |

| Table 17.18.020: Use Regulations – Business and Industrial Zoning Districts | | | |
|---|---|---|---|
| **Use Classification** | ***BPO*** | ***I*** | **Additional Regulations** |
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | |
| *Towing and impound yard* | — | CUP | |
| Banks and financial institutions | P | — | |
| Business services | | | |
| *Equipment rental and leasing* | — | P | |
| *General business services* | P | P | |
| *Printing and copy services* | P | P | |
| *Security services* | — | P | |
| Eating and Drinking Establishments | | | |
| *Brewpub* | — | CUP | See Sec. 17.22.050, Alcoholic Beverage Sales |
| Maker's space | | | |
| *Candle-making* | MUP | P | |
| *Ceramics/pottery* | MUP | P | |
| *Glass blowing* | MUP | P | |
| *Jewelry* | P | P | |
| *Multi-media* | MUP | P | |
| Mobile food vendor | CUP | CUP | Sec. 17.22.160, Mobile Food Vendors |
| Food preparation | — | P | |
| Funeral homes and mortuaries | — | P | |
| Health clubs and fitness centers | MUP | P | |
| Heavy equipment repair | — | P | |
| Indoor recreation | — | CUP | |
| Offices | | | |
| *Business, professional, and technology* | P | — | |
| *Medical and dental* | P | — | |
| *Walk-in clientele* | P | — | |
| *Wholesale offices* | P[2] | — | |
| *Winery offices (off-site)* | P/CUP[3] | — | |

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

| Table 17.18.020: Use Regulations – Business and Industrial Zoning Districts | | | |
|---|---|---|---|
| **Use Classification** | ***BPO*** | ***I*** | **Additional Regulations** |
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | |
| *Audio/video recording studio* | — | P | |
| *Telecommunications* | Sec. 17.22.270, Wireless Telecommunications Facilities | | |
| Emergency services | — | CUP[6] | |
| Public services, major (City facilities only) | P | P | |
| Public services, major | CUP | CUP | |
| Public services, minor (City facilities only) | P | P | |
| Public services, minor | MUP | MUP | |
| Solar energy systems | Sec. 17.22.250, Solar Energy Systems | | |
| Transit stations and terminals | — | CUP | |
| **Agriculture and Extractive Uses** | | | |
| Mining and quarrying of nonmetallic minerals | — | CUP[7] | |
| Wineries, large | — | CUP[8] | |
| **Public/Institutional Uses** | | | |
| Colleges and trade schools | CUP | — | |
| Community assembly | CUP | — | |
| Day care facility | | | |
| *Seven or more persons* | CUP | — | |
| *Six or fewer persons* | MUP | — | |
| Government offices | CUP | CUP | |
| Hospitals and clinics | P | — | |
| Instructional Services | — | P | |
| Low barrier navigation center | P | — | |
| Parking facilities | CUP | — | |
| Schools | CUP | — | |
| **Accessory Uses – See also Sec. 17.22.020, Accessory Uses** | | | |
| Accessory dwelling unit | Sec. 17.22.040, Accessory Dwelling Units | | |
| Beekeeping | | P | Sec. 17.22.070, Beekeeping |
| Caretaker residence[9] | — | MUP | |

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

**Notes:**

[1] Permitted on upper floors only.

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

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

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

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

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

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

[8] Retail sales and tasting not permitted.

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

## 17.18.030 Development Standards

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

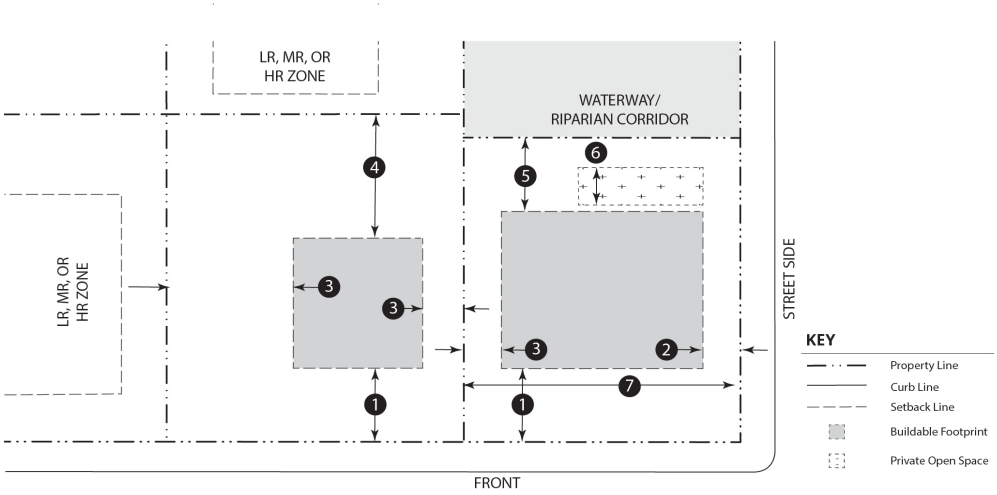



**Table 17.18.030: Development Standards – Business and Industrial Zoning Districts**

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

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

**Notes:**

[1] Landscaped setback areas count toward this requirement.

## 17.18.040 Design Standards

A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards).

B. **Residential-Mixed-Use Buildings.** Buildings where a minimum of two-thirds of the floor area of the building is residential must meet the requirements of Section 17.16.040, Design Standards for, as well as those in this Section 17.18.040. In the event of a conflict between the standards of these two Sections, the most restrictive shall apply.

C. **Design Standards in the BPO District.**

1. **Building Design.** Building design must emphasize active frontages and establish a connection to the right-of-way street.

   a. Frontages must feature at least one entry.

   b. Buildings more than 50 feet in length along a right-of-way must incorporate at least one recessed entry with a minimum depth of six feet from the front façade.

2. **Building Facades Visible from a Public Street.** Horizontal articulation must include an eave, awning, overhang, a differentiated building base, or other architectural element that articulated the building facade.

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

   a. Visually distinguish parking areas from pedestrian areas;

   b. Emphasize the building entrance and any on-site open space; and

   c. Frame the buildings ground-level windows.

4. **Fencing.** No fence in the front setback may exceed three feet in height. All other fencing outside the front setback may not exceed six feet in height.

5. **Trash Enclosures.** Trash enclosures must be covered; illuminated for nighttime security and use; and consistent in design with that of the primary structure.

6. **Parking.** Parking spaces may be paved with all-weather pervious materials, but travelways must be of concrete or asphalt.

D. **Design Standards in the I District.**

1. **Building Design.** Buildings more than 50 feet in length along a right-of-way must incorporate at least one recessed entry with a minimum depth of six feet from the front façade.

2. **Building Facades Visible from a Public Street.** Horizontal articulation must include an eave, awning, overhang, a differentiated building base, or other architectural element that articulated the building facade.

3. **Front and Street Side Setback Improvements.** Where front or street side setbacks are provided, these areas must:

   a. Visually distinguish parking areas from pedestrian areas;

   b. Emphasize the building entrance and any on-site open space; and

   c. Frame the building's ground-level windows.

4. **Required Screening abutting a Non-Industrial District.**

   a. ***Abutting all Residential Districts.*** Where abutting a residential district, an eight-foot opaque, landscaped, soundproofed wall is required.

   b. ***Abutting all Non-Industrial and Non-Residential Districts.*** Where abutting a non-industrial or non-residential district, an eight-foot opaque landscaped fence or wall is required. The eight-foot screening element need not be located on the property line.

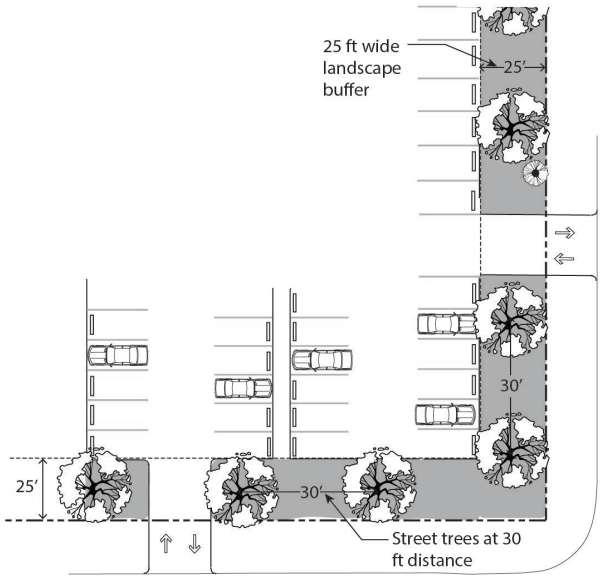
5. **Landscaped Buffer.** In addition to the requirements of Table 17.18.030: Development Standards – Business and Industrial Zoning Districts, landscape requirements for buffer areas are as follows:

   a. A landscaped buffer at least 25 feet in width with street trees at 30 ft on center is required along all street frontages.

   b. Trees shall be at least 15-gallon size at time of planting; and

   c. Ground cover must be installed under trees and maintained in accordance with approved plans.

**Figure 17.18.040.A, Landscape Buffer**




6. **Fencing.** No fence in the front setback may exceed three feet in height. All other fencing outside front setback may not exceed eight feet in height.

   a. An eight-foot opaque landscaped fence or wall (side/rear setback) is required where abutting a non-industrial zone. If a residential zone abuts the property 6.b applies;

   b. An eight-foot opaque, landscaped, soundproofed wall is required where abutting a residential zone.

7. **Parking and Loading.**

   a. Off-street parking is not permitted in the required front setback. If a property is located in the Highway 29 Specific Plan area, the parking site design must comply with the standards of the Specific Plan if more restrictive.

   b. Parking spaces may be paved with all-weather dust-free pervious materials, but travelways must be of concrete or asphalt.

   c. No loading/unloading may be conducted in a public right-of-way.

   d. There must be at least one off-street loading space per use. Additional loading dock and truck standing requirements must be based on proposed uses and must ensure that trucks will not block traffic or obstruct on-street parking spaces. Additional requirements may be specified as a condition of a Conditional Use Permit.

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

9. **Other Standards.**

   a. An interior fire sprinkler system approved by the Chief Building Official must be installed in all buildings.

   b. One-hour minimum fire-resistant construction on all exterior walls within 10 feet of all property lines must be installed. Fire resistant construction of interior walls shall be determined by type of occupancy and approved by the Chief Building Official.

   c. Low flow (water restricting) plumbing devices shall be installed.

# Chapter 17.19 Community Agricultural and Natural Resource Districts

## 17.19.010 Purpose and Applicability

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

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

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

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

## 17.19.020 Use Regulations

**Table 17.19.020, Use Regulations – Community Agriculture and Natural Resource Zoning Districts** lists the uses permitted, permitted with a Minor Use Permit, and permitted with a Conditional Use Permit granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zone development and design standards.

**Table 17.19.020: Use Regulations – Community Agriculture and Natural Resource Zoning Districts**

| Use Classification | *A-20* | *W* | *WW* | Additional Regulations |
|---|---|---|---|---|
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| **Residential Uses** | | | | |
| Agricultural employee housing | P/CUP[1] | P/CUP[1] | — | |
| Single-family dwelling | P[2] | P[2] | P[2] | |
| **Commercial Uses** | | | | |
| Animal care and service | | | | |
| *Animal boarding facility/kennel* | CUP | — | — | |

| Table 17.19.020: Use Regulations – Community Agriculture and Natural Resource Zoning Districts | | | | |
|---|---|---|---|---|
| **Use Classification** | ***A-20*** | ***W*** | ***WW*** | **Additional Regulations** |
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| *Veterinary clinic* | CUP | — | — | |
| **Industrial Uses** | | | | |
| Manufacturing, packaging and processing | — | CUP | — | |
| Tanks associated with winery uses | — | CUP | — | |
| Warehousing, Wholesale, and Distribution | — | CUP | — | |
| Wine warehousing | — | CUP | — | |
| **Transportation, Communications, and Utilities** | | | | |
| Public services, minor | MUP | MUP | MUP | |
| Solar energy systems | Sec. 17.22.250, Solar Energy Systems | | | |
| Telecommunication | Sec. 17.22.270, Wireless Telecommunications Facilities | | | |
| **Agricultural and Extractive Uses** | | | | |
| Animal husbandry | P/CUP[4] | — | P[5] | |
| Community garden | P | P | P | Sec. 17.22.100, Community Garden |
| Cultivated agriculture | P/CUP[6] | P/CUP[6] | P/CUP[6] | |
| Processing of agricultural products primarily produced on the premises | CUP | CUP | — | |
| Wineries, large | — | CUP | — | |
| **Accessory Uses – See also Sec. 17.22.020, Accessory Uses** | | | | |
| Accessory dwelling unit | Sec. 17.22.040, Accessory Dwelling Units | | | |
| Animal keeping | P | P | P | Sec. 17.22.060, Animal Keeping |
| Beekeeping | P | P | P | Sec. 17.22.070, Beekeeping |
| Cottage food operations | P | P | P | Sec. 17.22.110, Cottage Food Operations |
| Garages, carports, workshops, pool houses, gazebos, patio covers, and other accessory buildings and structures | P[7] | P | CUP | Sec. 17.22.030, Accessory Buildings and Structures |
| Family day care, large | CUP | CUP | CUP | |

| Table 17.19.020: Use Regulations – Community Agriculture and Natural Resource Zoning Districts | | | | |
|---|---|---|---|---|
| **Use Classification** | ***A-20*** | ***W*** | ***WW*** | **Additional Regulations** |
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| Family day care, small | P | P | P | |
| Home occupations | P | — | CUP | Sec. 17.22.130, Home Occupations |
| Roadside stands | CUP | P/CUP[3] | — | |
| Swimming pools | P | P | P | |
| Tasting room affiliated with small winery | CUP | CUP | CUP | |
| Winery event center | — | CUP | — | |
| Winery, small | CUP | CUP | — | Sec. 17.22.230, Small Wineries |
| Winery visitor center | — | CUP | — | |
| Uses accessory to a winery enclosed within a building (e.g., offices, laboratories, equipment maintenance shops, employees' eating facilities, cooperage repair shops, wine storage tanks, scales, and boiler rooms) | — | P | — | |
| Uses and equipment accessory to a winery located outdoors | — | CUP[8] | — | |

**Notes:**

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

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

[3] CUP is required where stand exceeds 200 square feet.

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

[5] Horses and cattle are not permitted.

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

[7] Plumbing and cooking facilities are not permitted.

[8] Any outdoor winery equipment or improvements proposed to be located within 400 feet of any R Zone or within 200 feet of State Highway 29, the Silverado Trail or Deer Park Road requires a CUP.

## 17.19.030 Development Standards

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

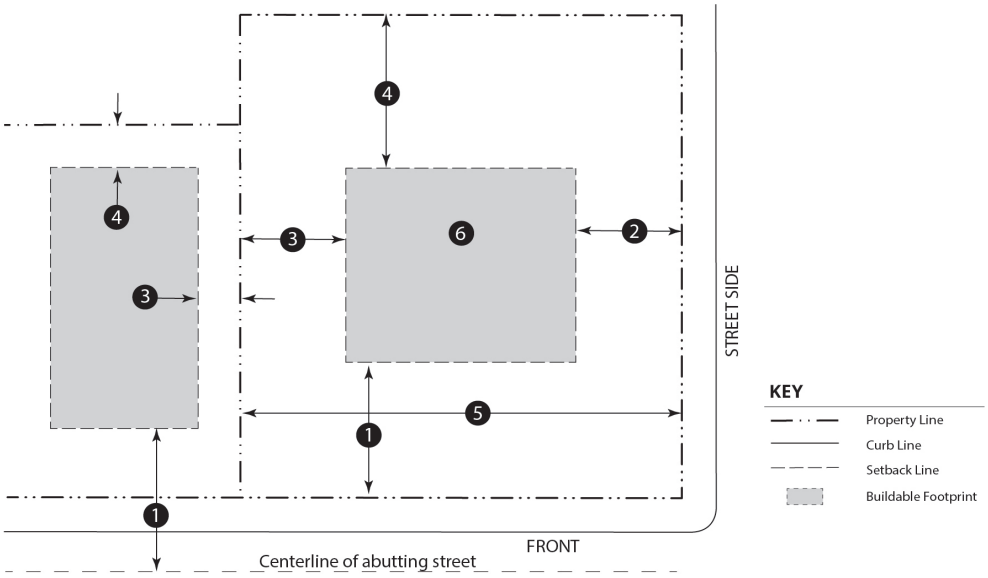



**Table 17.19.030: Development Standards – Community Agriculture and Natural Resource Zoning Districts**

| Standard | *A-20 lots < 2 acres* | *A-20 lots ≥ 2 acres* | *W* | *WW* | Key |
|---|---|---|---|---|---|
| Density | Max. 1 du/ac | Max. 1 unit/5 acres[1] | Max. 1 unit per parcel[1] | Max. 1 unit per parcel[1] | |
| Lot Size | | | | | |
| *Lot Area* | Min. 1.0 acre[2] | Min. 20 acres | Min. 20 acres | 5 - 40 acres | |
| *Lot Width* | Min. 70 ft | No min. | Min. 300 ft | 20 - 200 ft | 5 |
| Max. Lot Coverage (includes accessory structures) | 35% | 0.5 acre non-agricultural[3] | 50% | 10% or 20,000 sq ft, whichever is less | |
| Max. Ground Level Floor Area (excludes accessory structures) | 4,500 sq ft | 4,500 sq ft | none | none | 6 |

| Table 17.19.030: Development Standards – Community Agriculture and Natural Resource Zoning Districts | | | | | |
|---|---|---|---|---|---|
| **Standard** | ***A-20 lots < 2 acres*** | ***A-20 lots ≥ 2 acres*** | ***W*** | ***WW*** | **Key** |
| Max. Second Story Floor Area | none | 35% of the ground floor area | none | none | |
| Height | | | | | |
| *Principal Structure* | Max. 30 ft/2 stories | Max. 30 ft | Max. 45 ft | Max. 35 ft above natural grade | |
| *Accessory Structure* | Max. 16 ft | none | none | none | |
| Setbacks | | | | | |
| *Front Setback* | Min. 20 ft for structures ≤25 ft; min. 30 ft for structures >25 ft | Min. 50 ft, measured from the centerline of abutting street | Min. 100 ft | 20-50 ft or 10% of lot depth, whichever is lesser | ❶ |
| *Street Side Setback* | Min. 20 ft for structures ≤25 ft; min. 30 ft for structures >25 ft | Min. 50 ft, measured from the centerline of abutting street | Min. 50 ft | 20-50 ft or 10% of lot width, whichever is lesser | ❷ |
| *Interior Side Setback* | Min. 10 ft for structures ≤25 ft; min. 15 ft for structures >25 ft | Min. 20 ft | Min. 50 ft | 20-50 ft or 10% of lot width, whichever is lesser | ❸ |
| *Rear Setback* | Min. 20 ft for structures ≤25 ft; min. 30 ft for structures >25 ft | Min. 20 ft | Min. 75 ft | 20-50 ft or 10% of lot depth, whichever is lesser | ❹ |
| *Min. Setback from Abutting Waterway* | Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways. | | | | |
| Landscape and Open Space | | | | | |
| *Max. Paved/ Hardscaped Area* | 25% of front setback area | 0.5 acre[3] | none | none | |
| *Min. Landscaped Area*[4] | 40% of lot area | none | none | none | |
| *Required Buffer Abutting Agricultural Use* | A landscaped buffer min. 15 ft width with street trees at 30 ft on center | none | none | none | |

| Table 17.19.030: Development Standards – Community Agriculture and Natural Resource Zoning Districts | | | | | |
|---|---|---|---|---|---|
| **Standard** | ***A-20 lots < 2 acres*** | ***A-20 lots ≥ 2 acres*** | ***W*** | ***WW*** | **Key** |

**Notes:**

[1] Density excludes agriculture employee housing.

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

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

[4] Landscaped setbacks areas count toward this requirement.

## 17.19.040 Supplemental Standards

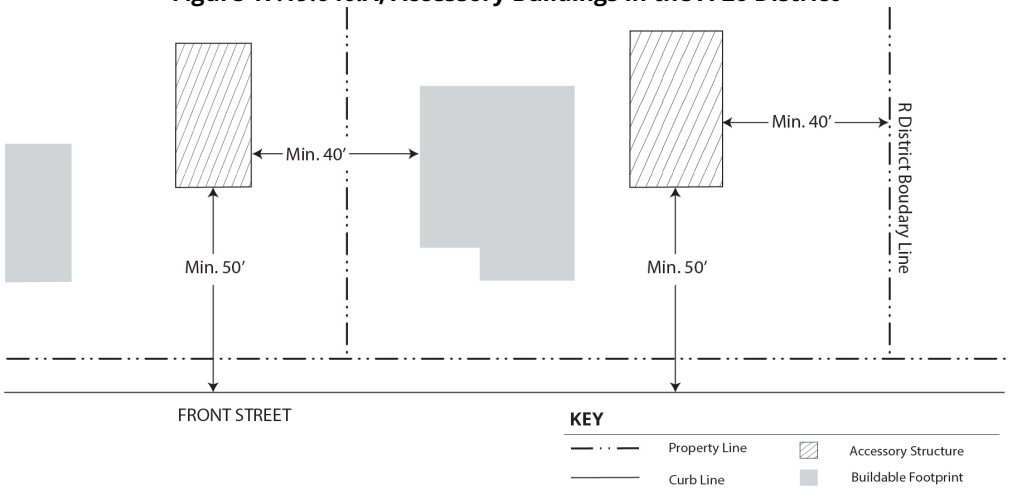
A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.

B. **Design in the A-20 Districts.**

1. ***Residential Design Standards.*** All residential development is subject to the standards of Section 17.16.040.A, Design Standards for All Residential Development Types.

2. ***Accessory Buildings in the A-20 District.*** Barns, stables, chicken houses and similar accessory buildings must be placed not less than 50 feet from a street, nor less than 50 feet from any dwelling on an adjacent parcel or R District boundary line.

**Figure 17.19.040.A, Accessory Buildings in the A-20 District**




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

1. All wine storage tanks and surface winery waste treatment facilities shall be subject to the standards in Table 17.19.030, Development Standards – Community Agriculture and Natural Resource Zoning.

2. No use authorized under the provisions of this Chapter shall be permitted where use, occupancy or patronage will exceed the capability of the site to provide off-street parking, waste disposal system and reasonable provisions for public safety.

3. Retail sales and food and drink facilities must be integrated with a visitor center, and no advertising or other exterior evidence of such use shall be visible from any public right-of-way.

4. Winery operations shall generate sound levels no greater than 55 decibels at any property line more than 10 percent of the time (L 10). "L 10" is the noise level at the property line that is exceeded 10 percent of the operating time.

5. Winery operations shall generate no discernible odors of sewerage or putrefying organic material origin, other than normal fermentation odors, at the property lines.

6. Bottling, warehousing and retail sales activities shall be conducted within structures specifically designated for such uses.

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

1. All clearing and earthmoving must be conducted in compliance with an erosion control plan as prepared by a registered Civil Engineer and approved by the City Engineer.

2. No disturbance of definite or suspected landslides or soil creep areas is permitted, as identified on maps produced by United States Geological Survey (USGS) or on any other more detailed study prepared by properly credentialed professionals and reviewed by the City's Geotechnical Consultant.

3. No disturbance of, or development within, riparian areas within 100 feet of intermittent or perennial streams noted on USGS maps is permitted.

4. No earth movement on slopes in excess of 30 percent is permitted. An exception may be granted by the City Engineer for minor trenching and backfilling for the installation of utilities and for temporary, nongraded access for construction purposes where no trees or substantial vegetation will be removed and where the surface will be recontoured to previous condition and revegetated according to the erosion control plan. Applications for an exception must include submittal of a construction plan for the equipment to be installed, a plan for the maintenance of that equipment, a soils and slope stability analysis prepared by a Geotechnical Engineer, an erosion control plan pursuant to subsection D.1, and a revegetation plan, utilizing native plant species, for the area that will be disturbed by the earth movement. Prior to granting an exception, the City Engineer must find that the project does not have potential for creating significant erosion problems. A performance bond must be required and held by the City for one year after completion of the project to ensure that the recontouring and revegetation were properly installed.

5. No buildings (other than water tanks, which must be screened) maybe constructed within 100 feet of the primary ridgeline on any parcel. The intent of this Section is to reduce the visual impact of buildings that would obscure public views of the most prominent ridgeline on each property, without precluding the opportunity of the property owner to site a building that could attain a view. In implementing this Section, the Planning Commission must adopt a finding that the approved plan balances the

owner's interest in attaining a view against the City's interest in preventing the obstruction of scenic views.

6. Water and sewer systems will be constructed and maintained, at the applicant's expense, to meet such standard as may be adopted by ordinance of the City Council, or in the absence of such to the satisfaction of the City Engineer. If individual and/or private water and/or sewage systems are proposed, prior approval must be obtained from the Napa County department of environmental management.
7. The fuel loading within 50 feet of the building or building envelope must be maintained at a level not to exceed such standard as may be adopted by the City Council.
8. New roads/common drives/driveways must be maintained so as to guarantee all of the following:
    a. Safe two-way year-round passage of emergency vehicles, as defined in St. Helena Access Road Standards, as adopted by the City Council.
    b. Erosion from road cuts/fills must not exceed such standard as specified in an erosion control plan approved by Napa County Resource Conservation District, pursuant to ordinance adopted by the City Council, or in the absence of such, to the satisfaction of the City Engineer.
    c. Dust creation must be minimized and must not exceed such standard as may be adopted by ordinance of the City Council.
    d. Earth movement must not obstruct or obliterate circulation improvements.
    e. Grading must occur between April 1st and October 15th unless approved otherwise by the City Engineer.
9. Emergency vehicle access must be constructed and maintained, at the applicant's expense, to allow interconnection with nearby roads.
10. Roofing materials must be noncombustible. See the Fire Code for sprinkler and water supply requirements.

# Chapter 17.20 Public and Open Space Districts

## 17.20.010 Purpose and Applicability

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

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

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

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

## 17.20.020 Use Regulations

**Table 17.20.020, Use Regulations – Public and Open Space Zoning Districts** lists the uses permitted, permitted with a Minor Use Permit granted by a staff-level review, and permitted with a Conditional Use Permit granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zone development and design standards.

**Table 17.20.020: Use Regulations – Public and Open Space Zoning Districts**

| Use Classification | *PQP* | *PR* | *OS* | Additional Regulations |
|---|---|---|---|---|
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| **Residential Uses** | | | | |
| Caretaker residence | — | MUP[1] | — | |
| **Commercial Uses** | | | | |
| Funeral homes and mortuaries | CUP | — | — | |
| **Transportation, Communications and Utilities** | | | | |
| Helipad | CUP | — | — | |
| Public services, major | CUP | — | — | |
| Public services, minor | MUP | MUP | MUP | |
| Solar energy systems | Sec. 17.22.240, Solar Energy Systems | | | |

| Table 17.20.020: Use Regulations – Public and Open Space Zoning Districts | | | | |
|---|---|---|---|---|
| **Use Classification** | ***PQP*** | ***PR*** | ***OS*** | **Additional Regulations** |
| "P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed | | | | |
| Telecommunication | Sec. 17.22.270, Wireless Telecommunications Facilities | | | |
| **Agricultural and Extractive Uses** | | | | |
| Community garden | CUP | CUP | — | Sec. 17.22.100, Community Garden |
| Gravel mining operations[2] | — | — | CUP | |
| **Public/Institutional Uses** | | | | |
| Amphitheater | CUP | CUP | — | |
| Cemeteries | CUP | — | — | |
| Colleges and trade schools | CUP | — | — | |
| Community assembly | CUP | — | — | |
| Cultural institution and museum | CUP | CUP | — | |
| Government offices | CUP | | — | |
| Recreational facilities, active | — | CUP | — | |
| Recreational facilities, passive | — | P | CUP | |
| Schools | CUP | CUP | — | |
| Wildlife sanctuaries | — | P | P | |
| **Accessory Uses – See also Sec. 17.22.020, Accessory Uses** | | | | |
| Beekeeping | P | P | P | Sec. 17.22.070, Beekeeping |

**Notes:**

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

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

## 17.20.030 Development Standards

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

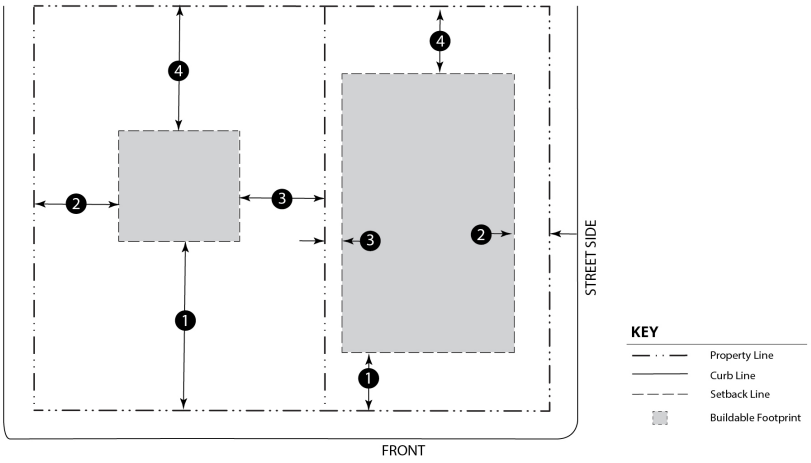



**Table 17.20.030: DEVELOPMENT STANDARDS –Public and Open Space Zoning Districts**

| Standard | *PQP* | *PR* | OS | Key |
|---|---|---|---|---|
| Floor Area Ratio | 0.15-0.5 | None | None | |
| Max. Lot Coverage | 50% | 50% | 10% or 20,000 sq ft, whichever is less | |
| Max. Building Height | 30 ft | 30 ft | 30 ft | |
| Setbacks | | | | |
| *Front Setback* | 15 ft | 75 ft | 35 ft | ❶ |
| *Min. Street Side Setback* | 10 ft | 50 ft | 20 ft | ❷ |
| *Min. Interior Side Setback* | 10 ft | 50 ft | 10 ft | ❸ |
| *Min. Rear Setback* | 15 ft | 75 ft | 40 ft | ❹ |
| *Min. Setback from Abutting Waterway* | Min. 50 ft from top of bank of Napa River; min. 20 ft from top of bank of all other waterways. | | | |

## 17.20.040 Supplemental Standards

A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.

B. **Trash Enclosures.** Unless specifically waived by the design review process, all projects must have a trash enclosure constructed of opaque materials and sufficiently sized to permit the

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

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

# Chapter 17.21 Overlay Districts

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

**Table 17.21.A: Overlay Zoning Districts**

| Abbreviation | Name |
|---|---|
| FP | Flood Plain Overlay |
| MHP | Mobile Home Park Overlay |
| PED | Parking Exemption District |
| HP | Historic Preservation Overlay |
| PD | Planned Development Overlay |

## 17.21.010 Flood Plain Overlay (FP)

A. **Purpose.** This Section identifies and designates areas subject to flooding and to provide protection against flood damage for uses and service facilities in these areas by requiring proper design at the time of initial construction. In any zoning district which is combined with an FP Overlay District, the regulations of this Section must apply in addition to those specified for the zone. If any conflict in these regulations occurs with other provisions of this Title or any other ordinance or resolution of the City, the regulations of this Section govern.

B. **Applicability.** The provisions of this Section apply within any area designated as within the 100-year Flood Plain Overlay area as shown on Federal Emergency Management Agency (FEMA) maps and the General Plan Safety Element on file with the City's Community Development Department.

C. **Prohibited Uses.** The following uses are prohibited within the Flood Plain Overlay District: hospitals; health care facilities, emergency shelters; fire stations, telecommunication facilities, emergency command centers; and emergency communications facilities.

D. **Buildings and Construction Requirements**. New construction or replacement of existing construction is subject to the standards of St. Helena Municipal Code Chapter 15.52, Flood Damage Prevention.

E. **Setback Standards:** No development, grading, or agricultural planting shall encroach within the setback standards noted below, as measured from the top of the bank:

1. Napa River: 50 feet
2. Sulphur Springs Creek: 20 feet

F. **Design Standards.** The following standards apply to development within the Flood Plain Overlay District.

1. ***Utilities.*** New or replacement water supply systems and/or sanitary sewer systems must be designed to minimize or eliminate infiltration of flood waters into the systems

and discharges from the systems into flood waters. On-site waste disposal systems must be located to avoid impairment of water supply systems and/or sanitary sewer systems or contamination from them during flooding.

2. ***Riparian Area Protection.*** To minimize disturbance to the waterway and vegetation, on the edge of the applicable waterway setback the project applicant shall erect a minimum four-foot-high construction fence prior to the issuance of a grading permit. The fence shall stay in place until a certificate of occupancy is issued.

G. **Building Permits.**

1. No person must commence, authorize, or cause to be commenced any erecting, constructing, enlarging, altering, repairing, improvising, moving or demolishing of any building or structure without first obtaining a separate building permit for each building or structure from the Chief Building Official.

2. All building permit applications for major repairs must be reviewed by the Chief Building Official to determine that the proposed repair:

   a. Uses construction materials and utility equipment that are resistant to flood damage; and

   b. Uses construction methods and practices that will minimize flood damage.

3. All building permit applications for new construction or substantial improvements must be reviewed by the Chief Building Official to assure that the proposed construction (including prefabricated and mobile homes):

   a. Is protected against flood damage;

   b. Is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;

   c. Uses construction materials and utility equipment that are resistant to flood damage; and

   d. Uses construction methods and practices that will minimize flood damage.

4. ***Exemption.*** Building height within the Flood Plain Overlay District must be measured from the flood elevation rather than natural grade.

H. **Subdivisions.** All subdivision proposals and other proposed new developments must be reviewed by the City Engineer to assure that:

1. All such proposals are consistent with the need to minimize flood damage;

2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

## 17.21.020 Mobile Home Park Overlay (MHP)

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

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

1. An application for a Zoning Map amendment (rezoning) to combine the MHP Overlay and a Residential Zoning District and for Conditional Use Permit approval for a mobile home park must be filed simultaneously with the Community Development Department. The Zoning Map amendment and the Conditional Use Permit will be considered simultaneously by the Approval Authority.

2. The application for the Conditional Use Permit must include, in addition to the requirements of Chapter 17.05, Planning Permits and Approvals, the following:

a. A site sketch indicating the location of the proposed park in relation to the surrounding area or region.

b. The park name, date, north point, scale, and sufficient boundaries to define the proposed acreage of the site.

c. The number of proposed mobile home spaces.

d. Names and addresses of record owner, engineer, or surveyor.

e. Location, names, and present width and grades of adjacent or abutting streets.

f. Existing topography and proposed changes, including trees, rock formations and other unusual features of the site, and at least one 100 feet beyond its boundaries. Individual trees with a diameter of more than eight inches, measured 24 inches above existing grade, must be identified by type, circumference, and dripline. Any trees proposed for removal must also be indicated. Contour lines must have the following intervals:

i. One-foot contour intervals for a ground slope less than 5 percent;

ii. Two-foot contour intervals for a ground slope between 5 and 10 percent; and

iii. Five-foot contour intervals for a ground slope greater than 10 percent.

g. Approximate location of all areas subject to inundation of storm water overflow, and location, width, and direction of flow of all watercourses.

h. Approximate width and location of all existing easements.

i. Approximate dimensions of all mobile home spaces, radii of all curves and central angles.

j. Location of all existing structures identified by type and indicating which are proposed to be removed and which will remain.

k. Location of building setback line from each stream or river on the site, if applicable.

l. Location of existing overhead utility lines and poles on site and on peripheral streets.

C. **Uses Permitted**. The following uses are permitted in the Mobile Home Park Overlay district:

1. The installation of mobile homes that meet all applicable federal and State regulations.

2. Accessory structures in accordance with California Code of Regulations, Title 25, Division 1, Chapter 2, Article 9.

D. **Conditional Uses.** Changes to approved uses within mobile home parks require a Conditional Use Permit approval subject to Chapter 17.05, Planning Permits and Approvals.

E. **Development Standards.**

1. Mobile home park development within the City must comply with all applicable federal and State regulations.

2. Screening must enclose the mobile home park at its street side setback lines and must be located along all other property lines.

3. Vehicle parking and access must be consistent with Chapter 17.26, Parking and Loading.

4. All setbacks must be landscaped with plant materials, equipped with sprinklers and adequately maintained in accordance with Section 17.25, Landscaping.

5. All mobile homes must be on a permanent foundation.

F. **Enforcement.**

1. The Mobile Home Park Overlay regulations are intended to complement and be subordinate to state law. The state law governing manufactures home parks is entitled the "Mobilehome Parks Act" and may be found in Division 13, Parts 2.1 and 2.3 of the California Health and Safety Code. Mobile home park regulations are contained in the California Code of Regulations, Title 25, Division 1, Chapters 2 and 2.2. The City does not assume responsibility for the enforcement of the regulations contained therein and all mobile home parks within the City remain subject to the jurisdiction of the California Housing and Community Development Department in its role as the enforcement agency for the above described state laws. Nothing contained in this Section must be construed to abrogate, void or minimize such other pertinent regulations and all pertinent State and City regulations concerning the development and operation of mobile home parks must be observed.

2. Mobile homes located within areas of special flood hazard are required to be in compliance with St. Helena Municipal Code Chapter 15.52, Flood Damage Prevention.

## 17.21.030 Parking Exemption District (PED)

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

B. **Standards.** All existing on-site parking within the Parking Exemption District must be maintained.[1]

## 17.21.040 Historic Preservation Overlay (HP)

A. **Purpose.** This Section is intended to safeguard the historic and architectural character of St. Helena by recognizing and preserving significant historic and cultural resources in the Historic Preservation (HP) Overlay zone. It establishes design standards for the preservation and rehabilitation of historically and culturally significant resources as well as standards to ensure new development in the Historic Preservation Overlay zone is architecturally compatible.

B. **Applicability.** The provisions of this Section apply to parcels included in the Historic Preservation (HP) Overlay as shown on the City of St. Helena Zoning Map on file with the City of St. Helena, including those properties on the City's Historic Resources List (Local Register), properties designated as a local historic district, and properties designated as an historic resource.

C. **Review for Compliance.** All infill development proposals in the Historic Preservation Overlay District are subject to Design Review approval by the Planning Commission.

D. **Standards for Preservation.** This Section establishes standards for the preservation of historic structures within the City.

1. ***Purpose.*** These standards implement the General Plan's policies related to the preservation and adaptive reuse of officially designated historic resources throughout the City and of structures having potential historical value within the City's Historic Preservation Overlay zone.

2. ***Applicability.*** These standards must be utilized during the development/design review process as criteria against which to review exterior modifications within the Historic Preservation Overlay district requiring administrative or discretionary approval. The Secretary of Interior's Standards for Rehabilitation in subsection E provide further detail on the treatment of historic properties.

3. ***Preservation and Rehabilitation of Existing Structures.*** In general, preservation and rehabilitation efforts must aim toward protecting the essential architectural features of a structure that help to identify its individual style and thereby further its contribution to the historic character of the surrounding neighborhood.

[1] Upon completion of a Downtown Parking Study, this section of the code will be amended to reflect any new standards or in lieu fee.

a. *General Rehabilitation Principles.*

i. Historic structures should be recognized for their own time and style. Rehabilitation should not try to create a preconceived concept of history, but should reuse existing or appropriate features.

ii. Rehabilitation of historic structures should retain and restore original elements first. If damage or deterioration is too severe, the element should be recreated using original materials to match the color, design, texture, and any other important design features.

iii. When replacement is necessary and original material cannot be obtained, substitution material should incorporate the color, design, and texture that conveys the visual appearance of the original material.

iv. The proposed alteration must reflect the original building exterior and site design features as determined from an early photograph, original building plans, or other evidence of original building features. This includes building and site design materials and colors, including walls, fences and roofing.

b. *Doors.*

i. The front door of a historic structure must fit the particular style of the structure. The shape, size, and style of doors are important features of all historical architectural styles and the original design/type must be maintained.

ii. Repair rather than replace original doors whenever possible. When replacement is necessary, the replacement door must match the original design and materials as close as possible.

iii. If the original door is missing, appropriate design and materials must be selected by studying the doors of similar structures in the surrounding neighborhood or consulting books on architectural styles.

c. *Exterior Materials.*

i. The original exterior building materials must be retained whenever possible. It is not desirable to use mismatched materials of different finishes, shapes, sizes, or textures.

ii. Structures with original wood siding must not be stuccoed in an attempt to modernize their appearance. Likewise, plastic shingles must not be used to replace wood siding or shingles.

iii. Original siding materials must not be covered over, cladded or replaced with a different material.

iv. Brick surfaces must not be sandblasted in an attempt to remove old paint. Sandblasting damages the natural fired surface of the brick, and causes it to lose its water repellent qualities. Also, mechanical grinders

must not be used to remove mortar as this can damage the brick surrounding the joint.

v. Nondurable contemporary substitute materials, such as vinyl siding and foam trim are not acceptable.

d. *Ornamentation and Trim.*

i. Authentic decoration and trim on a structure provides the character defining features and identifies the structure with its particular architectural style. Original architectural elements such as cornices, moldings, and trim must not be removed.

ii. Deteriorated architectural features shall be repaired rather than replaced wherever possible. If replacement is necessary, new materials shall match the original in design, color, texture, and other visual qualities. If the original was painted, the substitute materials shall be painted as well.

e. *Porches and Stairs.* During rehabilitation efforts, the design integrity of the front porch must not be compromised. Front porches must not be enclosed with walls or windows.

f. *Roofs.*

i. Roofing must be watertight and utilize roofing materials that are compatible with the original style of the structure. When replacement is necessary roofing materials must be selected that are appropriate to the structure's architectural style.

ii. Roof form and eave details, such as rafter tails, vents, parapets, dormers, and other architectural features, must be preserved. When repairing or altering a roof, the original roof pitch and orientation to the street must be maintained.

iii. It should be recognized that fire safety requirements may preclude reroofing a structure in its original material. The determination of what material to use for the replacement of wood shingles or shakes in historic structures must be based on compatibility with the colors and materials used elsewhere on the structure.

g. *Windows.*

i. The shape, size, and style of windows are an important feature of architectural styles and the original type window must be maintained.

ii. When window replacement is necessary, it is recommended that the new window be an exact match of the original.

iii. Proportions of existing window openings and the pattern of existing window sashes must be maintained in replacement work.

iv. Aluminum or plastic frame windows must not be used as replacements on any part of an historic structure without justification.

The use of such materials is highly visible and the contrast of materials and styles can permanently affect the architectural integrity of the structure. The use of traditional materials is preferred treatment.

v. Where the original structure includes transom windows in the St. Helena Historic Commercial District, this traditional storefront must be retained. If the ceiling inside the structure has been lowered, the ceiling must be stepped up to meet the transom so that light will penetrate the building interior.

4. ***Additions to Existing Structures.*** Additions to historic structures may be necessary to ensure their continued use. Modifications (e.g., additions, new entrances and exits, parking facilities, handicap facilities, and seismic strengthening) must be made with care so as not to compromise a structure's character defining features, finishes, or materials.

a. *Site Plan Considerations.* Additions must be carefully placed to minimize changes in the appearance of the structure from the public right-of-way. Whenever possible, additions must be placed to the side or rear of the structure and must not obstruct the appearance of the structure from the public right-of-way.

b. *Architectural Compatibility.*

i. Additions to historically valuable structures should incorporate the architectural features of the original structures including:

(a) Door and window shape, size, and type;

(b) Exterior materials;

(c) Finished floor height; and

(d) Roof material, pitch, and style.

ii. Refer to the rehabilitation standards, subsection 3, Preservation and Rehabilitation of Existing Structures, for discussion of appropriate exterior doors, porches, wall materials, windows, etc.

c. *Roof Pitch and Style.*

i. The roof of a structure, especially its pitch and style, is an important architectural element that must be taken into consideration when planning an addition.

ii. Whenever possible, the pitch and style on the addition must match the original.

iii. Roof materials must be compatible to the existing building.

d. *Second-Story Additions.*

i. Because adding an additional story to an existing structure will always change the structure's proportions, such additions must be carefully

designed to follow similar two-story examples of the particular style that may be found in the surrounding neighborhood.

ii. To minimize the visibility of the second story addition from the public right-of-way, the addition must be stepped back behind the existing roof ridge.

5. ***Review for Compliance.***

a. Rehabilitation projects that do not expand the existing building or structure and which are consistent with the standards of the Historic Preservation Overlay may be approved administratively by the Community Development Department.

b. Rehabilitation projects which are inconsistent with the standards of the Historic Preservation Overlay require Design Review by the Planning Commission, as established in Section 17.05.070, Major Design Review.

c. All new construction or additions that are visible from the public right-of-way or more than a 25 percent increase of the existing floor area of the primary structure require Major Design Review by the Planning Commission, as established in Section 17.05.070, Major Design Review.

E. **Secretary of Interior's Standards.** The Secretary of the Interior's Standards for Rehabilitation are 10 basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable changes to meet new needs. These standards are mandatory for listed buildings.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic material shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

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

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

1. ***Purpose.*** These standards are intended to encourage new infill development in the Historic Preservation Overlay district to be compatible in scale and treatment with the existing, older development and to maintain the overall historic character and integrity of the community. At the same time, these standards are intended to promote the visual variety that is characteristic of St. Helena, to allow for contemporary architectural designs, and to provide reasonable flexibility in accommodating the tastes, preferences and creativity of applicants proposing new development, especially individual single-family homes.

2. ***Standards for Compatibility.*** New construction within the Historic Preservation Overlay must be designed to maintain any unifying development patterns such as setbacks, building coverage, building height, degree of transparency, eave depth, and orientation to the street. When new structures are developed adjacent to older single-family residences, there are concerns that the bulk and height of the infill structures may have a negative impact on the adjoining smaller-scale structures. The following standards are intended to address this concern:

a. *Site Plan Considerations.*

i. New development must continue the functional, on-site relationships of the surrounding neighborhood or district. For example, common patterns that must be continued are entries facing the public right-of-way, front porches, and garages/parking areas located at the rear of the parcel.

ii. Front setbacks for new infill development must follow either of the following criteria:

(a) Equal to the average front setback of all residences on both sides of the street within 100 feet of the property lines of the new project; or

(b) Equal to the average front setback of the two immediately adjoining structures on each side of the new project.

iii. In cases where averaging between two adjoining existing structures is chosen, the new structure may be averaged in a stepping pattern. This method can work especially well where it is desirable to provide a large front porch along a portion of the front facade.

b. *Architectural Considerations.*

i. New infill structures must support the distinctive architectural characteristics of development in the surrounding neighborhood or district, including building mass, scale, proportion, decoration/detail, door and window spacing/rhythm, exterior materials, finished-floor height, porches, and roof pitch and style.

ii. Because new infill structures are likely to be taller than one story, their bulk and height can impose on smaller-scale adjoining structures. The height of new structures must be considered within the context of their surroundings. Structures with greater height should consider providing greater setbacks at the second-story level, to reduce impacts (e.g., blocking or screening of air and light, privacy, etc.) on adjoining single-story structures.

iii. The incorporation of balconies and porches is encouraged for both practical and aesthetic reasons. These elements must be integrated to break up large front facades and add human scale to the structures.

iv. The proper use of building materials can enhance desired neighborhood qualities (e.g., compatibility, continuity, harmony, etc.). The design of infill structures must incorporate an appropriate mixture of the predominant materials in the surrounding neighborhood whenever possible. Common materials are brick, horizontal siding, shingles, stone, stucco, and wood.

v. Color schemes for infill structures must consider the color schemes of existing structures in the surrounding neighborhood or district in order to maintain compatibility and harmony. Avoid sharp contrasts with existing building colors.

vi. New structures which are wider that the traditional width must be designed to read as smaller modules reflecting the traditional building widths.

vii. Building heights must remain within 20 percent of the average height of adjacent buildings.

viii. Design of new development must reflect the horizontal elements of adjacent buildings. Horizontal elements may include an alignment of window frames, roof lines, facades and clear distinction between first floors and upper floors.

c. *Single-Family Residences.*

i. Use materials and building components in sizes that are typical of the historic building stock. This may include wood siding (in a lap dimension of no greater than 4-1/2 inches), vertical siding, or natural stone foundations no taller than 12 inches.

ii. Foundation and floor-to-ceiling heights must be aligned within one foot of floor to ceiling heights on adjacent buildings.

iii. Historic architectural styles (e.g., craftsman, Victorian, bungalow, etc.) are not mandated. However, contemporary architectural treatments proposed for new residences must complement and not detract from the qualities of the historic overlay district and the neighborhood setting of the proposed development.

iv. To the extent that a proposed residence is not readily visible from a public street, other public vantage point, or a significant historic resource, greater design flexibility must be allowed.

d. *Sustainable Construction Techniques.*

i. Building forms that reduce energy use may be radically different than traditional architectural types. Careful and sensitive design is required in order to produce a contrast that is pleasing rather than jarring. The use of appropriate colors and textures on exterior materials is one method of linking a contemporary building design to a traditional neighborhood context.

ii. Roof gardens, solar panels, and other sustainable construction features must be fully integrated into the design of new construction, rather than applied at the conclusion of the design process.

e. *Accessory Structures.*

i. New accessory structures (e.g., garages, second units, sheds, etc.) that are visible from the public right-of-way must incorporate the distinctive architectural features (e.g., color, materials, roof pitch and style, etc.) of the main structure.

ii. Design features must be applied with less detail on the accessory structure so that it does not compete with the main structure and is clearly subordinate to it.

G. **Use of California Historic Building Code.** The property owner of a property within Historic Preservation Overlay District may elect to use the California Historic Building Code for alterations, restorations, new construction, removal, relocation, or demolition of a designated Historic Resource provided the building official determines that such use of the code does not endanger the public health or safety, and such action is necessary for the continued preservation of an Historic Resource.

## 17.21.050 Planned Development Overlay (PD)

A. **Purpose.** The Planned Development Overlay (PD) district recognizes the advantage that integrated community planning offers over conventional zoning techniques in implementing the General Plan goals. The PD Overlay district in St. Helena is specifically envisioned as a mechanism to preserve and/or create distinctive, high-quality single or mixed-use developments that meet or exceed the goals of the General Plan. The provisions of the PD Overlay district are intended to:

1. Implement the goals, objectives, and policies of the General Plan and the Zoning Code;
2. Provide for greater flexibility in the design of the developments than is otherwise possible through the strict application of zone regulations;
3. Encourage preservation of existing amenities and creation of new amenities;
4. Provide for a variety of housing types and densities;
5. Reduce environmental impacts;
6. Achieve superior relationships among uses, both within and surrounding the district;
7. Promote innovation, creativity and design excellence in building design and development concepts; and
8. Promote the development of a cohesive, high-quality and aesthetically pleasing urban structure.

B. **Standards and Requirements.** The following regulations shall apply within PD Overlay districts, which shall also be subject to other provisions of this article, except that where a conflict in regulation occurs, the requirements specified in the approved PD Overlay district shall apply.

1. ***Area.*** The minimum area on which a PD Overlay district may be established is one acre of contiguous land. However, a PD Overlay district may be established for an area of less than one contiguous acre upon a finding that the property is suitable as a PD Overlay district by virtue of its relationship to adjacent parcels and their development plans (existing or proposed), unique historical character, topography, landscaping features, or by virtue of being a unique or isolated problem area.
2. ***Land Use.*** A single land use or multiple land uses permitted in any other district may be permitted in the proposed PD Overlay district, provided the use or uses are compatible with each other and serve to fulfill the purpose of the proposed development while complying with the General Plan.
3. ***Development Standards.*** Standards for lot area, building coverage, building height, setback requirements, minimum open space area, sign placement and design, off-street parking, landscaping, and screening for the proposed development shall be established for the PD Overlay district and shall prevail over the development standards of the base district zoning of the property. No structure or improvement shall be constructed within the PD Overlay district except in compliance with all provisions of the adopted PD Overlay district. Each structure or improvement shall be

constructed and maintained in strict compliance with all conditions of the PD Overlay district.

4. ***Parks and Open Space.*** Land designated as parks and/or open space shall be conveyed, at the option of the City, to one of the following:

   a. Trustees provided in an indenture establishing an association of property owners or similar organization, subject to covenants running with the land, satisfactory to the City Attorney, which restrict the open space in a manner that assures its continuing use for its intended purpose, and which provide a legal means for the City to enforce these provisions; or

   b. The City of St. Helena in a manner satisfactory to the City Council.

5. ***Rights-of-Way.*** The streets, bike paths, and pedestrian ways within and bordering a PD Overlay district shall be offered for dedication to the City. Standards for public improvements shall be governed by applicable regulations and laws of the City or shall be as established by the City Public Works Department for the development under consideration.

6. ***Other Standards.*** Where the PD Overlay district is silent regarding particular development standards, the development standards of the applicable base zone shall apply.

7. Departures from standards ordinarily required in other districts and permitted in the initial approval of a PD Overlay district shall not be considered as precedent-setting in terms of other applications that may be brought before the City.

C. **Initiation.** An application for a PD Overlay designation may be initiated the City Council, Planning Commission, Community Development Director, or the owner or authorized agent of the owner of the property in compliance with Chapter 17.07, Amendments to the Zoning Map and Text.

D. **Application Requirements.** An application for a PD Overlay designation shall be accompanied by:

1. A written and/or diagrammatic project description that provides sufficient information to evaluate the merits of the proposed zoning. Application requirements shall be in accordance with the project application submittal requirements as determined by the Community Development Director. In addition, an application for a PD Overlay district shall include the following items:

   a. A site features map depicting the existing topography, structures, and natural features, including areas of significant vegetation. Properties within 300 feet of the site shall be included on the site features map.

   b. The description of the infrastructure necessary for each phase of the proposed project.

   c. A statement as to how a proposed residential project will comply with the City's inclusionary housing requirements.

   d. Any other information that the Community Development Director determines to be necessary to properly evaluate the project.

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

g. If a phased development, each phase shall be indicated including location, structures, infrastructure and timing.

4. The Approval Authority may waive any of the above required information items if it is determined they are unnecessary or unreasonable under the circumstances.

E. **Preliminary Review and Application.**

1. ***Preliminary Review by Community Development Director.*** Before the City will accept an application for a PD Overlay district designation, the applicant shall submit a statement of intent and preliminary development plan for preliminary review and comment by the Community Development Director. The statement of intent and preliminary development plan must:

a. Include sufficient information to assist in the review of the application and to ensure that the application meets all the required findings provided in subsection G.

b. Demonstrate that the proposed development would result in a more desirable development than would otherwise be permitted under the applicable base zoning district standards.

c. Include the information and materials specified in the Department handout for a Planned Development Overlay application, together with the required fee.

The Community Development Director may waive the requirements for any of the information required above if it is determined that the information is unnecessary in order to complete a review of the PD Overlay application.

2. ***Application.*** An application for a PD Overlay district designation shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.

F. **Review Procedures.**

1. ***Zoning Map Amendment.*** An application for a PD Overlay district designation shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 17.07, Amendments to the Zoning Map and Text.

2. ***Tentative Subdivision Map.*** When a PD Overlay district designation requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application for the PD district.

3. ***Major Design Review.*** Prior to issuance of a Building Permit, development within a PD Overlay district shall be subject to the requirements of Section 17.05.050, Major Design Review.

G. **Required Findings.** An application for a PD Overlay district designation shall be approved only if all the following findings are made:

1. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;

2. The subject site is physically suitable for the type and intensity of the land use being proposed;

3. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;

4. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;

5. Any exception from standard zoning development requirements is warranted by the design and amenities incorporated into the Development Plan in accord with adopted policies of the Planning Commission and City Council; and

6. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base zone, and will achieve superior community design, environmental preservation, and/or substantial public benefit.

7. The existing or proposed utility services are adequate for the population densities and nonresidential components of the Development Plan.

H. **Conditions.** In addition to the provisions in Section 17.04.110, Authority to Apply Conditions of Approval, when approving an application for a PD Overlay district, the Approval Authority may impose conditions deemed necessary to:

1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;

2. Achieve the general purposes of this Title or the specific purpose of the zone in which the project is located;

3. Achieve the findings listed above; or

4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

I. **Termination and Extension.**

1. **Termination of a PD Overlay District.** If within two years after the approval of a PD Overlay district application by the City Council, the Design Review approvals have not been obtained and the construction specified in the development plan has not commenced, the Planning Commission shall review with the applicant(s) the reasons for not initiating the project development. The Planning Commission may initiate consideration of reclassification, hold public hearings, and make recommendation to the City Council to remove the PD Overlay district designation over all or part of the area.

2. **Extension.** Procedures for the extension of an approved PD Overlay district application are established in Section 17.04.140, Extension of Permits and Approvals. Upon granting of an extension, changes to a previously approved conditional Zoning Map amendment applications may be subject to the following:

a. Modification of previously required conditions of approval as warranted by interim changes in the area and/or to ensure continued compatibility with any improvements within the context area; or

b. Site plan revisions as necessary to comply with any ordinance or Zoning Code amendments that may have taken effect since the time of the original approval.

# Chapter 17.22 Specific to Uses

## 17.22.010 Purpose and Applicability

A. **Purpose.** This Chapter establishes standards for specific uses and activities that are permitted, permitted with a Minor Use Permit, or permitted with a Conditional Use Permit in the zoning districts established in Chapter 17.15, Establishment of Base Zoning Districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the public.

B. **Applicability.** Each land use and activity covered by this Chapter must comply with the requirements of the Section applicable to the specific use or activity, in addition to any applicable standard this Title requires in the zoning district where the use or activity is proposed and all other applicable provisions of this Title.

## 17.22.020 Accessory Uses

A. **All Accessory Uses.** An accessory use must be secondary to a primary use and must be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any zone. These regulations are found in the land use regulation tables in Part III, District Regulations, and may be subject to specific standards found in this Chapter or within each zoning district, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Part IV, Citywide Standards.

B. **Commercial Accessory Uses.** Clearly subordinate commercial accessory uses shall encompass no more than 15 percent of the business floor area and shall generate no more than 15 percent of the gross revenue receipts. Any expansion of the building footprint or business floor area to accommodate an accessory use shall require a use permit and/or design review as appropriate. A business may have more than one accessory use, but each accessory use must comply with the limitations on floor space and gross receipts, and the total combined area of accessory uses shall not exceed 30 percent of the business floor area and the total combined revenue from the accessory uses shall not exceed 30 percent of the gross receipts.

## 17.22.030 Accessory Dwelling Units

A. **Purpose.** This Section regulates accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code §§ 65852.2 and 65852.22.

B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this Section will not be:

1. Deemed to be inconsistent with the General Plan and zoning designation for the lot on which the ADU or JADU is located.

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

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

4. Required to correct a nonconforming zoning condition as defined in Part V, Definitions. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code § 17980.12.

C. **Definitions.** As used in this Section, terms specific to ADUs and JADUs are defined as follows:

1. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

   a. An efficiency unit, as defined by § 17958.1 of the California Health and Safety Code; and

   b. A manufactured home, as defined by § 18007 of the California Health and Safety Code.

2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

3. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. All such facilities are to be separate and distinct from those included in and provided for any other dwelling unit or accessory structure on the parcel, except as otherwise specifically provided (e.g., utility connections may be shared as provided in subsection (G)(2); a junior accessory dwelling unit may share sanitation facilities).

4. "Cooking facility" means a stove with at least two burners, a sink and permanent refrigeration.

5. "Efficiency kitchen" means a kitchen that includes each of the following:

   a. A cooking facility.

   b. A food preparation counter or counters that total at least 15 square feet in area.

   c. Food storage cabinets that total at least 30 square feet of shelf space.

6. "Junior accessory dwelling unit" or "JADU" means a residential unit that:

   a. Is no more than 500 square feet in size;

   b. Is contained entirely within an existing or proposed single-family structure;

   c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure;

   d. Includes an efficiency kitchen, as defined in subsection (C)(5); and

   e. Includes a separate entrance from the main entrance to the structure.

7. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

8. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

9. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

10. "Primary residence" means a single-family dwelling or multi-family residential dwelling that either exists on or is proposed for a lot zoned for single-family or multi-family residential use.

11. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

12. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

13. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

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

1. ***Generally.*** Except as described in subsection D.2, an ADU is allowed with only a building permit if it complies with each of the requirements in subsections E, F and G.

2. ***Partial Exemption for Certain ADUs and JADUs.*** An ADU or JADU in any of the four scenarios that are described in subsections D.2.a through D.2.d is exempt from the design and development standards in subsection F and is allowed with only a building permit if it complies with each of the requirements in subsections E and G.

   a. *Converted on single-family lot:* Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

      i. Is either within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress. For purposes of this subsection, "within the existing space" includes a structure that is constructed in the same location and to the same dimensions.

      ii. Has exterior access that is independent of that for the single-family dwelling.

      iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable Building and Fire Codes.

   b. *Detached on single-family lot:* One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that

might otherwise be established on the lot under subsection D.2.a), if the detached ADU satisfies the following limitations:

i. The side and rear setbacks are at least four feet.

ii. The total floor area is 800 square feet or smaller.

iii. The height of the roof measured to the peak above grade is 16 feet or less.

c. *Converted on multi-family lot:* Multiple ADUs within portions of existing multi-family dwelling structures that are not used as livable space, including storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU under this subsection is allowed within an existing multi-family dwelling, up to a quantity equal to 25 percent of the existing multi-family dwelling units.

d. *Detached on multi-family lot:* No more than two detached ADUs on a lot that has an existing multi-family dwelling if each detached ADU satisfies the following limitations:

i. The side and rear setbacks are at least four feet.

ii. The height of the roof measured to the peak above grade is 16 feet or less.

3. ***Process and Timing.***

a. An application for an ADU or JADU is considered and approved ministerially, without discretionary review or a hearing.

b. The Community Development Director must act on an application to create an ADU or JADU within 60 days from the date that a completed application is received, unless either:

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

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

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

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

2. ***Fire Sprinklers.*** Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

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

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

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

6. ***Owner Occupancy.***

   a. All ADUs created before January 1, 2020, are subject to the owner-occupancy requirement that was in place when the ADU was created.

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

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

   d. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

7. ***Deed Restriction.*** Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the county recorder's office and a copy filed with the Community Development Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

   a. The ADU or JADU may not be sold separately from the primary dwelling.

   b. The ADU or JADU is restricted to the approved size and to other attributes allowed by this Section.

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

   d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Community Development Director, providing evidence that the ADU or JADU has in fact been eliminated. The Community Development Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Community Development Director's determination consistent with other provisions of this Code. If the ADU or

JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

e. The deed restriction is enforceable by the Community Development Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

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

a. With the building-permit application, the applicant must provide the Community Development Director with an estimate of the projected annualized rent that will be charged for the ADU or JADU.

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

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

1. ***Maximum Size.***

a. The maximum size of a detached or attached ADU subject to this subsection is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.

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

c. Application of other development standards in this subsection, such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, or open-space requirements may require the ADU to be less than 800 square feet.

2. ***Lot Coverage.*** No ADU subject to this subsection may cause the total lot coverage of the lot to exceed the maximums listed below, subject to subsection F.1.c:

a. LR Zone and MR Zone where lots width is no greater than 45 feet: 35 percent

b. MR Zone where lots width is greater than 45 feet: 40 percent

c. HR Zone: 55 percent.

d. WW Zone: The lesser of 10 percent of the lot area, or 20,000 square feet.

e. A-20 Zone—nonagricultural coverage: no more than one acre of any one parcel must be removed from active agricultural use.

3. ***Height.*** No ADU may exceed 16 feet in height above grade, measured to the roof peak.

4. ***Setbacks.***

a. No part of any ADU may be located within 20 feet of a front property line.

b. No part of any ADU may be located within four feet of a side or rear property line.

5. ***Passageway.*** No passageway, as defined by subsection C.9, is required for an ADU.

6. ***Parking.***

a. *Generally.* One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking.

b. *Exceptions.* No parking is required in the following situations:

i. The ADU is located within one-half mile walking distance of public transit, as defined by subsection C.12.

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

iii. The ADU is part of the proposed or existing primary residence or an accessory structure under subsection D.2.a.

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

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

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

d. *Historical Protections.* Exterior modifications to a listed historical property to accommodate construction of an ADU must comply with the Secretary of the Interior's Objective Standards for the Treatment of Historic Properties.

G. **Fees.**

1. ***Impact Fees.***

a. No impact fees for an ADU that is less than 750 square feet in gross floor area are required.

b. Any impact fee that is required for an ADU that is 750 square feet or larger in gross floor area must be charged proportionately in relation to the floor area of the primary dwelling unit (e.g., the floor area of the ADU, divided by the floor

area of the primary dwelling, times the typical fee amount charged for a new dwelling). For the purpose of this Section, "impact fee" does not include any connection fee or capacity charge for water or sewer service.

2. ***Utility Fees.***

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

b. Except as described in subsection G.2.a, converted ADUs and JADUs on a single-family lot that are created under subsection D.2.a are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required.

c. Except as described in subsection G.2.a, all ADUs and JADUs that are not covered by subsection G.2.b require a new, separate utility connection directly between the ADU or JADU and the utility.

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

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

H. **Nonconforming ADUs and Discretionary Approval.** Any proposed ADU or JADU that does not conform to the objective standards established in subsections A through G.2 may be allowed by the City with a Conditional Use Permit, in accordance with the other provisions of this Title.

## 17.22.040 Adult-Oriented Businesses

A. **Purpose**. It is recognized that the operation of the adult entertainment facilities specific in this Section are among those certain land uses which, because of their nature, may have serious operational characteristics and deleterious effects upon their surroundings, as a result of their location and concentration within the City. Special regulations pertaining to these uses are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood nor otherwise adversely affect the public health, safety, morals, comfort, convenience, and general welfare. More specifically, it is recognized that development and proliferation without regulation as to location and concentration may result in the deterioration of residential and business neighborhoods, the attraction of large numbers of transients, an increase in crime, and, in the case of placement near schools and other youth-related facilities, an adverse effect upon the welfare and morals of minors residing within the City.

B. **Location of adult entertainment facilities.** The following provisions apply to the location of adult entertainment facilities:

1. No adult entertainment facilities are permitted within 500 feet of any area zoned for residential use.
2. No adult entertainment facility is permitted within 1,000 feet of any other such facility.
3. No adult entertainment facility is permitted within 500 feet of any parcel or real property on which is located any of the following facilities:
   a. A school primarily attended by minors;
   b. A church which conducts religious education classes for minors;
   c. A public park or public recreation facility frequented by minors.
4. No adult entertainment facility is permitted with direct frontage or visible frontage from Highway 29.

C. **Public display of certain matter prohibited.** Materials offered for sale from adult news racks must not be displayed or exhibited in a manner which exposes to public view any pictures or illustrations depicting any specified sexual activity or any specified anatomical area. Materials offered for sale or viewing at any adult bookstore or any adult motion picture theater must not be displayed or exhibited in a manner which exposes any depiction of any specified sexual activity or any specified anatomical area to the view of persons outside the building or off the premises on which such store or theater is located.

D. **Restrictions cumulative.** The restrictions provided in this Section are in addition to any other applicable provision of this Code. In the event of any conflict between any such provisions, the more restrictive must apply.

## 17.22.050 Alcoholic Beverage Sales

A. **Purpose.** Establishments that serve alcoholic beverages receive special attention from the City because of their potential to create problems, such as littering, loitering, public intoxication and disturbances. All establishments selling alcoholic beverages are reviewed by the City.

B. **Permits Required.**

1. ***Conditional Use Permit.*** A Conditional Use Permit must be obtained for all bars, brewpubs, micro-breweries, and wine-tasting rooms.
2. ***Minor Use Permit.*** A Minor Use Permit must be obtained for full-service restaurants.

C. **Hours of Operation.** Hours of operation shall be limited to the time period between 8:00 AM and 10:00 PM on Sunday, Monday, Tuesday, Wednesday and Thursday, and from 8:00 AM to 11:00 PM on Friday and Saturday.

D. **Location.** The establishment shall not be located within 1,000 feet of the following:

1. A public park, playground, recreational area that is immediately adjacent to a public park, or youth facility, including a nursery school, preschool, or day care facility;
2. A public or private State-licensed or accredited school; or
3. An alcohol or other drug abuse recovery or treatment facility.

E. **Lighting.** The exterior of the establishment, including adjacent public sidewalks and parking areas, shall be illuminated during all hours of darkness during which the establishment is open such that:

1. Persons standing in those areas at night are identifiable; and
2. Required illumination is placed and shielded in a way that minimizes interference with the neighboring residences.

F. **Findings.** In evaluating a use permit application for any commercial establishment where liquor is served, the Review Approval Authority shall take into consideration the following:

1. Comments from the Police Department;
2. Appropriateness of automobile and/or bicycle parking;
3. Potential for loitering;
4. Distance of the proposed establishment from other establishments;
5. Distance from areas used and zoned for residential use;
6. Appropriateness of annual review of use permit.

This list does not represent an exclusive listing of those items which may be considered by the Planning Commission in evaluating a use permit application for a commercial amusement use.

## 17.22.060 Animal Keeping

A. **Purpose.** These regulations address the raising and keeping of animals and the areas in which domestic and farm animals are kept on private property. It is the intent of this Section to protect the agricultural economic base of St. Helena, to preserve the existing lifestyle in residential areas, and to minimize potential adverse effects on adjoining property from the establishment of incompatible uses related to the raising and keeping of animals.

B. **Applicability.** Animal keeping is allowed as an accessory to a primary residential use. Animals may be kept in compliance with Title 6, Animals, of the Municipal Code, and the standards established in this Section.

C. **Domestic Animals.**

1. ***Small Domestic Animals.*** Small domestic animals may be kept as an accessory to a residential use in accordance with the following. Small domestic animals include dog, cats, rabbits, and pigeons, and all animals recognized by regulation promulgated by the California Department of Fish and Wildlife as domestic animals except large domestic animals. Does not include roosters, quacking ducks, geese, pea fowl, goats, sheep, hogs, kennels or the presence of animals for commercial purposes.

a. *Maximum Number.* The following limits do not apply to small animals primarily kept in indoor enclosures such as fish, hamsters, and birds.

i. Parcels One Half Acre or Less in Size. Up to four adult small domestic animals per unit may be kept on parcels of up to one-half acre in size.

ii. Parcels Greater than One Half Acre in Size. Eight adult small domestic animals per acre.

b. *Nonconforming Small Domestic Animal Keeping.* Residents having more than four adult small domestic animals at the time of the effective date of this Title may continue to keep them provided that the animals:

i. Are licensed in compliance with Title 6, Animals, of the Municipal Code;

ii. Are kept in a safe and sanitary environment; and

iii. Do not generate nuisance complaints that require abatement.

2. ***Potbellied Pigs.*** Potbellied pigs are permitted in the LR and A-20 districts only and are subject to all standards of subsection C.1.

3. ***Hen Chickens.*** Hen chickens are permitted in the A-20 district only on lots greater than one acre and are subject to all standards of subsection C.1.

4. ***Large Domestic Animals.*** Large domestic animals including horses, burros, mules, domestic swine (excluding potbellied pigs), domestic cattle, sheep and goats may be kept as an accessory to a residential use in accordance with the following.

a. *Minimum Lot Size.* Two acres.

b. *Maximum Number.* Not more than one large domestic animal per acre.

5. ***Fencing and Enclosure Regulations.***

a. *Fencing.*

i. Fenced Area Required. All animals, except small domestic animals kept indoors, must be kept in an area which is fenced to prevent the animals from roaming.

ii. Fenced Area Location. The fenced area must be wholly located within the rear yard of the residence where the animals are kept.

b. *Enclosure.*

i. Enclosure Required. Within the fenced area, an enclosure or shed must be provided of sufficient size to provide cover for the animals kept on the parcel. An enclosure is not required for cats or dogs.

ii. Enclosure Location. No part of the animal enclosure may be located within 50 feet of any neighboring dwelling, within a required side or front setback, or within 300 feet of a community assembly facility, school or institution licensed by the state for the care or treatment of humans.

c. Animal fecal matter more than which can be safely and sanitarily utilized on the premises must be removed and must not be allowed to accumulate.

## 17.22.070 Beekeeping

A. **Purpose.** These regulations allow beekeeping in a manner that is respectful of the safety of persons that may be in close proximity to the apiary. Beekeeping can contribute to pollination and better harvests in gardens. By contributing to pollination, urban beekeeping is an important complement to urban food production and to the City's sustainability goals stated in the General Plan.

B. **Standards.**

1. It shall be the duty of every person on whose property bees are kept to adhere to good management practices and maintain bees in a condition that will reasonably prevent swarming and aggressive behavior.
2. It shall be the responsibility of the person on whose property the bees are kept to provide adequate water for the bees to prevent bees from seeking water in neighboring swimming pools, birdbaths, ponds or other community bodies of water.
3. A maximum of two beehives per lot on a parcel of land less than 10,000 square feet.
4. A maximum of four beehives per lot on a parcel of land with an area over 10,000 square feet.
5. Beehives are restricted to rear yards.
6. In order to ensure the appropriate height of the honeybee flight path:
    a. The beehive entrance will be directed away from the neighboring property and situated behind a solid fence or hedge that is six feet in height running parallel to the property line; or
    b. A beehive will be located a minimum of 25 feet away from the neighboring property line.

C. **Beekeeping registration.** Beekeeping registration is required prior to establishment of an apiary, as follows:

1. The applicant must submit and the Community Development Director must review plans demonstrating compliance with the standards of this Section.
2. The applicant must register the apiary with the County of Napa Agricultural Commissioner to receive notification of pesticide applications, pursuant to § 29101 of the California Food and Agricultural Code.
3. The applicant must submit plans and a signed statement showing and agreeing to compliance with all obligations imposed by this Section and holding the City harmless if the owner does not so comply.

D. **Nuisance.** Bees or hives shall be considered a public nuisance and subject to Chapter 17.13, Enforcement, when any of the following occurs:

1. Colonies of bees exhibit defensive or objectionable behavior or interfere with the normal use of neighboring properties.
2. Colonies of bees swarm.

3. Bees or hives do not conform to this Section.

4. Hives become abandoned by resident bees or by the owner.

## 17.22.080 Bed and Breakfast Inns

A. **Purpose**. The purpose of this Section is to:

1. Establish regulations for the operation and bed and breakfast inns; and

2. Establish findings for the processing of applications to operate bed and breakfast inns.

B. **Establishment of Bed and Breakfast Inns.** Bed and breakfast inns are subject to the following:

1. The use must be located in an existing residential dwelling.

2. The use must be conducted only by the property owner or manager living on the site of the bed and breakfast inn;

3. No meals must be served to persons other than to guests and residents of the bed and breakfast inn;

4. Bed and breakfast inns must be rented for periods of less than 30 days;

5. A bed and breakfast inn must include no more than four guest rooms;

6. On-site parking for the underlying residential use must be provided on-site or in perpetuity on an adjacent parcel in accord with the provisions of Chapter 17.26, Parking and Loading. In addition, one on-site parking space must be provided for each guest room. On-site parking must be designed and located so as not to detract from the residential character of the neighborhood and the buildings and structures of the bed and breakfast inn;

7. The use must, at all times, maintain City business licenses and pay all transient occupancy taxes required;

8. The use must be contained entirely within the existing structure;

C. **Findings Required.** In approving a Minor Use Permit for a bed and breakfast inn, the Planning Commission shall make the following findings in addition to the Minor Use Permit findings contained in Chapter 17.05, Planning Permits and Approval.

1. The establishment of a bed and breakfast inn is consistent with the purpose of the General Plan.

2. The establishment of a bed and breakfast inn will not be detrimental to a building, structure, or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature.

3. The establishment of a bed and breakfast inn is compatible with, and will not be detrimental to, the character of the neighborhood and surrounding land uses.

## 17.22.090 Cannabis Uses

A. **Purpose.** The intent of this Section is to prohibit marijuana cultivation facilities, medical marijuana dispensaries, medical marijuana deliveries, and commercial cannabis activities, as defined below, subject to limited and specified exceptions, within the City limits. It is recognized that it is a federal violation under the Controlled Substances Act to possess or distribute marijuana even if or medical purposes. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with marijuana cultivation facilities and medical marijuana dispensaries and in connection with medical marijuana deliveries, which is contrary to policies that are intended to promote and maintain the public's health, safety, and welfare.

B. **Applicability.** This Section applies to the following activities:

1. The opening or commencement of the operation of a marijuana cultivation facility, medical marijuana dispensary, or commercial cannabis activity;

2. The conversion of an existing business, facility, use, establishment, or location to a marijuana cultivation facility, medical marijuana dispensary, or commercial cannabis activity;

3. The addition of a marijuana cultivation facility, medical marijuana dispensary, or commercial cannabis activity to any other existing business, facility, use, establishment or location.

C. **Prohibitions and Limited Exceptions.**

1. Medical marijuana dispensaries are prohibited in all zoning districts in the City and must not be established or operated anywhere in the City. The City must not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a medical marijuana dispensary. No person may be the lessor of property where a medical marijuana dispensary is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any medical marijuana dispensary in the City.

2. Marijuana cultivation facilities are prohibited in all zoning districts in the City and must not be established or operated anywhere in the City. The City must not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a marijuana cultivation facility. No person may be the lessor of property where a marijuana cultivation facility is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any marijuana cultivation facility in the City.

3. The prohibition against cultivation facilities established in subsection 2, however, must not apply to a qualified patient cultivating marijuana/cannabis pursuant to § 11362.5 and the Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use promulgated by the California Attorney General or to any individual cultivating marijuana for non-medical use under the following circumstances:

a. The individual and/or patient maintains no more than six mature or 12 immature marijuana/cannabis plants at a single private residence, or upon the grounds of that residence; and

b. The individual, patient or primary caregiver cultivates marijuana/cannabis for a patient's or individual's personal use and does not sell, distribute, donate, transmit, or provide marijuana/cannabis to any other person or entity; and

c. The location of all cultivation activities is located indoors, and housed completely within a structure with no external indication of cultivation activities (this limitation does not preclude the use of a greenhouse for cultivation); and

d. The property on which an individual is cultivating medical or recreational marijuana/cannabis has no more than 100 square feet devoted to the cultivation of marijuana/cannabis (the area used to cultivate marijuana/cannabis must be measured by the aggregate area of vegetative growth of live marijuana plants on the premises).

Notwithstanding this exception, an individual and/or patient cultivating marijuana may not create or cause a nuisance condition and the City may abate, in any manner permitted by law, a nuisance condition created or caused by, associated with, or arising from marijuana cultivation by a qualified patient.

4. All forms of commercial cannabis activities are prohibited in all zoning districts in the City with the exception of delivery services and must not be established or operated anywhere in the City. The City must not issue, approve or grant any permit, license or other entitlement for the establishment or operation of a commercial cannabis activity including any and all license classifications established in the Adult Use of Marijuana Act, California Health and Safety Code § 26050, as it may be amended. No person may be the lessor of property where a commercial cannabis activity is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any commercial cannabis activity in the City.

5. No person and/or entity may deliver or transport medical marijuana from any fixed or mobile location, either inside or outside the City, to any person in the City, except that a person may deliver or transport marijuana to a qualified patient (with an identification card, as those terms are defined in Health and Safety Code § 11362.7, for whom he or she is the primary caregiver within the meaning of Health and Safety Code §§ 11362.5 and 11362.7(d)) or individual up to the maximum allowable amounts under current state regulations for the transportation of medical and recreational marijuana.

6. Nothing contained in this Section must be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.

D. **Enforcement.** The City may enforce this Section in any manner permitted by law. The violation of this Section must be and is hereby declared to be a public nuisance and contrary to the public interest and must, at the discretion of the City, create a cause of action for injunctive relief.

## 17.22.100 Community Gardens

Community gardens must be located, developed, and operated in compliance with the following standards:

A. **Management.** A manager must be designated for each garden who must serve as liaison between gardeners, property owner(s), and the City.

B. **Hours of Operation.** Gardens must only be tended between dawn and dusk.

C. **Buildings and Structures.** Accessory buildings, such as sheds, greenhouses, hoophouses, or farm stands are allowed and must comply with the property development standards of the zoning district.

D. **Equipment.** Only household garden tools and equipment, applicators and products, may be used. This includes soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc. Pull-behind equipment is prohibited.

E. **Operational Plan.** The applicant must submit to the Community Development Director an operational plan that identifies roles and responsibilities, contact information, and operations.

F. **Maintenance.**

1. The operator must be responsible for the overall maintenance of the site and must remove weeds, debris, etc. in a timely manner.

2. Soil amendments, composting, and waste material must be managed and must not attract nuisance flies or support growth of flies.

G. **Sale of Produce.** Incidental sales of items grown on-site are permitted.

H. **Composting.** Composting is limited to the materials generated on-site and must be used on-site.

I. **Utilities.** The land must be served by a water supply sufficient to support the cultivation practices used on the site.

J. **Restrooms.** If proposed, restrooms must be connected to public utilities. Portable restrooms are not permitted.

## 17.22.110 Cottage Food Operations

A. **Purpose.** This Section has been adopted to:

1. Implement the requirements of Assembly Bill 1616 which amended State law to require municipalities to allow for cottage food operation within residences;

2. Establish reasonable standards allowed by state law to provide that cottage food operations within residences do not create unreasonable impacts or endanger public health, safety or welfare; and

3. Ensure compatibility of cottage food operations with the residential character of the neighborhoods in which cottage food operations are located.

B. **Applicability.** A cottage food operation is an accessory use permitted in any legally established dwelling, subject to standards in subsections C and D and is a distinct use from a home occupation as defined in Section 17.22.130, Home Occupations.

C. **Standards.** Cottage food operations are permitted accessory uses to residences provided that all of the following standards are met:

1. The use must be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than 25 percent of the dwelling may be used for the cottage food operations, and it must not be conducted within an accessory building.
2. The use is carried on only by a family member or household member occupying the dwelling, with no other person employed.
3. The cottage food operation must not invite customers to the residence and the operation must not transact business with customers at the residence.
4. No signage or advertisement identifying the cottage food operation is permitted at the premises.
5. There must be no change in the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such cottage food operation.
6. Except for vehicle parking, no outdoor portions of the premises may be utilized for cottage food operation.
7. Vehicles displaying advertising or signs must be parked inside a garage at all times while at the premises.
8. The cottage food operation must be registered or permitted by the Napa County Environmental Health Officer in accordance with § 114365 of the California Health and Safety Code. Cottage food operations must comply with all California Health and Safety Code requirements.
9. The cottage food operator must furnish to the City evidence of the application for or issuance of the necessary permits and/or registration of cottage food operations from the county of Napa.

D. **Expanded Cottage Food Operations.** Exceptions to the standards established in subsections C.2 and C.3 may be granted with the approval of a Minor Use Permit for an expanded cottage food operation; provided, that all of the following standards are met:

1. The applicant for the cottage food operation permit must be the individual who conducts the cottage food operation from his or her private dwelling unit and is the owner of the cottage food operation. The permit is not transferable to another operator, nor transferable to another site.
2. The use must be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than 25 percent of the dwelling may be used for the cottage food operations, and it must not be conducted within an accessory building.

3. One cottage food employee, as defined by California Health and Safety Code § 113758(b)(1), is permitted to be employed by the cottage food operation in addition any family member or household member occupying the dwelling.
4. Except for vehicle parking, no outdoor portions of the premises may be utilized for cottage food operation including outdoor sales and visitation.
5. Direct sales of products from the site of the cottage food operation must be conducted by prior appointment only and must not exceed more than 10 visitors in any single day. No customers of the cottage food operation are permitted to dine at the premises.
6. No greater than one visitor's vehicle and one non-resident employee's vehicle must be parked on site at any time.
7. Vehicles displaying advertising or signs must be parked inside a garage at all times while at the premises.
8. Direct sales and cottage food operation related deliveries must not occur between the hours of 6:00 PM and 8:00 AM.
9. The cottage food operation must be registered or permitted by the Napa County Environmental Health Officer in accordance with § 114365 of the California Health and Safety Code. Cottage food operations must comply with all California Health and Safety Code requirements.
10. The applicant must furnish to the City evidence of the application for or issuance of the necessary permits and/or registration of cottage food operations from the County of Napa.
11. A business license is required for all cottage food operators.
12. The Community Development Director shall notify all property owners within 300 feet of the cottage food operation upon issuance of a Minor Use Permit.

## 17.22.120 Formula Businesses

A. **Permits Required.** The establishment or expansion of a formula business shall be in accordance with the zoning locations and permit requirements identified in Table 17.17 020, Use Regulations – Commercial and Mixed-Use Zoning Districts.

B. **Findings Required.** When a Conditional Use Permit review is required, the Planning Commission shall approve, with or without conditions, the establishment or expansion of a formula business only if all of the following findings can be made, in addition to those identified in Section 17.05.020, Conditional Use Permits:

1. The formula business establishment will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;
2. The proposed use, together with its design and improvements, is consistent with the unique and historic character of St. Helena and will preserve the distinctive visual

appearance and shopping/dining experience of St. Helena for its residents and visitors;

3. Any formula business establishment located within the CB district will be compatible with existing uses in the zone and will promote the zone's economic vitality as the downtown commercial core of St. Helena.

C. **Prohibited Formula Businesses.** No formula restaurants are allowed.

## 17.22.130 Home Occupations

A. **Permit.** A home occupation permit must be required prior to the establishment of a home occupation whenever a business license is required and the home is the principal place of business. A business may be conducted at locations other than the site of the home occupation, as long as that part of the business conducted at the site of the home occupation complies with the standards of this Section.

B. **Standards.** Home occupations are permitted in conjunction with a residential use of a dwelling and must be issued a home occupation permit, provided the home occupation:

1. Does not change the residential character of the dwelling unit.
2. Is confined to a cumulative area of not more than 600 square feet in the principal dwelling, attached garage and/or detached accessory buildings. An attached or detached garage may be used for storage or workspace as long as one garage parking space is maintained at all times for the dwelling and as long as sufficient parking spaces are available on the property to meet the current Code requirements;
3. Does not occupy any open space or setback;
4. Is carried on by the resident members of the household and a maximum of one employee in addition to residents of the dwelling;
5. Does not generate customer or client traffic, deliveries by commercial vehicles other than pickup trucks or panel delivery trucks, or have any customers or clients coming to the premises as a place of business, with the following exceptions:
    a. Delivery to the customer or client of merchandise produced on the premises,
    b. No more than two clients may visit the premises on any one day,
    c. Lessons to no more than two persons at any one lesson with no more than six lessons in any one week,
    d. Other uses which are similar to the above uses with the same or similar restrictions listed in this Section;
6. Creates no noise, odor, glare, dust, vibrations, fumes or smoke readily discernible at the exterior boundaries of the parcel on which the home occupation is situated;
7. Produces no advertising or evidence of its existence except for a post office box, a telephone listing and signs limited to a total of four square feet permanently affixed to a vehicle. No advertising, telephone listing, signs or printed material may list the street address of the dwelling;

8. Involves the on-site parking or storage of no more than one commercial vehicle, as long as the commercial vehicle parks inside the garage or covered parking at all times.

C. **Prohibited Home Occupations.** The following businesses are not permitted as home occupations:

1. Automobile/vehicle sales and services;
2. Animal care, sales, and services;
3. Cannabis retail;
4. Eating and drinking establishments;
5. Hotels and motels; and
6. Personal services.

D. **Exceptions.** Exceptions to the above standards may be granted by the Planning Commission with the approval of a Conditional Use Permit for an expanded type of home occupation. In approving the Conditional Use Permit for an expanded home occupation the Planning Commission shall make the following findings:

1. The establishment of an expanded home occupation is compatible with and will not be detrimental to the residential character of the neighborhood and surrounding uses;
2. The establishment of an expanded home occupation will not result in or contribute to an unacceptable concentration of nonresidential uses in the neighborhood where it has been proposed; and
3. The establishment of an expanded home occupation will not result in excessive noise, traffic, and parking congestion.

E. **Exemptions.** Telecommuting, or the use of telephones, computers, or other similar technology to permit an employee to eliminate a commute trip and work from home, is not considered a home occupation and is exempt from the regulations of this Section.

## 17.22.140 Live/Work Units

A. **Purpose.** This Section is intended to provide standards for the location, development and operation of integrated live/work units and for the reuse of existing residential, commercial, and industrial structures to accommodate live/work opportunities.

B. **Establishment.** Live/work units may be established through the conversion of existing buildings or by new construction, permitted or conditionally permitted as specified in the underlying zoning district.

C. **No Separate Sale or Rental of Portions of Unit.** No portion of a live/work unit may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same unit.

D. **Occupancy Requirement.** The residential space within a live/work unit must be occupied by at least one individual employed in the business conducted within the live/work unit.

E. **Business License Required.** The occupant of a live/work unit is required to hold a valid business license for the on-site business.

F. **Limitations on Use.** The nonresidential component of a live/work development must be a use allowed within the applicable zone. A live/work unit must not be established or used in conjunction with any of the following activities:

1. Automobile/Vehicle sales and services; or

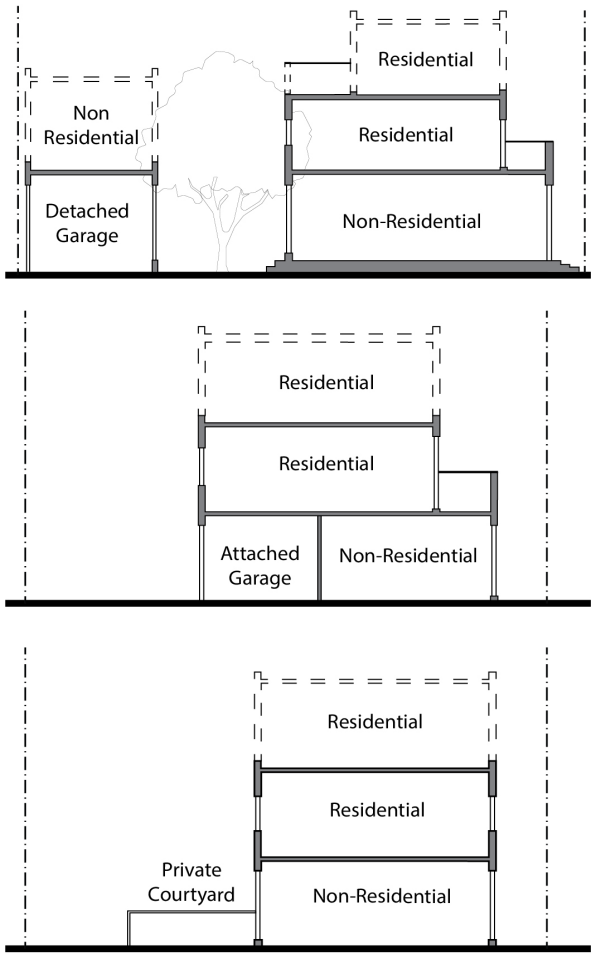
2. Cannabis retail.

G. **Limitation on Outside Employees.** No more than one person other than residents of the live/work unit shall be employed in the conduct of the work, except that additional employees may be allowed subject to the approval of a Conditional Use Permit in compliance with Section 17.05.020.

H. **Design Standards.**

1. ***Nonresidential Area.*** A minimum of 50 percent of the ground level of a live/work development, or a minimum 300 square feet, whichever is greater, must function predominantly as workspace. All floor area other than that reserved for living space must be reserved for and regularly used for workspace. Potential configurations for live/work developments include but are not limited to those shown below:

**Figure 17.22.140.A: Live/Work Configurations**




2. ***Ground Floor Design.*** The ground floor of a live/work development must comply with the standards for ground floor commercial uses established in Chapter 17.17, Commercial and Mixed-use Districts, or Chapter 17.18, Business and industrial Districts, as applicable.

3. ***Non-Residential Amenities***. The ground floor of a live/work development must be designed to accommodate commercial or service uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or service facilities used for the same work activity.

4. ***Separation and Access***. Access to each live/work unit must be provided from a public street or common access areas, corridors, or halls. The access to each unit must be clearly separate from other live/work units or other uses within the structure.

## 17.22.150 Mobile Food Vendors

Mobile food vendors must be located and operated in accordance with the following provisions:

A. **Location and Applicability.** Mobile vendors may only operate on private property in non-residential zoning districts. Mobile vendor vehicles are not permitted as a permanent or proprietary location on any property within the City. Vehicles must not be left unattended at any time, or be left onsite when inactive, or stored overnight. The regulations of this Section do not apply to mobile food vendors operating within the public right-of-way.

B. **Licenses and Permit Required.** Mobile food trucks operating in the City shall obtain a business license from the City. The owner and operator of a mobile food truck is responsible for obtaining all necessary licenses and permits required for the service of food and beverages, including a permit for food service from the Napa County Department of Health. The mobile food vehicle must be in compliance with State motor vehicle laws.

C. **Duration.** Maximum four hours per day per lot, including set-up and clean-up. No lot may have a mobile vendor onsite for more than 90 days total in any 12-month period.

D. **Allowed Products.** Operations are limited to the sales of food and non-alcoholic beverages for immediate consumption.

E. **Vehicle and Parking Requirements.**

1. ***Allowed Vehicles.*** Operations must only be conducted from a motor vehicle, or vehicle with a trailer consistent with State law and County Health Department approvals. Other types of food vending from a temporary structure such as a pushcart, standalone trailer, or kiosk are not allowed under this Title.

2. ***Required Parking***. No dedicated parking spaces are required for a mobile vendor that meets the standards of this Section.

3. ***Overnight Parking.*** No overnight parking of mobile food trucks is allowed on the permitted vending site.

4. ***Displaced Parking.*** Mobile vendors may displace up to three required non-residential parking spaces for a maximum of four hours per day per parking lot, provided that no more than 10 percent of the total number of parking spaces on site are displaced. Required parking spaces for an existing non-residential use may be displaced if the existing non-residential use is not open during the event.

5. ***Lighting.*** Mobile food truck operators must provide adequate lighting on the vehicle to ensure customer safety during business hours.

6. ***Paving.*** Mobile vendor vehicles must only be stopped or parked on a surface paved with concrete, asphalt, or another surface approved by the Community Development Director.

F. **Obstructions.** Mobile vendor location and operations, including customers, seating, and equipment, must not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location must comply with applicable accessibility requirements and the Americans with Disabilities Act.

G. **Nuisance.**

1. Mobile vendors must be responsible for keeping the area clean of any litter or debris and must provide trash receptacles for customer use on site. All litter generated within a minimum of a 100-foot radius of the site must be collected prior to closure of the mobile food truck operations.
2. Mobile food trucks must not idle vehicle engines for more than five minutes during any one-hour time period.
3. Mobile food truck operators are responsible for controlling smoke and odors caused by food preparation so as to avoid a public nuisance.
4. No vendor must ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within City limits.
5. Separate refuse and recycling containers must be provided on site during all hours of mobile food truck operations.
6. The use of prohibited or unpermitted signs for mobile food vendors is not allowed.

H. **Modifications.** Modifications to the standards of this Section may be approved pursuant to Section 17.11.010, Minor Modifications to Development Standards.

## 17.22.160 Mobile Homes

The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction of Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.) on a foundation system pursuant to § 18551 of the Health and Safety Code must be permitted in accordance with the following conditions:

A. To be occupied only as a single-family residential use.

B. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings.

C. To be attached to a permanent foundation system in compliance with all applicable building regulations.

D. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation.

E. To have parapet walls or roofs which utilize shingle or other materials customarily used on conventionally built dwellings.

## 17.22.170 Outdoor Dining and Seating

A. **Permit.** Administrative approval of a sidewalk dining permit is required to establish outdoor seating for dining.

1. Outdoor dining for seating that results in an increase in the number of seats must be reviewed by the Community Development Director for compliance with parking

standards and by Napa County Environmental Management for compliance with regulations pertaining to food storage, health and safety.

2. For those restaurants that wish to serve alcohol outside, the licensee must obtain approval for premises expansion from the California Department of Alcoholic Beverage Control.

B. **Standards.** To establish outdoor seating for dining on a sidewalk, the following are required:

1. All entrances and emergency exits must be kept free of obstructions to ingress and egress.

2. A one-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions, per CalTrans requirements.

3. A four-foot clear path of travel, which clearly maintains ADA compliance along the sidewalk, must be maintained to provide disabled access.

4. Tables and chairs must be brought indoors when the restaurant is closed.

5. Entertainment is not allowed on the sidewalk as part of the restaurant service.

6. An encroachment permit must be obtained from the City. The application must include documentation of required liability insurance. The City maintains the preeminent right to use the sidewalk and suspend the right to encroach whenever the sidewalk is needed for another public use or for repair.

7. No more than 20 percent of total restaurant seating may be located on the sidewalk or other public property.

8. If dogs are desired in the outdoor dining area, the following regulations must be enforced:

a. Employees and patrons must not allow dogs to come into contact with serving dishes, utensils, tableware, linens or any other items involved with food service operations.

b. Patrons must keep dogs in their charge on a leash at all times and under control.

c. Dogs must not be allowed on chairs, tables, or other furnishings.

d. All table and chair surfaces must be cleaned and sanitized between seating of patrons.

e. Dog waste must be removed immediately and the area immediately cleaned and sanitized with an appropriate product.

f. Dogs must not be permitted to travel through indoor portions of the public food service establishment.

## 17.22.180 Outdoor Display and Sales

A. **Primary Uses.** Uses that may include outdoor commercial displays and sales are limited to the following:

1. Auto dealers.
2. Bicycle sales, repair, and rentals.
3. Farmers' markets.
4. Parking and loading areas.
5. Plant nurseries.
6. Portable shoeshine stands when the business is conducted in conjunction with an approved use, provided the shoeshine stand conducts business during the same business hours as the approved primary use.
7. Seasonal sales (Christmas trees, pumpkins, etc.).
8. Service stations.
9. Storage of building materials and supplies accessory to an approved use.
10. Any other uses which, in the opinion of the Community Development Director, require outside display or storage.

B. **Standards.** Provided the use is allowed (either as a permitted or conditional use) by the zoning district regulations for the zoning district in which the property is located, the following provisions apply to the incidental placement, storage, display, sale, or offer for sale of any merchandise out-of-doors or outside any completely enclosed building:

1. The merchandise or activity must be incidental and adjacent to any lawfully established business that normally sells the merchandise inside the building.
2. The merchandise or activity must not present a hazard to pedestrians or vehicles.
3. The merchandise or activity must not occupy the space formed by extending the width of any required or existing building exit, whichever is wider, to the public right-of-way.
4. The display of merchandise must not be located within the public right-of-way.
5. The merchandise or activity must not occupy any required parking spaces.
6. The storage, display or sales area is limited to 200 square feet or 10 percent of the gross floor area of the business, whichever is less.
7. Along Main Street, between Mitchell Street and Pine Street on the west side, and Pope Street to Pine Street on the east side, planter boxes and plants must not encroach more than 12 inches into the public right-of-way; must have a maximum height of four feet zero inches; and a minimum clearance of six feet of sidewalk must be kept clear for pedestrian use. These standards also apply elsewhere in the Central Business District outside of the area designated; however, the City Council may waive these standards on a case-by-case basis.

8. ***Bicycle sales, repairs and rentals.*** Storage or display of rental vehicles is not permitted within the public right-of-way, except where the City has jurisdiction over the sidewalks and as may be allowed with a Conditional Use Permit with the following conditions:

    a. One-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions, per CalTrans requirement.

    b. A four-foot clear path of travel along the sidewalk must be maintained to provide disabled access.

    c. Bicycles/scooters must be brought indoors when the business is closed.

    d. An encroachment permit must be obtained from the City.

C. **Use of Street or Sidewalk.** Nothing in this Section may authorize the placement, storage, display, sale or offer for sale of any merchandise on any street or on any sidewalk or any other portion of the public right-of-way, with the exception of sidewalk sales permitted by subsection D.7.

D. **Exceptions.** No Conditional Use Permit for the outdoor storage, display or sale of the following merchandise is required for:

1. Fruits and vegetables.
2. Plants and other growing vegetation, with the limitation in subsection B.6 not applicable to nurseries.
3. Cut flowers (planter boxes subject to the standards specified in subsection B.7).
4. Gasoline pumps, oil racks and accessory items when located on pump islands.
5. Vehicles, including automobiles, trucks, motorcycles, trailers and recreational vehicles, with the limitation in subsection B.6 not applicable.
6. Areas within a completely roofed street alcove or entryway; provided, that the merchandise is inside the line of the building face.
7. Parking lot and sidewalk sales and other promotional events that involve retail sales, as long as they do not exceed 12 days total during any 12-month period with no more than three days being consecutive, regardless of the number of businesses located on the property, with the limitations in subsection B.5 and B.6 not applicable.
8. Nonpromotional events conducted by or for recognized nonprofit or charitable community groups, with the limitations in subsection B.1, B.5, and B.6 not applicable.
9. Garage and yard sales, provided they are conducted on property used for residential purposes by a resident and do not exceed three days during any six-month period, with the limitations in subsection B.1, B.5, and B.7 not applicable.
10. Merchandise associated with hardware stores and building supply stores.
11. Activities similar to the above, as determined by the Planning Commission.

## 17.22.190 Service Stations

A. **Approval Criteria.** The following criteria must be met prior to approval of a service station:

1. The site is not closer than 100 feet to any R zoning district;
2. No block would have more than two service station sites;
3. No intersection would have more than two service station sites;
4. All operations and display of merchandise would be kept within an approved structure, except those directly required for the dispensing of gasoline, water and air, and the replenishment of oil;
5. The proposed use will not create increased traffic hazards to pedestrians when located near a church, school, theater, or other place of assembly; and
6. That the minimum landscaping requirements established in the zoning district in which the use is located have been incorporated into the design of the proposed use; and
7. The use does not include the sale of staple grocery items nor does it include a mini market, but may include the sale of snack foods, drinks, and convenience foods.

B. **Public Service Facilities**. All service stations must:

1. Provide restrooms on-site, at no charge, for public use during normal business hours. The restrooms shall be continuously maintained in compliance with the standards of the county health department.
2. Provide and maintain, in usable and good working order, an air pump and radiator water hose for public use.
3. Provide petroleum and solvent waste dispensers, at no or a minimum charge, for use by customers to dispose of their used petroleum product liquids and shall accept used oil and containers during normal business hours.
4. Provide petroleum and solvent waste containers, at no or a minimal charge, for use by customers to return and to recycle their oil and other used petroleum product liquids.
5. Recycle all oil collected and make every effort to recycle the returned containers and other used petroleum product liquids.

C. **Standards.** The following provisions apply to the establishment and operation of service stations:

1. Service stations must be designed to maintain the scale, appearance and character of the surrounding area.
2. The location of service station islands, pumps, underground and aboveground tanks must meet the requirements of the City Fire Department and Uniform Fire Code.
3. ***Minimum Side and Rear Setbacks.*** Structures shall be set back at least 10 feet from the side and rear property lines where the adjoining parcels are located in a residential district.

4. ***Vehicular Access Points.*** There shall be no more than two vehicular access points to/from each public right-of-way and a minimum distance of 30 feet between curb cuts along a public right-of-way.

5. ***Driveway Widths.*** The width of a driveway shall not exceed 25 feet, measured at the sidewalk.

6. ***Pump Island Location.*** Pump islands shall be set back a minimum of 15 feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.

7. ***Canopies***. Canopy height shall be limited to a maximum of 18 feet.

8. ***Restroom Screening.*** Restroom entrances viewable from adjoining rights-of-way or properties shall be concealed from view by planters or screening subject to the approval of the Community Development Director.

9. ***Peripheral Wall***.

   a. Where a service station adjoins property in a residential zoning district, a solid decorative masonry wall shall be constructed along the common property line. The height of the wall, which shall be at least six feet, shall be measured from the finished grade of the residential property. Colors, design, materials, and textures of the wall shall be compatible with on-site development and adjoining properties and subject to the approval of the City planner.

   b. When the wall reaches the established front setback line of a residentially zoned parcel adjoining the service station, the wall shall decrease to a maximum height of 42 inches.

D. **Accessory Uses.** Accessory uses of a service station which are customarily incidental and clearly subordinate to the principal use (i.e., a car wash, motor vehicle and trailer rental, sale of food and beverage items, video rental, motor vehicle fleet maintenance, etc.) may be permitted with the approval of a separate Conditional Use Permit by the Planning Commission.

## 17.22.200 Short-Term Rentals

A. **Purpose.**

1. The City Council hereby finds that unregulated transient occupancy uses in residential and agricultural district present a threat to the public welfare.

2. The purposes of the short-term rental regulations are to:

   a. Establish a permitting process and appropriate restrictions and standards for short-term rental of single-family dwellings;

   b. Provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City;

   c. Ensure the collection and payment of transient occupancy taxes;

d. Minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods; and

e. Retain the character of the neighborhoods in which any such use occurs.

3. The short-term rental regulations are not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals.

4. The short-term rental regulations are not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this Section.

5. The City Council also finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to Short-Term Rental Permits (refer to Section 17.05.100, Short-Term Rental Permit), is necessary to protect the public health, safety and welfare. The purposes of the short-term rental permit regulations are to:

   a. Provide a permit system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density;

   b. Ensure the health, safety and welfare of renters and guests patronizing short-term rentals;

   c. Impose limitations on the total number of permits issued in order to ensure the long-term availability of the affordable housing stock; and

6. Provide for robust enforcement remedies and penalties to prevent and deter violations of this Section and unjust enrichment by those who violate this Section.

B. **Short-Term Rental Permit Required.** No person must use or maintain, nor must any person authorize, aid, facilitate or advertise the use of, any single-family dwelling on any parcel in any zoning district for short-term rental without a short-term rental permit. See Sec. 17.05.100, Short-Term Rental Permit.

C. **Permitted Locations.** Short-term rentals must be permitted in accordance with the provisions established in each zoning district and as provided in this Section.

D. **Restrictions and Standards.** Short-term rentals are subject to the following restrictions and standards:

1. The short-term rental use is permitted in no more than one single-family dwelling per lot.

2. The short-term rental permit must be in the name of the owner-applicant, who must be an owner of the real property upon which the short-term rental use is to be permitted. One person may hold no more than one short-term rental permit. The permit is not transferable.

3. Short-term rental uses are limited to single-family dwellings existing and constructed as of the date of application for the short-term rental permit.

4. The total number of permits for short-term rental dwellings in the City must not exceed 25 at any time.

5. The maximum number of bedrooms used for short-term rental use in the short-term rental dwelling must be no greater than five. The total number of guests staying in the short-term rental dwelling at any one time must be no greater than two times the number of bedrooms plus two persons, up to a maximum of 12 persons.

6. Short-term rental dwellings must meet all applicable building, health, fire and related safety Codes at all times and shall be inspected by the Fire Department before any short-term rental activity can occur.

7. A minimum of two on-site parking spaces must be provided for use by the short-term rental occupants.

8. The owner-applicant must keep on file with the City the name, address, telephone number, cell phone number, and e-mail address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be posted in a conspicuous location within the short-term rental dwelling. The local contact person shall be available 24 hours a day to accept telephone calls and respond physically to the short-term rental within 30 minutes when the short-term rental is rented and occupied. The City shall post the name and contact information of the local contact person associated with each short-term rental on the City's webpage. The City reserves the right to reject a local contact person if their location is out of the area.

9. The owner-applicant must post "house policies" within each guest bedroom. The house policies must be included in the rental agreement, which must be signed by the renter and must be enforced by the owner-applicant or the owner-applicant's designated contact person. The house policies at a minimum must include the following provisions:

    a. Quiet hours must be maintained from 10:00 P.M. to 7:00 A.M., during which noise within or outside the short-term rental dwelling must not disturb anyone on a neighboring property.

    b. Outdoor amplified sound is prohibited.

    c. Except as permitted by the Community Development Director, vehicles must be parked in the designated on-site parking area and must not be parked on the street overnight.

    d. Parties or group gatherings which exceed the maximum number of allowed guests and/or which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.

    e. Guests must not leave any waste or trash outside the house.

10. Auctions, weddings, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited.

11. The owner-applicant must ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the City up to and including revocation of the short-term rental permit.

12. The owner-applicant, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or state law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, must prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the City up to and including revocation of the short-term rental permit.

13. All advertising for any short-term rental, including electronic advertising on short-term rental websites, must include the number of the short-term rental permit granted to the owner-applicant.

14. The owner-applicant must maintain City business licenses and pay all transient occupancy taxes in accordance with St. Helena Municipal Code Chapter 3.28, Transient Occupancy Tax, as required.

15. Preference for the review and issuance of new short-term rental permits must be given to current residents of St. Helena over nonresident applicants. Applicants whose primary residence is within the City must be reviewed and acted on ahead of other nonresident applications to implement the local preference policy for short-term rental permits.

16. Applicants for short-term rental permits are required to have owned their homes for a minimum of three years prior to applying for and being issued a short-term rental permit.

17. Short-term rental permit holders are required to rent their properties on a short-term basis for a minimum (average) of 60 days per year. Individual permit holders who do not meet this minimum rental activity may (at the determination of the Community Development Director) have their renewal denied and/or reviewed by the Planning Commission at a noticed public hearing. Short-term rental permit holders who utilize their primary residence for short-term rental activities are exempted from this requirement.

## 17.22.210 Single-Room Occupancy Units

Single room occupancy (SRO) units must be located, developed, and operated in compliance with the following standards:

A. **Maximum Occupancy.** Each SRO living unit must be designed to accommodate a maximum of two persons.

B. **Minimum Size.** An SRO living unit must have at least 150 square feet of floor area, excluding closet and bathroom. No individual unit may exceed 400 square feet.

C. **Minimum Width.** A one room SRO must not be less than 12 feet in width.

D. **Entrances.** All SRO units must be independently accessible from a single main entry, excluding emergency and other service support exits.

E. **Cooking Facilities.** Cooking facilities must be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, SRO units must have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; a small refrigerator; and cabinets for storage.

F. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility must have at least a toilet and sink; a full facility must have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities must be provided in accordance with the Building Code for congregate residences with at least one full bathroom per floor.

G. **Closet.** Each SRO unit must have a separate closet.

H. **Common Area.** Common area in an amount equal to 10 square feet per living unit must be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet in area of interior common space must be provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings. The common area must provide wi-fi for tenants.

I. **Income Restriction.** One hundred percent of units must be designated as affordable at the low-income level or very-low income level.

J. **Tenancy.** Tenancy of SRO units are limited to 30 or more days.

K. **Facility management.** An SRO facility with 10 or more units must provide full-time on-site management. An SRO facility with less than 10 units must provide a management office on-site.

L. **Management Plan.** A management plan must be submitted with the minor use permit application for all SRO projects. At minimum, the management plan must include the following:

1. ***Security/Safety.*** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
2. ***Management Policies.*** Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliance;
3. ***Rental Procedures.*** All rental procedures, including weekly and monthly tenancy requirements;
4. ***Staffing and Services.*** Information regarding all support services, such as job referral and social programs; and
5. ***Maintenance.*** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

## 17.22.220 Small Recycling Facilities

A Minor Use Permit for the establishment of a small recycling center shall be conditioned upon compliance with the following requirements:

A. **Location.** A small recycling center must not be located in any required setback.

B. **Screening.** Small recycling centers must be screened from the public right-of-way by landscaping (fences or walls fence may be used if located outside a required setback). The landscaping must generally be planned and installed in accordance with the Chapter 17.25, Landscaping. Any impairment of existing landscaping or landscaping required pursuant to this Title must be mitigated by installing a similar amount of landscaping.

C. **Operations.**

1. May not exceed 500 square feet including mobile recycling units, nonprofit drop-off facilities and reverse vending machines.

2. Only glass, metals, plastic containers and paper may be accepted at a small recycling center. Motor oil must not be collected for recycling at a small recycling center.

3. No power-driven processing equipment is allowed except for reverse vending machines.

4. Containers used for the collection and storage of recyclable materials must be constructed of a durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material and must have a capacity sufficient to accommodate materials collected between collection schedules.

5. Containers must be clearly marked to:

   a. Identify the type of material which may be deposited in each container;

   b. The name and telephone number of the operator and hours of operation; and

   c. Shall display a notice stating that no material is to be left outside the recycling enclosure or containers.

6. Attended facilities located within 100 feet of property zoned or occupied for residential use must operate only during the hours between 9 AM and 7 PM. Containers for the 24-hour donation of materials must be located at least 500 feet from any property zoned or occupied for residential use unless there is acoustical shielding between the containers and residential use. In no event must the containers for the 24-hour donation of materials be located less than 30 feet from property zoned for residential use.

D. **Maintenance.** The site must be maintained free of litter and any other undesirable materials and must be picked up and cleaned on a daily basis.

E. **Signs.** Signs on recycling containers must comply with the following:

1. The maximum sign area allowed must be 35 percent per side of the container or nine square feet (whichever is less) with a total sign area of 40 square feet for all containers. These may be in addition to the informational signs required by subsection C.5. In the

case of a wheeled container, the side will be measured from the pavement to the top of the container.

2. On-site directional signs may be allowed to facilitate traffic circulation or if the facility is not visible from the public right-of-way.

3. These regulations are in addition to the sign standards established in Chapter 17.27, Signs.

F. **Parking.**

1. No additional parking spaces are required for a small recycling center, over and above those required for the principal use. Mobile recycling units must have an area clearly marked to prohibit other vehicular parking during the hours mobile unit is to be present.

2. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the principal use unless the facility is located in a convenience zone as designated by the California Department of Conservation.

G. **Permit.**

1. The Minor Use Permit for a small recycling center is valid for a period of time not to exceed five years, after which time it may be reviewed for another five years. If at any time the small recycling center is not in use for six months or more, it must be immediately removed from the site and the Community Development Director notified.

2. Applicants seeking approval for a small recycling center shall submit plans and other information sufficient to demonstrate compliance with the above requirements including the name, address and telephone number of the person responsible for the daily maintenances and periodic collection of recyclable materials and written approval from the property owner.

3. The above requirements may be waived or modified by the Community Development Director if the result is to improve the overall function, site operation or appearance of the small recycling center; or that the design and/or location of the small recycling center makes the above unnecessary.

## 17.22.230 Small Wineries

A. **Purpose.** The purpose of the small winery regulations is to:

1. Promote and implement the policies of the General Plan to preserve agricultural land uses within the City;

2. Support the economic feasibility of continuing agricultural use of the land where individual property owners can process grape crop into wine within a privately owned facility; and

3. Support the establishment of smaller, locally owned and operated wineries where an existing residential use exists.

B. **Applicability.**

1. The reestablishment of pre-prohibition wineries may be permitted within any zoning district, except the W (Winery) zoning district, in compliance with the regulations in Section D.

2. The reestablishment of pre-prohibition wineries in the W (Winery) zoning district must comply with the winery district regulations in Chapter 17.19, Community Agriculture and Natural Resource Districts.

C. **Uses Prohibited.**

1. Events which are open to members of the general public who are not members of the wine trade or who do not have pre-established business relationships with the Small Winery or its owner/operator are not permitted.

2. Facilities for assembly, public sales or entertaining including retail sales rooms, visitor centers, dining rooms separate from that within the residential unit, kitchens or food service facilities are prohibited.

D. **Pre-prohibition Wineries.**

1. The reestablishment of a pre-prohibition winery may be permitted with approval of a Conditional Use Permit.

2. The following findings must be made in order to approve a Conditional Use Permit for the reestablishment of a pre-prohibition winery:

   a. There is substantial evidence proving that the subject structure was used as a winery building prior to January 16, 1920.

   b. More than 50 percent of the exterior of the original historic structure remains standing.

3. The appearance of the renovated building must be consistent with the original appearance of the building, as documented by photographs or as recommended by a qualified architectural historian.

4. Pre-prohibition winery status may allow modification of regulations of the underlying zoning district to preserve the historic nature of the structure.

5. Pre-prohibition wineries are not automatically entitled to the prior annual production capacity, or type or intensity of prior social or marketing activities. Pre-prohibition winery operations must be consistent with all small winery regulations contained in subsections E through G.

6. Conditions of approval for a Conditional Use Permit to reestablish a pre-prohibition winery must provide for the continued preservation of the historic nature of the structure through rezoning to include an Historic Preservation Overlay or other means deemed suitable.

7. Construction must comply with the California Uniform Building Code and/or the State Historic Building Code, as amended and adopted by the City.

E. **Development and Use Standards.**

1. **Parcel size.**

a. Small wineries are allowed only on parcels of five acres or greater in size; however, exceptions may be granted if it can be demonstrated that there will be minimal impact upon surrounding properties.

b. Small wineries that host tastings or other are allowed only on parcels 10 acres or greater in size; however, exceptions may be granted if it can be demonstrated that there will be minimal impact upon surrounding properties.

2. Small wineries must be an accessory use to a residential use. The residential use must be the primary residence of the winery owner.

3. The development of small wineries must be consistent with the development standards for accessory buildings for the zoning district in which the small winery is located, except that more restrictive standards may be applied if it is determined that the winery building or operations will have a negative impact upon other properties in the vicinity.

4. Only one small winery is permitted per parcel.

5. A minimum of 85 percent of the grape source utilized for the wine produced at the small winery must be grown on the premises, on parcels whose property lines adjoin the parcel upon which the small winery is located, or on any parcel that is immediately adjacent to or across any public or private street, excluding Highway 29, from that parcel upon which the small winery is located.

6. There must be a direct correlation between the yearly production limit of the small winery and the anticipated tonnage of grapes. A general guideline for establishing the production limit is 1,000 gallons per acre of vineyard planted on the property where the small winery is located; however, the general guideline can vary depending upon the crop yield of the particular vineyard.

7. Pursuant to Section 13.04.100(f), no municipal water may be utilized for the small winery operations or vineyard irrigation.

8. A minimum of three parking spaces (two standard parking spaces and one accessible parking space) must be provided with the winery use. Additional parking spaces may be required depending upon the number of employees employed at the winery. All employees must park on-site.

F. **CUP Requirements and Conditions.**

1. All private visitor and event parking, including employee parking, must be provided on-site.

2. Wine marketing events are limited to a maximum of one event per calendar month.

3. The maximum number of guests allowed at any private wine marketing event must not exceed the Fire Code occupancy of the small winery building. This maximum capacity shall be posted in a conspicuous place in the small winery building.

4. Conditional Use Permit conditions shall state the maximum number of guests per event and may impose stricter limitations if residential development on adjoining parcels is within 400 feet of the new small winery use.

5. Amplified music outdoors is not permitted within 500 feet of a residence.

6. There can be no advertising in publications produced for general distribution for private wine marketing events and all attendees must have been specifically invited to participate in the private wine marketing event by the small winery owner/operator. Because facilities for assembly or entertaining are prohibited, all private wine marketing events must be held within the confines of the on-site residential unit, the production area of the small winery building, or outside.

7. The establishment of on-premises wine sales will be determined during the process for consideration of a Conditional Use Permit. If wine sales are to be allowed, they must be restricted only to wine that is produced on the parcel on which the small winery is located. No merchandise must be sold.

8. The hours of sales must be by appointment only as reviewed during the process for consideration of a Conditional Use Permit.

G. **Inspection, Fees, and Licenses.**

1. A business license is required prior to the commencement of operation of a small winery.

2. The Building and Community Development Director must inspect small wineries as often as necessary to ensure compliance with this Article and Conditional Use Permit conditions. An inspection fee must be set by resolution of the City Council.

## 17.22.240 Solar Energy Systems

Solar energy systems must be located, developed, and operated in compliance with the following standards:

A. **Height.**

1. ***Ground-Mounted Solar Energy Systems.*** The maximum height of a ground-mounted solar energy collector system is 25 feet or the maximum height allowed in the underlying zoning district, whichever is less.

2. ***Roof-Mounted Solar Energy System.*** Solar energy systems may extend up to five feet above the roof surface on which they are installed and are excluded from the maximum height limit of the zone in which they are located.

B. **Required Setback.** Solar energy systems less than six feet in height may be installed within a required side and rear setback, but no closer than three feet to any property line. All other solar energy systems must meet the required setback of the underlying zoning district.

## 17.22.250 Temporary Uses

A. **Purpose.** This Section establishes regulations to ensure that short-term activities on privately or publicly owned property will be compatible with surrounding areas.

B. **Permit.** A Temporary Use Permit allows the short-term activities listed in subsection D (Allowed Temporary Activities) that may not comply with the normal development or use standards of the applicable zoning district but may otherwise be acceptable because of their temporary nature. Temporary Use Permits, issued in accordance with Section 17.05.110, Temporary Use Permit, are not subject to design review or standard parking requirements otherwise restricted by this Code.

C. **Exempt Temporary Activities.** The following allowed temporary activities are exempt from the requirement for a Temporary Use Permit. Activities that do not fall within the categories defined below must comply with subsection D (Allowed Temporary Activities).

1. ***Construction Yards—On-Site.*** On-site contractors' storage yards of less than one acre, including a work trailer, only in conjunction with an approved construction project located on the same site. The contractor's storage yard must be removed immediately upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.

2. ***Emergency Facilities.*** Emergency public health and safety needs/activities, as determined by City Council or City Manager.

3. ***Location Filming.*** The temporary use of a specific site for the location filming of commercials, movies, videos, etc., as regulated and approved by the City Manager pursuant to St. Helena Municipal Code Chapter 5.24, Film Permits.

4. ***Garage Sales or Similar Sales Activities.*** The sale of personal goods which are owned by the household, or neighboring households located on residentially zoned property, for up to three consecutive days and three times within a 12-month period.

5. ***Public Property.*** Activities conducted on public properties that are approved by the City Council.

6. ***Nonprofit Special Events.*** Special events (such as carwashes, bake sales, rummage sales or flea markets) conducted by or for a recognized nonprofit or charitable community group may be conducted on the grounds of a religious institution, commercial property, school or other permanent place of public assembly up to three days during any six-month period provided they meet the following standard or provisions:

   a. Event activities do not block a building exit, present a hazard to pedestrians or vehicles, reduce the width of a pedestrian walkway to less than required ADA access dimensions, significantly reduce on-site parking or occupy a fire lane.

   b. If the merchandise or activity is proposed for location on any street, sidewalk or public right-of-way, an encroachment permit must be secured from the public works department.

c. If any commercial vendors are involved in the event, they must secure a business license from the Finance Department pursuant to Title 5, Business Licenses and Regulations.

d. Nonprofit special events occurring more frequently than three days during any six-month period must require a Conditional Use Permit or Temporary Use Permit.

D. **Allowed Temporary Activities.** The following temporary activities may be allowed within the specified time limits, but in no case for more than 12 months, subject to the issuance of a Temporary Use Permit by the Community Development Director. Other temporary or short-term activities that do not fall within the categories defined below must instead comply with the Temporary Use Permit requirements and development standards that otherwise apply to the property.

1. ***Events.*** Arts and crafts exhibits, carnivals, concerts, fairs, farm stands, festivals, flea markets, food events, outdoor entertainment/sporting events, and swap meets for up to 14 consecutive days, or six two-day weekends, within a 12-month period, when conducted on nonresidential properties. Decisions on large scale temporary uses such as concerts or festivals which are intended to draw large numbers of individuals (i.e., 400 or more people) to the temporary use in a single day may be elevated to the Planning Commission at the discretion of the Community Development Director.

2. ***Pop-Up Uses.*** Retail sales, museums, outdoor movies for commercial profit, outdoor dining in junction with a restaurant, art exhibits, restaurants or cafes for up to 12 months when conducted on nonresidential properties.

3. ***Formula Pop-Up Uses.*** Pop-up uses meeting the definition of a "formula business" are limited to 90 days of operation when conducted on nonresidential properties.

4. ***Seasonal Sales Lots.*** Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers, on nonresidential properties, for up to 30 days and four times within a 12-month period.

5. ***Temporary Structures.*** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of 12 months from the date of approval without Design Review, to accommodate an existing approved primary or accessory use, or as the first phase of a development project. The type of temporary use must be allowed within the base zoning district.

6. ***Temporary Off-site Storage.*** Temporary off-site storage requires a Minor User Permit and is limited to a period of one year, with an extension at the discretion of the Director.

7. ***Similar Temporary Activities.*** Similar temporary activities that the Community Development Director determines are compatible with the zoning district and surrounding land uses.

## 17.22.260 Time Share Uses

A. **Purpose and Findings.**

1. There is a critical shortage of permanent, long-term housing in St. Helena.
2. A limited supply of suitable vacant land, land values, and market demand for land for other uses, including but not limited to use of property for vineyards, have limited the construction of additional housing in the City.
3. St. Helena is a popular tourist destination known for its scenic Napa Valley location, exceptional wineries and restaurants, historic Main Street and small town agricultural character.
4. St. Helena stands out in the Napa Valley for its ability to attract visitors while also supporting the needs of its resident population. Maintaining the balance between the quality of life for residents and those who work in the City and the visitors who help to sustain the City's tourist economy is key to maintaining a sustainable community and a stable economy.
5. Time-share uses are not an appropriate land use in the City's residential districts due to the multiple occupancy of time-share properties, the short-term, tourist oriented use of such property and commercial management of time-share facilities, all of which create increased traffic generation, excessive noise, disruption to residential communities through commercial-level maintenance of the time-share facilities, and therefore are appropriately confined to commercial zoning districts.
6. Conversion of permanent housing to time-share facilities removes existing housing units from the City's existing stock and exacerbates an already severe housing shortage.
7. It is, therefore, in the public interest to prohibit conversions of existing housing units into time-share facilities, as to do so eliminates needed housing stock by diverting those units to a tourist-oriented, commercial use. (Ord. 22-5 § 2)

B. **Definitions.** For purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

1. "Accommodation" means any dwelling unit, apartment, condominium or cooperative unit, hotel or motel room, or other structure constructed for residential use and occupancy, including but not limited to a single-family dwelling, or unit within a two family dwelling, three family dwelling, multiple family dwelling, or townhouse dwelling as defined in Chapter 17.33, Definitions of Uses.
2. "Building" shall have the meaning ascribed to it by Chapter 17.32, Definitions of Terms.
3. "Dwelling unit" shall have the meaning ascribed to it by Chapter 17.32, Definitions of Terms.
4. "Managing entity" means the person who undertakes the duties, responsibilities and obligations of the management of a time-share plan.

5. "Person" means a natural person, corporation, limited liability company, partnership, joint venture, association, estate, trust, or other legal entity, or any combination thereof.

6. "Time-share instrument" means one or more documents, by whatever name denominated, creating or governing the operation of a time-share plan and includes the declaration dedicating accommodations to the time-share plan.

7. "Time-share interest" means the right to exclusively occupy a time-share property for a period of time on a recurring basis pursuant to a time-share plan, regardless of whether or not such right is coupled with a property interest in the time-share property or a specified portion thereof.

8. "Time-share plan" means any arrangement, plan, scheme, or similar device, whether by membership agreement, bylaws, shareholder agreement, partnership agreement, sale, lease, deed, license, right to use agreement, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of an accommodation or accommodations, whether through the granting of ownership rights, possessory rights or otherwise, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years.

9. "Time-share property" means one or more accommodations subject to the same time-share plan, together with any other property or rights to property appurtenant to those accommodations.

10. "Time-share use" means the use of one or more accommodations or any part thereof, as a time-share property pursuant to a time-share plan.

C. **Time-share Uses Restricted to Service Commercial (SC) and Central Business (CB) Districts.** Time-share uses are conditional uses within the City's Service Commercial (SC) District and Central Business (CB) District, subject to approval of a conditional use permit applied for and approved in conformance with this Chapter. Time-share uses are not permitted in all other Zoning Districts in the City.

D. **Application Process and Development Standards.**

1. ***Application Process.*** Approval of a conditional use permit for time-share uses in the SC or CB Zoning Districts.. In addition to the application requirements contained in Chapter 17.04, Common Procedures, and Chapter 17.05, Planning Permits and Approvals, an application for a time-share use shall be accompanied by the following documents which shall be subject to the approval of the Community Development Director:

   a. *Management Plan.* A management plan shall describe the methods employed by the applicant to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance of the time share use.

   b. *Application Requirements.* In addition to any application requirements established by this Section and any other applicable requirements of this Code, the following information shall be submitted as part of any application to develop or establish a time-share use:

i. Typical floor plans for each accommodation.

ii. The phasing of the construction of the accommodations on the time-share property, if applicable.

iii. A description of any ancillary uses which are proposed in conjunction with the time share use.

iv. A description of the method of management of the time share use and indication of the management entity for the time-share property.

v. Any restrictions on the use or occupancy of the accommodations.

vi. Any other information or documentation the applicant, City staff or commission deems reasonably necessary to the consideration of the time-share use, including any required environmental documents.

2. ***Development Standards and Operational Requirements.*** Notwithstanding any other provision of this Chapter, the following conditions must be met by any time-share use in any conditionally permitted zone. Additional requirements may be attached to a Conditional Use Permit or development agreement if found to be necessary to assure that the time-share use meets the intent of this Chapter:

a. Time-share uses developed in the SC or CB Zoning District shall be limited to accommodations in upper floors in conjunction with a mixed-use project.

b. No existing residential use in the SC or CB Zoning District shall be converted to a time-share use.

c. *Development Standards.* The time-share use shall comply with all development standards for the zone in which it is located.

d. *Parking.* Parking shall be provided as follows:

i. For accommodations of two or fewer bedrooms, one parking space shall be provided for each accommodation.

ii. For accommodations of three or more bedrooms, two parking spaces shall be provided for each accommodation.

e. *Modification or Waiver of Standards.* The planning commission may modify or waive one or more of the regulations contained in this Section if it determines that strict compliance is not necessary to achieve the purpose and intent of this Section.

E. **Violations, Enforcement and Civil Penalties.**

1. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way and through any medium, the availability for sale or use of an accommodation in violation of this Chapter is guilty of a misdemeanor for each day in which such accommodation is used, allowed to be used, or advertised for sale or use in violation of this Chapter. Such violation shall be punishable pursuant to St. Helena Municipal Code Chapter 1.20, General Penalties.

2. Time-share use, and/or advertisement for time-share use, of an accommodation in violation of this Chapter is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated and/or restored by the enforcement official and also may be abated pursuant to St. Helena Municipal Code Chapter 1.12, Enforcement Procedures, except that the civil penalty for a violation shall be $1,000.00. Each day the violation occurs shall constitute a separate offense.

3. Any responsible person who violates this Chapter shall be liable and responsible for a civil penalty of $1,000.00 per violation per day such violation occurs. The City may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the City, including without limitation the City's staff time, investigation expenses and attorney's fees.

    a. Where the City proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this Chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the responsible person's enrichment or profit as a result of the violation of this Chapter. In any such civil action the City also may abate and/or enjoin any violation of this Chapter.

    b. Where the City proceeds by administrative citation, the City shall provide the responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.

        i. The responsible person shall have the right to request the administrative hearing within 45 days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the responsible person shall notify the City Clerk in writing within 45 days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances and arguments upon which the appeal is based.

        ii. The City manager is hereby authorized to designate a Hearing Officer to hear such appeal. The City Hearing Officer shall conduct a hearing on the appeal within 90 days of the request for the hearing unless one of the parties requests a continuance for good cause. The Hearing Officer shall only consider those facts, circumstances or arguments that the property owner or responsible person has presented in the appeal notification.

        iii. The Hearing Officer shall render a decision in writing within 30 days of the conclusion of the hearing. The Hearing Officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of

culpability and/or inability to pay. Provided, however, that in exercising its discretion the Hearing Officer should consider the purpose of this Chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this Chapter.

iv. Any aggrieved party to the Hearing Officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County superior court in accordance with the timelines and provisions set forth in Government Code § 53069.4.

v. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this Section, such penalty, if unpaid within 45 days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to St. Helena Municipal Code Chapter 1.12, Enforcement Procedures. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.

4. Any violation of this Chapter may also be abated and/or restored by the enforcement official and also may be abated pursuant to St. Helena Municipal Code Chapter 1.12, except that the civil penalty under St. Helena Municipal Code Chapter 1.12, Enforcement Procedures, for a violation shall be $1,000.

5. Each day the violation of this Chapter occurs shall constitute a separate offense.

6. The remedies under this Chapter are cumulative and in addition to any and all other remedies available at law and equity.

## 17.22.270 Wireless Telecommunication Facilities

A. **Purpose.** The purpose and intent of this Section is to provide uniform and comprehensive standards for the approval and design of telecommunication facilities. These regulations are designed to protect and promote public health, safety, and community welfare while at the same time not unduly restricting the development of needed telecommunication facilities. They have been also developed to further the policies of the General Plan. It is intended that these regulations specifically accomplish the following:

1. Ensure that new telecommunication facilities are installed in a manner that minimizes their visual impact on the community;

2. Protect the environmental resources of the City;

3. Create telecommunication facilities that will serve as an important and effective part of the City's emergency response network; and

4. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while protecting the legitimate interests of the City's citizens.

B. **Applicability and Exemptions.** The requirements of this Section apply to all telecommunication facilities on private property and public property not including the public right-of-way that transmit and/or receive electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt:

1. Licensed amateur (ham) radio and citizen band operations.
2. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
3. Public safety communications radio.
4. Radio and television mobile broadcast facilities.
5. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
6. A temporary telecommunication facility mounted on a trailer or a portable foundation, with approval of the City Manager for an emergency for a period of up to one year.
7. A single ground- or building-mounted dish antenna not exceeding the maximum height permitted by this Section, including any mast, subject to the following restrictions:
    a. *Satellite Dish 39.37 inches (one meter) or less.* A satellite dish antenna 39.37 inches (one meter) or less in diameter and (a) intended for the sole use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot provided it does not exceed the height of the ridgeline of the primary structure on the same parcel.
    b. *Non-Satellite Dish 39.37 inches (one meter) or Less.* A dish antenna 39.37 inches (one meter) or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot.
8. An antenna that is less than 25 feet in height and that is mounted on any existing building or other structure. The antenna shall be for the sole use of a person occupying

the same parcel on which the antenna is located to receive television broadcast signals.

9. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Community Development Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.

10. Minor modifications to existing wireless facilities as determined by the Community Development Director that replace existing equipment in-kind or with smaller or less visible equipment, that meet the standards set forth in this Section, and will have little or no change in the visual appearance of the facility.

C. **Definitions of Telecommunications Terms.**

1. *Antenna*. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is operated or operating from a fixed location.

2. *Base Station*. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

   (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

   (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).

   (iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this Section, supports or houses equipment described in subsections (i) and (ii) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

   (iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this Section, does not support or house equipment described in subsections (i)-(ii).

3. *Collocation.* (1) Mounting or installing a wireless telecommunication facility on a pre-existing structure; and/or (2) Modifying a structure for the purpose of mounting or installing a wireless telecommunications facility on that structure. For the purposes of

Eligible Facilities Requests, collocation means the mounting or installation of transmission equipment on an existing tower or base station.

4. *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

   (i) Collocation of new transmission equipment;

   (ii) Removal of transmission equipment; or

   (iii) Replacement of transmission equipment.

5. *Fixed wireless signal.* Any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur ("HAM") radio, CB radio, and Digital Audio Radio Service (DARS) signals.

6. *Hub or relay antenna*. Any antenna that is used to receive or transmit fixed wireless signals for the distribution of fixed wireless services to multiple customer locations as long as the antenna serves a customer on whose premises it is located but excludes any hub or relay antenna that is used to provide any telecommunications services or services that are provided on a commingled basis with telecommunications services.

7. *Lattice tower.* A sub-type of tower; a three or more legged structure designed and erected on the ground to support wireless telecommunication antennas and connecting appurtenances.

8. *Monopole.* A sub-type of tower; a structure of single pole (non-lattice) design and erected on the ground to support wireless telecommunications antennas and connecting appurtenances.

9. *Satellite dish or Non-satellite dish*. A sub-type of antenna incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

10. *Small wireless facilities.* Facilities that meet each of the following conditions:

    (1) The facilities -

        (i) Are mounted on structures 50 feet or less in height including their antennas as defined in this Section

        (ii) Are mounted on structures no more than 10 percent taller than other adjacent structures; or

        (iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

    (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna), is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facilities do not require antenna structure registration under CFR Part 17;

(5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

11. *Stealth design*. Improvements or treatments added to a wireless telecommunication facility which are intended to make the facility look like something other than a wireless tower or base station or to mask or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer.

12. *Tower.* Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

13. *Wireless telecommunication facility,* or *telecommunication facility.* A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development.

    a. *Telecommunication facility – major.* Any new stand-alone facility, excluding stand-alone small wireless facilities up to 35 feet in height.

    b. *Telecommunication facility – minor.* Collocations and small wireless facilities up to 35 feet in height. If a facility does not meet these criteria then it is considered a major telecommunications facility.

D. **Permits Required.**

1. ***Collocation Facilities (Gov. Code § 65850.6).*** Collocation facilities are allowed by right when proposed on a wireless telecommunications collocation facility that was subject to a discretionary permit issued and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

2. ***Eligible Facilities Request (EFR).*** For Eligible Facilities Requests, collocation of new transmission equipment, removal of transmission equipment, or the replacement of

transmission equipment is allowed by right provided the modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

3. ***Telecommunication Facility, Major.*** Non-exempt major telecommunication facilities are permitted subject to Conditional Use Permit.

4. ***Telecommunication Facility, Minor.*** Non-exempt minor telecommunication facilities are permitted subject to a Minor Use Permit.

E. **Application Requirements and Review Process.** The following are the minimum criteria applicable to all telecommunication facilities. In the event that a project is subject to discretionary and/or environmental review, mitigation measures, more restrictive criteria than presented in this Chapter, or other conditions of approval may also be necessary. All telecommunication facilities shall comply with:

1. ***Minimum Application Requirements.*** The Community Development Director or shall establish and maintain a list of information that must accompany every application for the approval of a telecommunication facility. Requirements are found on the Telecommunication Facility Application on file with the Community Development Department.

2. ***Expert Review.*** The Community Development Director is explicitly authorized to employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section and in those cases where a technical demonstration of feasibility or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City. Any proprietary information disclosed to the City or the expert hired shall remain confidential and shall not be disclosed to any third party.

3. ***Approval Authority.***

   a. *Major telecommunications facilities.* The Planning Commission shall be the hearing authority for major telecommunications facilities. All major telecommunications facilities require a public hearing.

   b. *Minor telecommunications facilities.* Minor telecommunication facilities may be approved by the Community Development Director through a Minor Use Permit application. The director may refer an application for a minor telecommunication facility to the Planning Commission in his or her discretion based on comments received in response to public notice.

   c. *Collocation facilities requests and eligible facilities requests, in compliance with Section D.1 and D.2.* Collocation facilities requests and eligible facilities requests may be approved by the Community Development Director through a Minor Use Permit application.

4. ***Public Notice.*** In addition to the public notice required under Part II, the following special noticing shall be provided:

a. Notice of a public hearing on a Conditional Use Permit application under this Section shall be provided to the operators of all telecommunication facilities within one mile of the subject parcel via mailing of the standard legal notice.

b. Notice of any application for a telecommunication facility shall be mailed to all adjacent property owners within 300 feet. The notice shall include the date by which public comments regarding the application shall be submitted for consideration and the date of the scheduled public hearing or date that the Community Development Director shall make a determination on the application.

5. ***Required Findings.***

a. *General Findings.* In approving any telecommunication facility except for a collocation facility request or an eligible facilities request, the Approval Authority shall make the following findings:

i. The proposed use conforms with the specific purposes of this Section and any special standards applicable to the proposed facility;

ii. The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna or to accomplish collocation;

iii. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and

iv. The proposed facility uses a stealth design.

b. *Additional Findings for a Major Facility.* To approve a major telecommunication facility, the Approval Authority shall find that a minor telecommunication facility is not feasible because of technical, aesthetic, or legal consideration including that such siting:

i. Would have more significant adverse effects on views or other environmental considerations;

ii. Is not permitted by the property-owner;

iii. Would impair the quality of service to the existing facility; or

iv. Would require existing facilities at the same location to go off-line for a significant period of time.

c. *Findings for Collocation Facilities Requests*

i. The proposed collocation facility meets the requirements of Section 17.22.270(D)(1).

d. *Findings for Eligible Facilities Requests*:

i. The proposed collocation or modification meets each and every one of the applicable criteria for an eligible facilities request stated in 47 C.F.R. 1.6100(b)(3)-(9), or any successor provisions, after application of the

definitions in 47 C.F.R. 1.6100(b). The Approval Authority shall make an express finding for each criterion;

ii. The proposed facility complies with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, except to the extent preempted by 47 C.F.R. 1.6100(b)(7)(i) through (iv), or any successor provisions; and

iii. That the proposed facility will comply with all generally applicable laws.

e. *Additional Findings for Setback Reductions.* Except for a collocation facility request or an eligible facilities request, to approve a reduction in setback, the Approval Authority shall make one or more of the following findings:

i. The facility will be collocated onto or clustered with an existing, legally established telecommunication facility; and/or

ii. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

f. *Additional Findings for Any Other Exception to Standards.* The Planning Commission may waive or modify requirements of this Section upon finding that strict compliance would result in noncompliance with applicable federal or State law. Requirements may be waived or modified only to the minimum extent required to avoid the noncompliance. An applicant seeking an exception must provide all supporting evidence for the request at the time of application submittal.

6. ***Conditional Use Permit Conditions of Approval.*** In addition to compliance with the requirements of this Chapter, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Approval Authority:

a. The Conditional Use Permit expires 10 years from approval and must be renewed in order to continue the use.

b. The permittee shall not place any facilities that will deny access to, or otherwise interfere with, any public utility, easement, or right-of-way located on the site. The permittee shall allow the City reasonable access to, and maintenance of, all utilities and existing public improvements within or adjacent to the site, including, but not limited to, pavement, trees, public utilities, lighting and public signage.

c. At all times, all required notices and signs shall be posted on the site as required by the FCC and CPUC, and as approved by the City. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.

d. At all times, the permittee shall ensure that the facility complies with the most current regulatory and operational standards, including, but not limited to, radio frequency emissions standards adopted by the FCC.

e. The permittee and owner of any site on which a telecommunication facility is located shall cooperate and exercise good faith in collocating telecommunication facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of collocation and may include negotiations for erection of a replacement support structure to accommodate collocation. A competitive conflict to collocation or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

   i. No collocation may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.

   ii. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Section is grounds for denial of a permit request or revocation of an existing permit.

f. Within one month after construction of the wireless communications facility, the permittee shall verify compliance with FCC radio frequency emissions standards. The verification shall be submitted to the Community Development Director. If at any time while the permit is in effect the Community Development Director determines there is good cause to believe that the facility may emit RF emissions that are likely to exceed FCC standards, the Community Development Director may require the permittee to submit a report described by this Section. Failure to comply with this Section shall be grounds for revocation of the Conditional Use Permit.

g. Within 60 calendar days after the applicant commences full, unattended operations of the permitted facility, the applicant shall provide the Community Development Director with documentation that the permitted facility has been installed and/or constructed in compliance with the approved construction drawings and photo simulations and a technically sufficient written report by a qualified radio frequency emissions engineer certifying that the facility is in compliance with the radio frequency emissions guidelines or standards of the FCC.

7. ***Conditions of Approval for Collocation Facilities Requests.*** In addition to compliance with the requirements of this Chapter, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Approval Authority:

   a. Permit subject to conditions of underlying permit. Any permit granted in response to an application qualifying as a collocation facility request shall be subject to the terms and conditions of the underlying permit.

   b. No permit term extension. The City's grant or grant by operation of law of a collocation facility permit will not extend the permit term for the underlying wireless telecommunication collocation facility permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying

permit or other regulatory approval for the subject wireless telecommunication collocation facility.

8. ***Eligible Facilities Requests Conditions of Approval.*** In addition to compliance with the requirements of this Chapter, all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Approval Authority:

    a. Permit subject to conditions of underlying permit. Any permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.

    b. No permit term extension. The City's grant or grant by operation of law of an eligible facilities request permit constitutes a federally mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the City's grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.

9. ***Life of Approvals.***

    a. A Conditional Use Permit or issued pursuant to this Section authorizing establishment of a telecommunication facility must be renewed every 10 years through the approval process specified in Section 17.05.020, Conditional Use Permit. The grounds for non-renewal shall be limited to a showing that one or more of the situations listed below exist:

        i. The use involved is no longer allowed in the applicable zoning district,

        ii. The facility fails to comply with the relevant requirements of this Section as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Community Development Director that the facility will be brought into compliance within 120 days, and

        iii. The permittee has failed to comply with the conditions of approval imposed.

    b. The grounds for appeal of issuance of a renewal shall be limited to a showing that one or more of the situations listed above does in fact exist or that the notice required under subsection D.4 was not provided.

10. ***Standard Agreement Required.***

    a. The property owner(s) and the permittee shall enter into a performance and maintenance agreement with the City. The terms of the agreement shall:

        i. Ensure compliance with this Chapter and all applicable conditions of approval.

        ii. Require the facility to be appropriately maintained.

iii. Ensure new landscaping is installed and existing landscaping is maintained, preserved and protected, as indicated on the plans, and

iv. Require the property owners to defend, indemnify, and hold harmless the City.

b. The agreement shall be signed and notarized and submitted to the Community Development Department when located on private property. The agreement shall run with the property to ensure that future property owner(s) are aware of the requirement for ongoing maintenance of the existing and approved landscaping.

F. **Design and Location Standards.** Telecommunication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district in which they are located.

1. ***Location and Siting.***

a. No new freestanding facility, including a tower, shall be located within 1,000 feet of another freestanding facility, unless mounting on an existing building or existing pole or tower is not feasible.

b. All wireless telecommunication facilities shall meet the building setback standards of the district which they are to be located unless findings for a setback reduction are made in accordance with Section E.5.e above.

c. Major telecommunication facilities are not permitted in the LR, MR, and HR districts.

d. Major and minor telecommunication facilities are not permitted on properties within the Historic Preservation Overlay District.

2. ***Support Structures.*** Support structures for telecommunication facilities may be any of the following subject to owner approval:

a. An existing nonresidential building.

b. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.

c. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the telecommunication facility to achieve a stealth design. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.

d. Existing publicly owned and operated tower exceeding the maximum height limit.

e. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole shall be constructed to allow for collocation of at least one other similar communications provider.

3. ***Height Limitations.***

a. *Freestanding Wireless Telecommunications Facility.* A freestanding wireless telecommunications facility shall not exceed a height of 15 feet above the height limit of the district in which it is located.

b. *Building-Mounted Facilities.* Building-mounted telecommunication facilities shall not exceed a height of 15 feet above the height limit of the district or 15 feet above the existing height of a legally established building, whichever is lower, measured from the top of the facility to the highest (lowest?) point of attachment to the building.

c. *Facilities Mounted on Structures*. Telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 15 feet above the height of an electric utility pole.

d. *Facilities Mounted on Light Poles.* A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles.

e. *Height Determination.* A telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted and to the tip of the highest antenna or piece of equipment attached thereto. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it can be raised including any antenna or other equipment attached thereto.

4. ***Design and Screening.*** All telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts.

a. *Minimum Functional Height.* All free-standing wireless telecommunications facilities shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher facility will facilitate collocation.

b. *Stealth Design.* State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or otherwise screened to achieve a stealth design in a manner that is

compatible with the architectural design of the building or structure. All finishes shall be non-reflective.

c. *Equipment Cabinets.* Equipment cabinets shall be located within the building upon which antennas are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the City. Any wall shall be architecturally compatible with the building or immediate surrounding area.

d. *Vegetation Protection and Facility Screening.* All telecommunication facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility where necessary. To this end the following measures shall be implemented:

   i. Existing trees and other vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter.

   ii. Where mature trees exist near the construction site, a tree protection plan shall be submitted with building permit or improvement plan submittal. This plan shall be prepared by a certified arborist and give specific measures to protect trees during project construction.

   iii. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it.

e. *Lighting.* Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.

f. *Advertising.* No advertising shall be placed on telecommunication facilities, equipment cabinets, or associated structures.

g. *Collocation of additional wireless facilities on an approved major telecommunications facility.*

   i. All facilities shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Collocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third-party technical study at applicant's expense. The City may review any

information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

ii. All collocated and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.

5. ***Security Features*.** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.

   a. *Fencing.* Security fencing, if any, shall not exceed the fence height limit of the base district. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.

   b. *Maintenance.* The permittee shall be responsible for maintaining the site and facilities free from graffiti.

6. ***Roads and Parking.*** All telecommunication facilities shall be served by the minimum roads and parking areas necessary. To this end, existing roads shall be used for access whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the Fire Chief and City Engineer.

7. ***Radio Frequency Emissions Standards, Interference, and Noise.***

   a. *Radio Frequency.* Telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.

   b. *Interference.* Telecommunications facilities shall not interfere with public safety radio communications.

   c. *Noise.* Telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of 50 dBa during the hours of 7:00 AM to 10:00 PM and 40 dBa during the hours of 10:00 PM to 7:00 AM measured at the property line of any nonresidential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 AM and 5:00 PM.

8. ***Fire Prevention.*** All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.

   a. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.

b. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.

c. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.

d. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.

G. **Vacation and Removal of Facilities.** The service provider shall notify the Community Development Director of the intent to vacate a site at least 30 days prior to the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within 60 days of discontinuation of the use and the site shall be restored to its original, pre-construction condition.

# Chapter 17.23 Reserved

# Chapter 17.24 General Site Standards

## 17.24.010 Purpose

This Chapter prescribes site regulations that apply, except where specifically stated, to development in all zoning districts. These standards shall be used in conjunction with the standards for each zoning district established in Part III, Zoning District Regulations. In any case of conflict, the standards specific to the zoning district shall control.

## 17.24.020 Accessory Buildings and Structures

Accessory buildings or structures that do not have toilet plumbing or cooking facilities are subject to the following provisions:

A. **Location.**

1. An accessory building or structure must not be located in any required setback fronting a public or private street nor in that portion of a required side setback adjacent to the main building on the adjacent parcel(s).
2. No more than one accessory building or structure may be located in front of the most forward portion of the front elevation of the primary structure. The intent of this provision is to discourage the construction of walls and accessory buildings or structures that obscure the visibility of the main house from the street.
3. An accessory building or structure attached to the main building with a trellis, breezeway or similar structure must conform to the setbacks of the main building.
4. An accessory building or structure may be located in a required rear setback and that portion of a side setback not adjacent to the main building on the adjacent parcel(s) subject to the following provisions:
    a. The maximum coverage of a required setback must not exceed 50 percent.
    b. A minimum distance of four feet must be provided from the property line to the accessory building or structure.

B. **Building Separation.** An accessory building or structure must be separated from a principal building on the same lot subject to the following provisions:

1. A minimum separation of eight feet if any portion of an accessory building or structure is located within a required setback.
2. If no portion of an accessory building or structure is located within a required setback no minimum separation is required subject to the following conditions:
    a. Drainage and fire containment are addressed to the satisfaction of the Public Works Director and the Fire Chief.
    b. If the Chief Building Official determines that the separation between an accessory building or structure that is habitable as defined by this Code and a

principal building may be reduced to zero feet, then the accessory building or structure must be connected to the principal building by a doorway providing direct access between the accessory building or structure and the principal building.

c. If the Chief Building Official determines that the separation between an accessory building or structure that is habitable as defined by this Code and a principal building may be reduced to less than three feet but more than zero feet, then approval of a Conditional Use Permit must be required prior to the issuance of a building permit.

## 17.24.030 Encroachments into Required Setbacks

Buildings may encroach into required setbacks according to the standards of this Section, subject to all applicable requirements of the Building Code. These limitations shall not apply to patios, walks, or other similar types of surfaced areas when constructed at grade.

A. **Architectural Features.**

1. Architectural features such as bay windows, fireplaces, chimneys, and sills less than 15 feet in length may encroach into any required setback for a distance of not more than two feet.

2. Eaves may encroach into any required setback for a distance of not more than two feet.

B. **Open Floor Space Areas Over 18 Inches Above Finished Grade.** Open decks, unenclosed porches, unenclosed balconies, fire escapes, landings, steps, and other open floor space areas with a floor elevation over 18 inches above finished grade may extend into any required front setback or side setback for a distance of not more than six feet.

C. **Open Floor Space Areas 18 Inches or Less above Finished Grade.** Open floor space areas with a floor elevation 18 inches or less above finished grade may extend into the required setback for a distance of not more than one-half the width of the setback required by the zoning district requirements.

D. **Exemptions.** The following structures and features are exempt from the regulations of this Section when approved by the Community Development Director.

1. Ramps, railings, lifts and other similar open floor space areas or facilities used for handicapped access;

2. Ornamental gate archways up to eight feet in height and 12 feet in width;

3. Trellises and pergolas up to eight feet in height and covering less than 60 square feet; and

4. Planters, light standards, windbreaks, sun screens, outdoor fireplaces, ponds, ornamental fixtures, flagpoles, arbors, trees, shrubs, and similar features.

## 17.24.040 Height Exceptions

The following provisions shall apply to the modification of the height limitations of this Code.

A. **Height Exceptions Allowed By-Right.** The following buildings and structures may exceed the height limitations specified in this Title by up to five feet:

1. Cupolas, belfries, domes, chimneys, and flagpoles, television and radio receiving antennae, excluding "satellite antennas" as defined by Section 17.22.270, Wireless Telecommunications Facilities.

2. Roof screening structures for elevators, stairways, tanks, ventilating fans, air conditioning, or similar equipment used solely to operate and maintain a building.

B. **Height Exceptions Permitted with a CUP.** The following buildings and structures may exceed the height limitations specified in this Title with the approval of a Conditional Use Permit:

1. Church spires and smoke stacks;

2. Radio and television transmitting antennas pursuant to Section 17.22.270, Wireless Telecommunications Facilities, excluding "satellite antennas" as defined by the same Section;

3. Freestanding water tanks and support structures;

4. Electric power transmission and distribution lines, poles and towers;

5. Other buildings, structures and appurtenances which, in the opinion of the Planning Commission, are similar to the above types of buildings and structures.

## 17.24.050 Fences, Walls, and Hedges

A. **Fences, Walls, and Hedges in the LR, MR, HR, PQP, PR, WW, A-20, and OS Districts.** The following standards shall apply to walls, fences, and hedges located in the LR, MR, HR, PQP, PR, WW, A-20 and OS districts:

1. ***Within the Required Front or Side Setback:*** Maximum three and one-half feet.

a. *Exceptions:* A six-foot fence, wall, or hedge is allowed in a side setback when it :

i. Is at least 50 feet from the front street curb or 40 feet from the front property line on a street without a curb; and

ii. Is at least 20 feet from the side street curb or 10 feet from the side property line on a street without a curb.

2. ***Outside of the Required Front or Side Setback:*** Maximum six feet.

a. *Exceptions:*

i. A two-foot open lattice extension above the fence is permitted with a building permit.

ii. Up to 12 feet for tennis courts may be permitted with an MUP.

3. ***Vehicular Gates.*** Vehicular gates must be set back a minimum of 30 feet from the front street curb or 20 feet from the property line on a street without a curb.

B. **Height Within the Visibility Triangle in All Districts.**

1. Fences, hedges or dense planting in the form of a hedge shall not exceed two feet in height when located in the visibility triangle as defined in Part V, Definitions and Rules of Measurement.

2. Trees shall be maintained so as to provide a clearance of seven and one-half feet from the ground to the lowest branches.

C. **Temporary Security Fences in All Districts**. With the approval of the Public Works Director, temporary security fences may be erected around construction sites during the time a valid building permit is in effect for construction on the premises. Temporary security fences need not comply with the above regulations and must be immediately removed upon completion of the construction authorized by the building permit. Any temporary fences within public rights-of-way must also secure an encroachment permit.

## 17.24.060 Flag Lots

Many residential properties with the potential for additional dwelling units are difficult to develop under conventional zoning standards. This Section provides standards for residential development on flag lots to ensure effective utilization of the property. These standards supplement the base zone standards; where standards in this Section conflict with those of the base zone, the standards of this Section shall apply. In those cases where the flag lot is also substandard in area for the zone, the small lot standards shall also apply.

A. Flag lots shall be permitted in the A-20, LR, MR, HR, and WW districts only. Review of flag lots will be subject to Conditional Use Permit approval as well as the provisions of the St. Helena Subdivision Ordinance.

B. The density and development standards of the zoning district in which a property is located shall apply to a flag lot development with the following exceptions:

1. The narrow strip of land (or panhandle portion of the lot) connecting the lot with a public or private street shall have a minimum width and frontage of 20 feet (16 foot access drive plus four feet for landscaping). The minimum width and requirement may be increased in higher density situations that permit multiple units to be constructed, or where an additional landscape buffer is necessary.

2. A panhandle may provide access to two lots.

3. The panhandle portion of the lot connecting with a public or private street shall be included when calculating residential densities but shall be excluded when determining the compliance with minimum lot width and lot size standards.

4. A grading and drainage plan shall be submitted to and reviewed by the Public Works Director to determine the impacts of the flag lot on adjacent properties. Finished building pad elevations shall not be significantly different from those of adjoining properties.

C. The standards for residential driveways or access drives as set forth in Chapter 17.26, Parking and Loading, shall be observed in the provision of access to a flag lot. The access drive to the flag lot shall be inspected annually by the Fire Chief to ensure that landscaping or other obstructions do not hinder emergency vehicle access.

D. The provision of gates, turnarounds, clearance, road grades, and distance to fire hydrants shall be reviewed and approved by the Fire Chief. The site address of each flag lot shall be placed on a sign in the panhandle of the lot so as to be clearly visible to police, fire and other emergency services personnel from the public or private street.

E. On-site parking shall be provided pursuant to Chapter 17.26, Parking and Loading. Additional on-site parking spaces for guests may be required, if the on-street parking provided in the area of the proposed flag lot is inadequate.

F. Landscaping in the panhandle portion of a flag lot alongside the driveway shall be required. Improvements such as curb and gutter may also be required by the public works director for an access drive in the panhandle portion of a flag lot depending upon such factors as the number of homes served, drainage characteristics, terrain, and soil conditions.

G. Fences which meet the standards of Section 17.24.050, Fences, Walls, and Hedges, may be placed in the panhandle portion of the lot connecting the lot with a public or private street; provided, that the fence height shall not exceed three and one-half feet in that portion of the panhandle within the front or side setback established for a lot with normal width and frontage.

H. Easements across adjoining property may not be used to provide the panhandle portion of the lot, unless the lots were lots of record existing prior to January 28, 1956, or legally created pursuant to the State Subdivision Map Act and the subdivision ordinance of the City prior to April 11, 1994.

## 17.24.070 Lighting and Illumination

A. **Applicability.**

1. ***Existing Buildings and Uses.*** The standards of this Section apply to all new development and to exterior alterations and additions that involve replacement light fixtures. Any new outdoor lighting installed on a building or parcel must meet the requirements of this Code for shielding and lamp type.

2. ***Change of Use.***

   a. For a change of use or major addition or modification that requires an increase of 25 percent of the number of: required onsite parking spaces, additional dwelling units, gross floor area, seating capacity, or other units of measurement, all lighting must be brought into compliance with the requirements of this Code.

   b. For a change of use or minor addition or modification that requires an increase in the number of onsite parking spaces, additional dwelling units, gross floor area, seating capacity, or other units of measurement that is less than 25

percent, the applicant must comply with the requirements of this Section for any new outdoor lighting provided.

3. ***Conformance with Applicable Codes.*** All outdoor lighting fixtures must be installed and maintained in conformance with the provisions of this Section and all applicable Building Codes.

4. ***Conformance after Abandonment/Damage.*** In the event that an outdoor lighting fixture is abandoned or is damaged and requires repairs for safe operation, the repaired or replacement fixture must comply with the provisions of this Section.

5. ***Exemptions***. The following lighting is exempt from the provisions of this Section.

   a. Public and private street lighting.

   b. Athletic field lights used within a school campus or public or private park.

   c. Safety and security lighting for public facilities.

   d. State and federal facilities

   e. Construction and emergency lighting, provided such lighting is temporary and discontinued immediately upon completion of the construction work or abatement of the emergency.

   f. Temporary seasonal lighting installed between September 1 and January 15 is exempt from the provisions of this Division.

   g. Underwater lighting used for the illumination of swimming pools and decorative water fountains

B. **General Requirements.**

1. ***Lighting Classes.***

   *a. Class 1.* Class 1 Lighting is permitted where accurate color rendition is required to preserve the effectiveness of an activity listed below. Lighting sources used for Class 1 lighting must have a Correlated Color Temperature (CCT) of 2700 Kelvin (K) or less. Uses not included in the list below require an interpretation by the Community Development Director of the essential nature of accurate color rendition to preserve the effectiveness of the activity. Class 1 lighting applications include:

      i. Primary customer building entry/exit areas (does not include service or emergency entry/exits);

      ii. Outdoor seating areas at restaurants;

      iii. External and internal lighting for signs, excluding neon;

      iv. Outdoor sales areas, including service station canopies;

      v. Outdoor assembly or repair areas and vineyards and wineries where assembly, repair or farm work occurs at night on a regularly scheduled basis; and

      vi. Outdoor recreational field/track/arena areas.

b. *Class 2.* Class 2 Lighting is used for general illumination for utility, safety, or security purposes. Examples of Class 2 Lighting include:

i. Pedestrian walkways, driveways, and roadways;

ii. Parking lots;

iii. Equipment yards; and

iv. Outdoor security.

c. *Class 3.* Class 3 Lighting is used for decorative purposes. Examples of Class 3 Lighting include:

i. Architectural illumination;

ii. Flag and monument lighting;

iii. Neon incorporated on signs; and

iv. Landscape lighting.

2. ***Lamp Source and Shielding.*** The standards provided in Table 17.24.070.B, Lamp Type and Shielding Standards, shall apply:

**Table 17.24.070.B: Lamp Type and Shielding Standards**

| Lamp Type and Lightning Class | Required Shielding |
|---|---|
| **Non-Residential[1]** | |
| Class I Lighting (Color Rendition): | |
| All lamp types and outputs | Allowed; only fully shielded fixtures permitted |
| Class 2 Lighting (General Illumination): | |
| All lamp types and outputs | Allowed; only fully shielded fixtures permitted |
| Class 3 Lighting (Decorative): | |
| All lamp types 2500 lumens or above per fixture | Prohibited |
| All lamp types below 2500 lumens | Allowed; only fully shielded fixtures permitted |
| **Residential[1]** | |
| All Lighting Classes | |
| All lamp types 1000 lumens or above per fixture | Allowed; only fully shielded fixtures permitted |
| All lamp types 1000 lumens or above per fixture | Allowed; fully shielded fixtures preferred, partially shielded fixtures permitted[2] |

**Notes:**

1. For purposes of this Section, residential refers to property developed primarily for residential purposes. Non-residential uses include all other uses.

2. The acceptance of a fixture as "Partially Shielded" is subject by the Community Development Director.

3. ***Maximum Height.***

a. *Within 100 feet of a Residential District:* 16 feet.

b. *Parking Lot Illumination:* 15 feet.

c. *Other Locations:* 25 feet.

d. *Exceptions:* The Planning Commission may allow additional height for activities, uses, or development with unique lighting needs; accentuating historic architectural features of a building; accentuating signage and/or landscape features; or for security purposes.

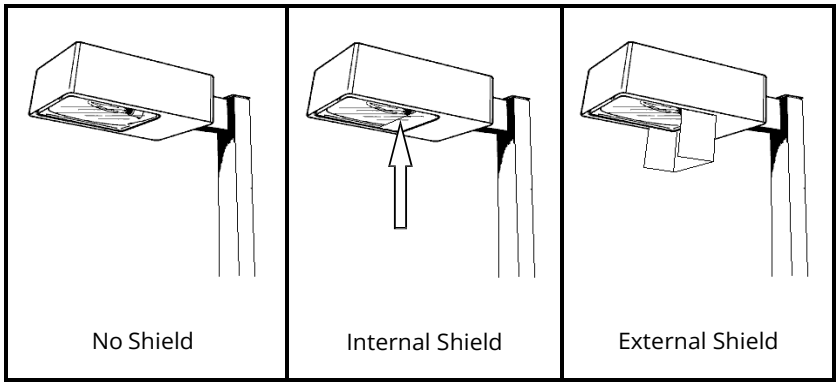
4. ***Effective Shielding.*** All light fixtures that are required to be fully shielded must be installed in a manner that satisfies the definition of a fully shielded fixture.

5. ***Light Trespass Standard.***

a. All light fixtures must be located, aimed, and shielded so that the direct illumination from the fixture shall be confined to the property boundaries of the source.

b. Any light fixture located within 50 feet of a residential zone or public right-of-way must utilize an internal or external shield, with the light fixture and shield oriented to minimize light trespass onto adjacent property or right-of-way line. If an external shield is used, its surface must be painted black to minimize reflections.

**Figure 17.24.070.B.1: Shielding Configurations.**




6. ***Motion Sensing Light Fixtures.*** All motion sensing light fixtures must conform to all applicable standards of this Division, including the shielding standards of Table 17.24.060.B, Lamp Type and Shielding Standards.

7. ***Lighting that Changes Color.*** Decorative lighting that changes colors is only permitted to change color every two minutes.

8. ***Time Limits for Outdoor Lighting.*** All Class 1 and Class 3 lighting (including Class 2 lighting located more than 50 feet from any building or outdoor product display or storage area) must be turned off by 11:00 PM and/or no later than 30 minutes after the business closes, whichever is later, and remain off for the remainder of the night or until the business reopens.

9. ***Sign Illumination.*** Standards for external and internal sign illumination are provided in Section 17.27.060.F, Sign Illumination.

10. ***Architectural/Landscape Lighting.*** Architectural lighting used to illuminate a building or landscape lighting used to illuminate trees or other landscape elements is permitted subject to all applicable standards of this Division.

*C.* **Prohibited Outdoor Lighting.** The following types of outdoor lighting are prohibited:

1. Outdoor floodlighting.

2. Search lights, flood lights, strobe lights, laser lights, or similar high intensity light, except as necessary for official emergency services or for meteorological data gathering purposes.

3. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the property boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating, or strobe light illumination.

4. Lighting that results in glare to motor vehicles on public rights-of-way.

## 17.24.080 Refuse and Recycling Areas

This Section establishes design and location criteria for the construction and placement of refuse, solid waste, and recycling, compost, and green waste storage areas. Refuse, solid waste, recycling, compost, and green waste are collectively referred to as "refuse and recycling."

A. **General Requirements.** All refuse and recycling materials shall be placed in an appropriate receptable. All garbage cans, mobile refuse bins, receptacles, and all recycling materials and containers shall be maintained and stored pursuant to this Section.

B. **Location.** The waste and recycling containers shall not be located within any required front setback, street side setback, any required parking and landscaped areas, or any other area required to remain unencumbered, according to fire and other applicable building and public safety codes.

C. **Visibility.** The refuse and recycling containers shall not be visible from the public right-of-way and shall be screened by landscaping (fences or walls may be used if located outside a required setback).

D. **Accessibility.** Waste and recycling storage areas shall be accessible so that trucks and equipment used by the contracted waste and recycling collector has sufficient maneuvering area.

E. **Clear Zone.** An area of five feet in front of and surrounding all enclosure types shall be kept clear of obstructions, and shall be painted, striped, and marked "No Parking."

F. **Maintenance.** The site must be maintained free of litter and any other undesirable materials and must be picked up and cleaned on a daily basis.

G. **Container Materials.** Containers used for the collection and storage of refuse and recyclable materials shall be constructed of a durable, waterproof, and rustproof material and with a cover secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected between collection schedules.

H. **Enclosure Materials.** Unless specifically waived by the design review processes described in Chapter 17.05, Planning Permits and Approvals, all development projects shall have a refuse enclosure constructed with a wall of such materials as to be opaque and of sufficient size to permit the storage, removal and replacement of standard commercial size refuse containers. The trash enclosure must utilize colors/materials found on the primary building and have a roof integrated into the design. Trash enclosures must be located so that the enclosure is slightly elevated from its surroundings. The location must ensure that run-off drains to the sewer system. No collection, storage or stacking of refuse is permitted outside the refuse enclosure. This requirement does not preclude the placement of individual refuse containers within the I, PQP, PR, and OS districts.

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

## 17.24.090 Screening

A. **Uses and Equipment that Require Screening.** The following uses and equipment must be screened from view:

1. ***Ground-Mounted Equipment.*** All ground mounted equipment must be screened from surrounding properties and the public right-of-way streets or enclosed within a building. Equipment to be screened includes but is not limited to commercial air conditioners, heating units, commercial generators, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems.

2. ***Roof-Mounted Equipment in the CB, SC, MU, BPO, and I Districts.*** In the CB, SC, MU, BPO, and I zoning districts, rooftop mounted mechanical and electrical service equipment must be entirely screened from surrounding properties and the public right-of-way. Exceptions may be granted by the Community Development Director where screening is infeasible due to health and safety or utility requirements.

3. ***Outdoor Storage Areas.*** Outdoor storage areas shall be screened from view from any public right-of-way; existing or residential areas; or publicly accessible open space area, parking area, access driveway, or similar thoroughfare.

4. ***Other Outdoor Use Areas.*** Any use not conducted entirely within an enclosed structure shall be screened from view from any public right-of-way; existing or planned residential area; or publicly accessible open space area, parking area, access driveway, or similar thoroughfare where the Community Development Director finds that the use without screening would have a detrimental effect on adjacent properties. Outdoor dining areas and patios may remain unscreened.

B. **Screening Height.** Screening fences and walls must not exceed the maximum allowable fence heights as established in Section 17.24.050, Fences, Walls and Hedges, unless allowed with approval of a Minor Use Permit.

C. **Screening Materials.** Screening materials shall be architecturally compatible with the exterior colors and materials of the primary building. Screen walls may be stucco, decorative block, or concrete panel, wood, or other substantially equivalent material.

D. **Maintenance of Screening.** Screen walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height.

## 17.24.100 On-Site Storage

This Section provides regulations for the placement of material objects on a site for any period exceeding seven consecutive days.

A. **Applicability.** This Section applies to the storage of building supplies, discarded or salvaged materials, motor vehicle parts, mechanical equipment or other material objects or equipment as determined by the Community Development Director except as provided for elsewhere in this Title. This Section does not apply to self-storage facilities.

B. **Restrictions.**

1. On-site storage shall be prohibited within any front or side setback of any property.
2. On-site storage is not permitted on vacant lots.
3. Materials or equipment shall not be stored to a height greater than the height of the screening fence or wall required in Section 17.24.090, Screening.

C. **Exceptions.** The regulations set forth in this Section shall not be applicable to the following types of storage:

1. The storage within a dwelling of objects normally found within a home;
2. The placement upon the premises within any residential zoning district of equipment or goods normally found in a yard such as toys, play equipment, yard or lawn furniture, minor yard maintenance tools and equipment, and similar objects;
3. The inventory of any retail or wholesale business, warehouse, parts house, industrial or commercial activity when such storage is the principal activity of the use or is incidental to the use and enclosed entirely within a building;
4. The temporary placement of building materials on a site of a City-approved construction project during the time a valid building permit is in effect for construction on the premises. The Community Development Director may approve the placement of a temporary mobile office (designed solely for such use) at an approved construction site for a maximum one-year period or for the duration of the construction, whichever period if shorter;
5. The storage of vehicles as regulated by Chapter 17.26, Parking and Loading.

# Chapter 17.25 Landscaping

## 17.25.010 Purpose

This Section establishes minimum standards for the provision, installation, and maintenance of landscape areas by the following means:

A. Promote the conservation of potable and non-potable water by encouraging the preservation of existing plant communities, implementing xeriscape principles, encouraging the use of site-specific plant materials, and establishing techniques for the installation and maintenance of landscape materials and irrigation systems.

B. Improve the appearance of all open areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.

C. Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:

1. Improving air and water quality through such natural processes as photosynthesis and mineral uptake;

2. Maintaining permeable land areas essential to surface water management and aquifer recharge;

3. Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capabilities of trees and other vegetation;

4. Promoting energy conservation through the creation of shade;

5. Reducing heat gain in or on buildings or paved areas;

6. Reducing the temperature of the microclimate through the process of evapotranspiration; and

7. Encouraging the conservation of limited fresh resources through the use of site-specific plants and various planting and maintenance techniques.

D. Maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.

E. Minimize or eliminate conflicts between potentially incompatible uses through landscaping.

F. Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce heat and glare, and to break up the monotony and soften the harsher aspects of urban development.

G. Preserve existing natural vegetation and promote the incorporation of native plants, plant communities, and ecosystems into landscape design, where possible.

H. Promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping, encouraging water and energy conservation.

I. Establish procedures and standards for the administration and enforcement of this Section.

## 17.25.020 Applicability

A. The provisions of this Chapter shall apply to the following:

1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit or Major Design Review;

2. New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, landscape permit or Major Design Review;

3. New construction landscapes which are homeowner-provided or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building permit or Major Design Review; or

4. Existing landscapes over one acre in size.

B. This Chapter does not apply to:

1. Registered local, state or federal historical sites;

2. Ecological restoration projects that do not require a permanent irrigation system;

3. Mined-land reclamation projects that do not require a permanent irrigation system; or

4. Plant collections, as part of botanical gardens and arboretums open to the public.

## 17.25.030 Xeriscape Principles

The following xeriscape principles serve as the primary means of achieving water conservation:

A. Design of the landscape by dividing it into high-, moderate,- and low-water use zones and by taking advantage of microclimates caused by the different conditions of sun, slope, moisture and air movement (hydrozones);

B. Efficient irrigation systems;

C. The use of soil amendments to improve the water-holding capacity of the soil;

D. Limiting turf to locations where it provides functional benefits;

E. The use of mulches, where appropriate;

F. Selection of appropriate plants; and

G. Maintaining the landscape appropriately (monitor the irrigation system and water according to needs).

## 17.25.040 Areas to be Landscaped

The following areas shall be landscaped and may count toward the total area of the site required to be landscaped by the zoning district regulations.

A. **Required Setbacks.** All required front and street-facing side setbacks, except for areas used for exit and entry, shall be landscaped.

B. **Interior Property Lines Abutting Residential Districts.** Whenever a nonresidential use is located adjacent to a residential district or use, a landscape buffer planted with a mix of trees and shrubs shall be provided along interior property lines. At least one tree of at least 15-gallon size shall be planted per 20 linear feet or as appropriate to create a tree canopy over the buffer. In addition, at least three shrubs shall be planted per 20 linear feet.

1. ***SC, BPO, and I Districts.*** Landscaped buffer six feet in width.

2. ***Other Non-residential Uses.*** Landscaped buffer four feet in width.

C. **Building Perimeters.** The portions of a nonresidential building that front a public street shall have one or more landscape planters installed along a minimum 20 percent of that building face. The minimum width of the planter shall be three feet. This standard does not apply to buildings facing Main Street within the Historic Overlay District and buildings located on the front or corner side property line.

D. **Landscaping Requirements on Flag Lots.** Landscaping is required in the panhandle portion of a flag lot alongside the driveway.

E. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or hydroseeded. The Community Development Director may waive this requirement for areas planned for future development.

## 17.25.050 Requirements

A. **Model Water Efficient Landscaping Ordinance (MWELO).** Landscaping shall be consistent with the State of California's MWELO, which is found at Sections 490 to 495 of Chapter 2.7, Division 2, Title 23, of the California Code of Regulations.

B. **General Requirements.** In all areas where landscaping is required in accordance with Section 17.25.040, Areas to be Landscaped, landscaping shall be permanently maintained by the property owner in accordance with the following standards:

1. ***Shade Tree Species.*** Shade trees shall be of a variety approved by the City that will, under ordinary circumstances and growing conditions, provide shade upon reaching maturity.

2. ***Tree Distribution.*** Distribution of trees shall generally be in a grid or similar pattern or exhibit a regular spacing within off-street parking lots, required setbacks, and other open spaces and landscaped areas.

3. ***Incidental features.*** Landscaping may include incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscaped setting.

4. ***Gardens.*** Garden areas and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.

5. ***Turf.*** No more than 25 percent of the landscaped area may be turf. If the turf is irrigated with reclaimed or greywater, this percentage may be exceeded, as determined by the Public Works Director.

6. ***Gravel Surfaces and Pavers.*** Landscaped areas may include graveled surfaces and surfaces paved with pavers, provided they do not cover more than 30 percent of the area required to be landscaped.

7. ***Invasive Plants Prohibited.*** Plant species that are listed by California Invasive Plant Council (Cal-IPC) as invasive are prohibited. Existing invasive plants and noxious weeds shall be removed.

C. **Specific Requirements.**

1. ***CB and MU with Main Street frontage.*** The following standards apply to all parcels with frontage on Main Street in the CB and MU districts.

   a. *Dimension of Landscaped Areas.* No landscaped area smaller than two feet in any horizontal dimension shall count toward required landscaping.

   b. *Parking Areas.* Unless otherwise specified in this Chapter or under the conditions of an approved permit, planted areas shall have a width of not less than four feet and shall be protected from vehicles where necessary through the provision of barriers or tire stops.

2. ***All Other Areas.*** The following standards apply to all areas not described in 17.25.050.C.1.

   a. *Dimension of Landscaped Areas.* No landscaped area smaller than three feet in any horizontal dimension shall count toward required landscaping.

   b. *Parking Lot Trees.* All trees in parking lots shall be a minimum 15 gallon can size and shall conform to the National Association of Nurserymen's adopted standards for growth, condition and development of nursery-supplied materials. Modification of these standards for equivalent quality of tree or shade plant may be permitted depending on the species. The following minimum number of trees in Table 17.25.050, Parking Lot Trees Required, shall be required in any parking lot:

**Table 17.25.050: Parking Lot Trees Required**

| Parking Lot Size | Number of Trees |
|---|---|
| 15 spaces or fewer | 1 tree/4 spaces (minimum of 2 trees) |
| 16 spaces or more | 20 trees/acre if canopy is 40 feet or greater |
| | 24 trees/acre if canopy is less than 40 feet |

   c. *Planters.* Where a parking lot abuts a public right-of-way, there shall be provided a landscaped planter that is a minimum three feet in width and parallel to the right-of-way.

   d. *Curbing.* In all areas where vehicular circulation is permitted, landscaping and shade trees shall be contained in planters and tree wells bordered by a six-inch-high concrete curb or equivalent barrier approved by the City.

e. *Width and Protection.* Unless otherwise specified in this Chapter or under the conditions of an approved permit, planters and tree wells shall have a width of not less than five feet and shall be protected from automobile overhang where necessary through the provision of barriers, tire stops, or additional width.

D. **Maintenance.** All planting and other landscape elements shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements.

E. **Irrigation.** Landscaped areas and planters shall be served by an irrigation system approved by the City and shall be kept in a weed-free condition.

F. **Landscape Documentation Package**. For any project subject to this Section, a landscape documentation package shall be submitted to, reviewed by, and approved by the Community Development Director prior to the issuance of any building permit or the replacement of landscaping. The landscape documentation package shall include all required information as established in the State MWELO guidelines or successor regulations.

G. **Amendment of Approved Plan.** Any significant change of plant material, size or design from that contained in an approved landscaping plan shall require the approval of a revised landscaping plan reviewed in the same manner as the original plan. The Community Development Director may determine on a case-by-case basis what is a significant change to an approved landscaping plan.

# Chapter 17.26 Parking and Loading

## 17.26.010 Purpose

The purpose of this Chapter is to:

A. Require parking spaces and loading spaces for all land uses that are sufficient in number, size, and arrangement;

B. Minimize the negative environmental and urban design impacts of parking lots, driveways, and drive aisles within parking lots;

C. Ensure the provision of adequate off-street bicycle parking;

D. Establish standards and regulations for safe and well-designed parking, loading and unloading, and vehicle circulation areas that minimize conflicts between pedestrians and vehicles, and where appropriate, create buffers from surrounding land uses;

E. Minimize the amount of area devoted to parking by allowing reductions in the number of required spaces, shared parking facilities, and other methods to lower vehicle parking demand;

F. Encourage modal shift; and

G. Reduce urban run-off and heat island effect through reduced parking footprints.

## 17.26.020 Definitions

As used in this Chapter:

A. **Access drive.** A paved way located outside of the public right-of-way that provides vehicular access between the public street and the required parking for more than one lot, or for one lot if necessary for emergency vehicle access. Within a parking lot, that portion providing access other than aisles.

B. **Aisle.** The portion of a parking lot which is contiguous to a parking space and provides direct access to the parking space.

C. **Bicycle Parking Space.** A space dedicated to the parking of bicycles that typically includes supports to which the bicycle may be attached.

D. **Bicycle Locker.** A locker or box in which up to 2 bicycles can be placed and locked to prevent theft, shelter bicycles from the weather, and deter casual vandalism.

E. **Driveway approach.** That portion of a residential driveway which connects a residential driveway to the street is a driveway approach, typically located in the right-of-way.

F. **Electric Vehicle Charging Station.** An electric vehicle supply equipment station designed and built in compliance with California Electrical Code Article 625 that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

G. **Off-street loading space**. A parking space or portion of a parking lot marked and designated for temporary parking for purposes of loading and unloading.

H. **On-site parking**. A space designated for parking a vehicle on the same property as the use it is required to serve.

I. **Parking lot.** A site or a portion of a site devoted to on-site parking of vehicles including parking spaces, aisles, access driveways and landscaped areas, and other areas providing ingress and egress to parking spaces.

J. **Parking space**. A permanently surfaced area for vehicular parking connected to a public street, alley or other public way by a permanently surfaced driveway or access or access drive:

K. **Residential driveway**. A drive which provides direct vehicular access from a public or private street to the required parking for an individual dwelling unit and accessory structures.

L. **Secured bicycle parking.** A lockable facility such as individual lockers or enclosed, locked, limited-access areas for parking of bicycles.

M. **Shared parking**. A parking area that provides required parking spaces for more than one use.

N. **Tandem parking.** Tandem parking means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

## 17.26.030 Applicability

The requirements of this Chapter apply to all primary uses in all zoning districts at the time any building or structure is erected, enlarged, increased in capacity, or changed from a nonconforming use to a permitted use.

A. **New Buildings and Uses.** On-site parking and loading shall be provided in accordance with this Chapter at the time any main building or structure is erected or any new land use is established.

B. **Existing Non-Residential Buildings.**

1. When a change in use, expansion of a use, or expansion of floor area creates an increase of 15 percent or more in the number of required on-site parking or loading spaces, additional on-site parking and loading shall be provided for such addition, enlargement, or change in use and not for the entire building or site.

2. Existing parking and loading not in excess of the minimum requirements shall be maintained.

3. Parking and loading in excess of minimum requirements may be removed.

4. A change in tenancy or ownership is not considered a change in use unless the new occupant is in a different use classification than the former occupant.

5. If the number of existing parking and loading spaces is greater than the requirements for a proposed use, the number of excess parking spaces may be counted toward meeting the requirements for any change, expansion, or major alteration.

C. **Existing Residential Buildings.** Parking in accordance with this Chapter shall be provided where additional dwelling units are created through the alteration of an existing building or construction of an additional structure or structures.

D. **When Constructed.** On-site parking and loading facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

## 17.26.040 Required Parking Spaces

A. **Required Spaces.** The total number of required parking spaces are specified in Table 17.26.040.A, Minimum Off-Street Parking Requirements by Use. Fractional spaces of one-half or more shall be rounded off to require one additional space for the fractional space.

**Table 17.26.040.A: Minimum Off-Street Parking Requirements by Use**

| | |
|---|---|
| **Residential Uses** | |
| Single-family and duplex dwellings | Min. 2 spaces per unit, may be covered or uncovered |
| Multi-family dwellings (3 or more units) | *Studio and 1-BR units:* Min. 1 space per unit, may be covered or uncovered.<br>*2 BR or more:* Min. 1.5 spaces per unit.,<br>*Guest parking:* 25% of total required spaces when 15 or more units constructed. |
| Family day care, small | None beyond what is required for the residential use |
| Family day care, large | In addition to required parking for the residential use, min. 1 space for each nonresident employee plus an area for loading and unloading children |
| Live/work | One space per 300 sq ft of the area devoted to work space, plus one space for every four units. |
| Mobile homes | Min. 2 spaces per mobile home space. One must be located on the mobile home space and the other must be located within 150 feet of the mobile home space.<br>In addition, min. 1 guest space per 4 mobile home spaces |
| Single-room occupancy | One uncovered parking space for every three units plus one uncovered parking space for an onsite manager unit.<br>In addition, min. 1 lockable bicycle parking space for each efficiency unit adjacent to the unit. |
| **Commercial, Office, Industrial, and Winery Uses** | |
| Boarding house | Min. 2 spaces for the resident owner plus 1 space for each guest room |
| Commercial, retail and office uses | 1 space per 300 sq ft of building floor area, in no cases less than 2 parking spaces for each building or tenant space |
| Eating and drinking establishments | 1 space per 4 seats |
| Hotel | Min. 1 space per guest room, suite, sleeping or living unit plus one space for each three employees |

| Table 17.26.040.A: Minimum Off-Street Parking Requirements by Use | |
|---|---|
| Industrial uses, excluding wine warehousing | 1 space per 300 sq ft office area; plus<br>1 space per 650 sq ft industrial area; plus<br>1 space per 1,000 sq ft warehouse area. |
| Mixed-use | For mixed-use development with residential uses, apply the shared parking provisions of Section 17.26.060.C. |
| Wineries (large and small) | 1 space per 4 tasting or tour visitors plus 1 space per 1,000 sq ft of floor area |
| Winery tasting room | One space for each 300 sq. ft. of gross sales area. For outdoor seating, no off-street parking shall be required. |
| Wine warehouse | 1 space per 300 sq ft of office floor area plus: |
| *Up to 25,000 sq. ft. of warehouse area* | 1 space per 5,000 sq ft of warehouse floor area |
| *25,000 sq ft or more warehouse area* | 5 spaces plus 1 space per 10,000 sq ft warehouse floor area. |
| **Public and Institutional Uses** | |
| Community assembly with fixed seating | 1 space per 4 seats |
| Community assembly without fixed seating | 1 space per 50 sq ft of floor area |
| Cultural institutions | 1 space per 400 sq ft of floor area open to the public |
| Day care facility | 1 per each employee plus an area for loading and unloading |
| Government offices | 1 space per 300 sq ft of building floor area, in no cases less than 2 parking spaces for each building or tenant space. |
| Hospitals and clinics | 1 space for every 4 beds or as required by the Planning Commission |
| Instructional Services | 1 space per 40 sq ft of classroom space |
| Schools | 3 spaces per classroom and other room used by students.<br>In addition, 1 space for each 350 sq ft devoted to office or administrative uses. |
| **Accessory Uses** | |
| Accessory dwelling units | Parking for accessory dwelling units shall be provided in compliance with Section 17.22.030.F.6 |

B. **Other Uses.** For uses not specifically listed in Table 17.26.040.A, Minimum Off-Street Parking Requirements by Use, the Planning Commission shall determine the parking requirements. In determining such requirements, the Planning Commission shall use the above requirements as a rule and guide and any relevant information supplied by standard traffic engineering reference manuals on parking demand by use type.

C. **Tenant Spaces with Multiple Functions.** A site or building with multiple tenants (i.e. two or more) or multiple uses shall provide the aggregate number of parking spaces required for

each separate use (e.g. the sum of the separate requirements for each use) unless the Community Development Director approves a parking reduction in compliance with Section 17.26.060, Parking Reductions.

## 17.26.050 Parking Area and Access Design Standards

A. **Residential Garages and Carports.** Each residential garage or carport shall have the following minimum unobstructed interior dimensions:

1. Single car garage/carport: nine feet by 19 feet.
2. Double car garage: 19 feet by 19 feet.

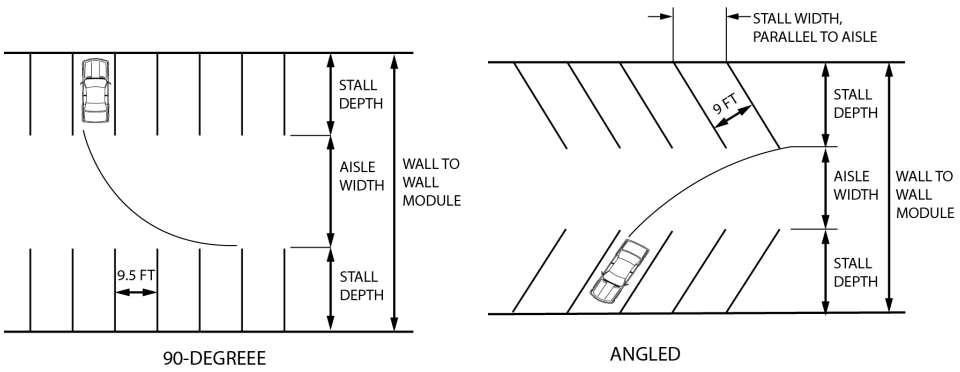
B. **Driveways to Residential Uses.** A residential driveway that provides direct vehicular access from a public or private street to required parking for an individual dwelling unit is subject to the following standards:

1. ***Length*:** Minimum 24 feet as measured from the property line to a garage door; a minimum 20 feet if a roll-up garage door or carport is utilized.
2. ***Width*:** Between 10 and 20 feet as shown in the City of St. Helena Street, Storm Drain and Sidewalk Standards.
3. ***Material:*** New driveways shall use pervious materials and pavers to minimize storm water impacts.
4. ***Minimum Separation at Corners***: Driveways shall be placed no less than 20 feet from the intersection of the front and street side property lines.
5. ***Exceptions.***
   a. Residential driveways in the Woodlands and Watershed zoning district, or elsewhere as deemed necessary by the Fire Chief.
   b. Lots without public street frontages and lots greater than 100 feet in length shall meet the standards for an access drive as set forth in St. Helena Municipal Code Section 15.36.100, Fire Apparatus Access Roads.

C. **Off-Street Parking Lot Design.**

1. ***Design Standards.*** Standards for the design and layout of required off-street parking lots are provided in Table 17.26.050.C, Angled Parking Dimensions.

**Table 17.26.050.C: Angled Parking Dimensions**




| Angle | 90 | 75 | 60 | 45 | 30 |
|---|---|---|---|---|---|
| Stall depth to wall (ft) | 19 | 19.5 | 20 | 18.5 | 16 |
| Aisle width (ft) | 25 | 21 | 18 | 14 | 14 |
| Wall to wall module (ft) | 63 | 60 | 58 | 51 | 46 |
| Stall width, parallel to aisle (ft) | 9.5 | 9.32 | 10.39 | 12.73 | 18 |

2. ***Compact Spaces.***

   a. Up to 30 percent of the required number of off-street parking spaces may be designated for the parking of compact vehicles only.

   b. Stall width may be reduced by a maximum of one foot.

   c. Stall length may be reduced by a maximum of three feet.

   d. "Compact parking only" shall be stenciled on the pavement at the entrance to each stall with 6-inch minimum height letters.

   e. When provided, compact car space clusters shall be dispersed throughout the parking lot rather than concentrated in one area.

3. ***Parallel Spaces.***

   a. Parallel spaces along a wall, fence, or hedge shall be 10 feet in width.

   b. Parallel spaces having no obstruction or adjacent parking space within ten feet of one end may be reduced in length to 20 feet. If both ends are similarly clear, the space may be reduced in length to 18 feet.

4. ***Long Term Parking.*** Parallel stalls that are designated for long-term, or low turnover use, as allowed in this Code may be reduced as follows:

   a. Stall width may be reduced by six inches. Small car stalls may not be reduced in width.

   b. Stall length may be reduced by one foot (including small car spaces).

5. Stalls adjacent to a landscaped area shall be widened by six inches. Stall adjacent to a fence wall or hedge shall be widened by one foot.
6. The minimum aisle dimension for two-way traffic shall be 24 feet and for one-way traffic 14 feet.
7. The front two feet of the required parking stall dimension may be used to enlarge an adjacent landscaped area but may not be used to meet minimum landscaping requirements. Landscaping within this overhang area shall be limited to low-lying shrubs and ground cover and must be approved by the Community Development Director.
8. Parking lots shall be designed with adequate circulation and turn around so that vehicles will not have to back into the street to exit.
9. Parking stalls shall be paved and shall comply with the design and construction standards for access drives.
10. Parking stalls shall be marked using four inches wide white paint stripes. All directional arrows and legends shall be white. Double lining of parking stalls may be used with specific approval of the Public Works Director.
11. All angled or 90-degree parking spaces shall be provided with a concrete wheel stop to prevent parked vehicles from encroaching into areas designed for other purposes, except as allowed in subsection 17.26.090.C.7. Continuous concrete curb is acceptable in lieu of individual wheel stops. Timber wheel stops can only be used with specific approval of the Public Works Director.
12. Where the location of existing structures or other significant features makes it impossible to obtain an acceptable parking layout using these dimensions, the Public Works Director may authorize the use of alternative dimensions.
13. ***Accessible Spaces.*** Handicapped parking shall be provided in accordance with the standards of the California Building Code, Part 2, Title 24.
14. ***Lighting.*** All lighting shall comply with the requirements of Section 17.24. 070, Lighting and Illumination.
15. ***Screening.*** Where abutting a residential zoning district, parking lots in the rear of a site for more than five vehicles shall be screened, except for necessary driveway openings, by a six-foot high solid board fence, masonry wall, vegetative screen, or screened chain link fence. Screening fences or walls shall be maintained in good condition.
16. ***Location.*** Within any zoning district, except for necessary service or single-family access driveways, no portion of a parking lot shall be located in any required front or side setback adjacent to a street. No vehicles shall back out onto a public street except in residential zoning districts.
17. ***Material.*** Parking lot surfaces may be concrete, asphalt, grouted continuous brick, cobblestone, turf block, or any similar, durable, and dustless material. To reduce stormwater runoff, porous pavers may be used subject to approval by the Public Works Director.

D. **Access Drives for Multi-Family and Non-residential Properties.** An access drive that provides vehicular access between the public street and the required parking for more than one lot, or for one lot if the length of the drive is greater than 100 feet, is subject to the following standards:

1. ***Width.*** The minimum dimensions provided in Table 17.26.050.D: Standard for Access Drives, allow for the safe passage of emergency vehicles. Parking areas may not count toward the required access drive width.

| Table 17.26.050.D: Standards for Access Drives | |
|---|---|
| **Nonresidential** | **Minimum Width (fully paved width)** |
| One-way access drive | 16' paved |
| Two-way access drive | 25' paved |
| **Residential** | **Minimum Width (includes two 2' shoulders)** |
| **One-way access drive:** | |
| 1 unit | 16' (12' paved) |
| **Two-way access drives:** | |
| 1 or 2 units | 16' (12' paved) |
| 3 to 10 units | 20' (16' paved) |
| 11 to 60 units | 25' (21' paved) |
| More than 60 units | 30' (26' paved) |

2. ***Design for Two-Way Traffic.*** All access drives, except for driveways for single-family residence, shall be designed for two-way traffic unless specific approval is obtained from the Public Works Director and Fire Chief.

3. ***Setback from Front of Lot.*** To avoid congestion at the entrance of a property from the street or access drive, no on-site parking space or gate shall be allowed within the initial 30 feet of the edge of pavement of the access drive, drive aisle or property line, or location as determined by the Public Works Director in conjunction with the Fire Chief.

4. ***Vertical Clearance.*** The minimum vertical clearance shall be 14 feet at all points across the required width of the access drive.

5. ***Other Design Requirements.*** Emergency vehicle turnouts, firefighting operations areas, and grades shall be as prescribed in St. Helena Municipal Code Chapter 15.36, California Fire Code Adopted.

6. ***Inspection.*** Access drives shall be inspected annually by the fire chief/fire code official to ensure that landscaping or other obstructions do not hinder emergency vehicle access.

E. **Review.** The design of all features relating to access drives is subject to review and approval of the Public Works Director and Fire Chief. Where the access is determined by the Public Works Director to serve traffic loads equivalent to those typically encountered on public streets, the Public Works Director shall require the design of the access drive to meet public

street standards. See Chapter 17.04, Common Procedures, for submittal requirements and procedures.

## 17.26.060 Parking Reductions

A. **Parking Exemption Overlay District.** Projects located within this District are not subject to onsite parking requirements. Please refer to Chapter 17.21.030, Parking Exemption District.

B. **Density Bonus.** Parking standards may vary for residential development projects receiving a density bonus pursuant to Chapter 17.29, Density Bonus, and California Government Code § 65915(p).

C. **Reduction for Shared Parking.** Where a shared parking facility serves more than one use, the Community Development Director may reduce the total number of required parking spaces up to 40 percent upon finding that:

1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
2. The proposed shared parking provided will be adequate to serve each use;
3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and
4. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Section 17.26.070.B, Location of Required Parking.

D. **Reduction for Transportation Demand Management.** Total required parking for commercial and office uses that incorporate one or more of the following Transportation Demand Measures may be reduced by 10 percent:

1. Designated car-share, vanpool, or carpool parking.
2. Showers and lockers.
3. Transit subsidies or reimbursement to residents and employees.

## 17.26.070 General Provisions

A. **Change of Required Parking.** When the required parking changes as a result of a change of use, expansion of use, increase in number of leaseholders or tenant spaces, or change from a nonconforming use to a permitted use, additional required parking spaces must be provided unless exempt as stipulated in Section 17.26.030, Applicability.

B. **Location of Required Parking.**

1. Required parking shall be located on the same lot with the use, building or structure for which the parking is required, or off-site not more than 300 feet away from the use, building or structure and in a zoning district which allows parking.
2. When parking is located off-site, the property owners involved in the joint use of parking facilities shall record an agreement, approved by the City Attorney, and filed

with the County Recorder. A copy of the agreement shall be filed with the Planning Department.

C. **Tandem Parking.**

1. ***In Residential Districts.*** Tandem parking is permitted.

2. ***In Commercial and Mixed-Use Districts.***

a. Up to 25 percent tandem parking is permitted and may be counted as part of the required parking as stipulated in Table 17.26.040.A: Minimum Off-Street Parking Requirements by Use.

b. Tandem parking that requires backing out onto a public street is prohibited.

## 17.26.080 Bicycle Parking

The Planning Commission may require the provision of bicycle parking facilities for any use which is required to provide 10 or more vehicular parking spaces dependent upon the use, size, and location of the property.

A. **Short-Term Bicycle Parking.** Short-term secure bicycle parking shall be provided to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of four hours or less.

1. ***Bicycle Parking Spaces Required.*** For the following uses, the number of short-term secure bicycle parking spaces shall be five percent of the parking spaces required in Table 17.26.040.A, Minimum Off-Street Parking Requirements by Use, with a minimum of four secure bicycle parking spaces provided per use.

a. Multi-Unit Residential, Boarding House, and Single Room Occupancy.

b. All Public/Semi-Public Uses.

c. All Commercial Uses, except Automobile/Vehicle Sales and Services, Short-term Rentals, and Mobile Vendors.

d. *Exemptions.* The following are exempt from the required bicycle parking spaces:

i. Uses located within the Parking Exemption Overlay District;

ii. Uses within the CB district; and

iii. Uses located on properties where the required front setback is less than 10 feet.

2. ***Location.***

a. Short-term secure bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of the main entrance to the building it serves.

b. Short-term secure bicycle parking shall be located outside of the public right-of-way except as allowed through an encroachment permit.

c. Where the secure bicycle parking area is not visible from the main entrance of the buildings, signs located at the main entrance of the building shall identify the location of bicycle parking.

3. ***Anchoring and Security.*** For each short-term bicycle parking space required, a stationary, securely-anchored bicycle rack shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such bicycle rack may serve multiple bicycle parking spaces.

4. ***Size and Accessibility.*** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.

B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

1. ***Bicycle Parking Spaces Required.***

a. *Multi-Unit Residential, Group Residential, and Single-Room Occupancy.* A minimum of one long-term secured bicycle parking space shall be provided for every five dwelling units.

b. *Parking Structures.* Long-term bicycle parking shall be provided at a minimum ratio of one bicycle parking space per 25 vehicle parking spaces.

c. *Other Uses.* Any establishment with 25 or more full-time equivalent employees shall provide long-term bicycle parking designated on a site plan at a minimum ratio of one bicycle parking space per 25 required vehicle parking spaces. Parking areas with fewer than 25 spaces are encouraged but not required to provide long-term bicycle parking.

2. ***Location.*** Long-term bicycle parking must be located on the same lot as the use it serves and near a building entrance. In parking structures, long-term bicycle parking must be located near an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.

3. ***Anchoring and Security.*** Long-term bicycle parking must be located in:

a. An enclosed bicycle locker; or

b. Other secure areas approved by the Community Development Director.

4. ***Size and Accessibility.*** Each long-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving other bicycles. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian walkways. Five feet of clearance shall be provided from vehicle parking spaces.

## 17.26.090 Electric Vehicle Charging Station

Electric vehicle (EV) charging stations and EV-capable parking spaces shall be provided for all new buildings erected as required by this Section. All such spaces shall be included in the calculation of parking demands of Section 17.26.040, Required Parking Spaces.

A. **Required EV Charging Stations.** The total number of required EV charging stations spaces are specified in Table 17.26.090.A: Required EV Charging Stations.

**Table 17.26.090.A: Required EV Charging Spaces**

| Total Number of Required Parking Spaces | Minimum EV Charging Spaces |
|---|---|
| 0 – 9 | 0 |
| 10 – 25 | 1 |
| 26 -50 | 2 for residential uses;<br>2 for nonresidential uses |
| 51+ | 6% of total |

B. **Exceptions**. Exceptions to Table 17.26.090.A: Required EV Charging Spaces, may be made on a case-by-case basis where the Community Development Director and the Chief Building Official determine that EV charging infrastructure is not feasible based upon one or more of the following conditions:

1. There is insufficient electrical supply;
2. There is evidence that additional local utility infrastructure design requirements directly related to the implementation of this Section may adversely impact the construction cost of the project; or
3. Providing the EV charging infrastructure creates an economic hardship for an affordable housing project.

C. **Size.** The size of EV charging station parking spaces and EV-capable parking spaces shall be as specified in Section 17.26.050, Parking Area and Access Design Standards. EV supply equipment shall not reduce the size of the parking space.

D. **Accessible EV Spaces.** Where accessible parking requirements are required, at least one EV space or EV charging station shall meet current van accessible dimensions, as defined by the California Building Code, and be connected to a barrier-free accessible route of travel to the building. No accessible markings shall be made on the EV space or EV charging station with van accessible dimensions. The EV space with van accessible dimensions shall be the first EV charging station established on the property.

E. **EV Charging Stations.** EV charging stations shall be allowed within any zoning district subject to all applicable requirements of the Municipal Code in addition to the following:

1. EV parking spaces shall be equipped with electric vehicle supply equipment (EVSE), which shall be Level 2 or higher. All EVSE shall be installed in accordance with the requirements of the California Green Building Standards Code.
2. The EV charging station shall be protected as necessary to prevent damage by automobiles.

3. Any EV charger shall be listed and labeled by an approved testing agency.

4. The EV charging station shall have complete instructions and appropriate warnings posted in an unobstructed location next to each EV charging station.

5. ***EV Stations for Public Use.*** EV charging stations for public use must be visible from the right-of-way and illuminated during nighttime business hours.

   a. One standard non-illuminated sign, not to exceed four square feet in area and eight feet in height, may be posted for the purpose of identifying the location of each cluster of EV charging stations.

   b. The EV charging station may be on a timer that limits the use of the station to the normal business hours of the use(s) that it serves to preclude unauthorized use after business hours.

   c. The following information shall be posted at a public EV charging station:

      i. Voltage and amperage levels;

      ii. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;

      iii. Usage fee;

      iv. Safety information; and

      v. Contact information for reporting when the equipment is not operating or other problems.

F. **Construction and Installation**. Construction shall comply with § 5.106.5.3.1 or § 5.106.5.3.2 of the California Green Building Standards Code to facilitate future installation of EVSE.

## 17.26.100 On-Site Loading and Unloading

A. **Required On-Site Loading.** The following on-site loading standards apply to all nonresidential buildings with floor area of 10,000 square feet or greater that include manufacturing, storage, warehouse, retail, wholesale or other similar use which requires the receipt or distribution by vehicles of material and merchandise.

**Table 17.26.100.A: Gross Floor Area Required for Loading Spaces**

| Gross Floor Area | Required Off-Street Loading Spaces[1] |
|---|---|
| Up to 10,000 sq ft | 1 for industrial uses; 0 for all other use |
| 10,000 to 24,999 sq ft | 1 |
| 25,000 to 49,000 sq ft | 2 |
| Each additional 50,000 sq ft | 1 |

Notes:

1. Additional loading dock and truck standing areas may be required as specific in a CUP.

B. **Size of Loading Spaces.** Each loading space shall be not less than 12 feet in width and 40 feet in length with a minimum overhead clearance of 14 feet.

C. **Standards for Loading Areas:**

1. ***Lighting.*** Refer to Section 17.24.070, Lighting and Illumination, for lighting requirements;

2. ***Loading Ramps.*** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions and overhead clearances;

3. ***Location.*** Loading spaces shall be located and designed as follows:

   a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;

   b. Situated to ensure that the loading facility is screened from adjacent streets to the greatest degree possible;

   c. Situated to ensure that loading and unloading takes place on-site and in no case within adjacent public rights-of-way or other on-site traffic circulation areas;

   d. Situated to ensure that vehicular maneuvers occur on-site; and

   e. Situated to avoid adverse impacts upon neighboring residential properties;

4. ***Screening.*** Loading areas shall be screened from abutting parcels and streets with dense landscaping or solid walls or fences with a minimum height of six feet; and

5. ***Striping.*** Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

D. Upon adoption of a finding by the Planning Commission that a business is unreasonably blocking traffic or obstructing on-street parking spaces, the Planning Commission may review and amend that business's Conditional Use Permit as needed to permit the street to function as it should.

E. **Waivers and Modifications.** The Planning Commission may waive the loading requirements or modify the standards if it can be demonstrated that the proposed use does not require loading facilities or that an alternative arrangement satisfies the need for loading facilities.

# Chapter 17.27 Signs

## 17.27.010 Purpose

This Chapter has been adopted to ensure that all signs installed in the City are compatible with the unique character and environment of the community, and in compliance with the General Plan. This Chapter promotes the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content neutral, and nondiscriminatory sign standards and requirements. More specifically, this Chapter is intended to:

A. Ensure that all signs are compatible with the unique character and environment of the City, and that they support the desired ambience and development patterns of the various districts and historic areas within the City;

B. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;

C. Ensure pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;

D. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or maintained;

E. Protect and improve property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape; and

F. Provide clear and unambiguous sign design standards that enable the fair and consistent enforcement of these sign regulations; and

G. Ensure that the constitutionally guaranteed right of free speech is protected.

## 17.27.020 Sign Definitions

**Balloon.** A brightly colored bag made of flexible material, inflated with air or other gas, and sealed, often to make it rise in the air.

**Balloon Bobber.** A reusable pre-formed balloon with regular air made of a durable PVC vinyl that does not need to be inflated, and typically attached to a short pole.

**Building Element.** The maximum lineal dimension of an exterior wall, excluding canopies and projections, measured on a straight line parallel to the site's street frontage.

**Building Frontage**. A building frontage is the building façade that directly abuts a public street, private street, parking lot driveway, parking spaces, pedestrian mall, arcade, or walkway. The primary business frontage is one which contains a customer entrance or which includes a glass-enclosed showroom facing the street. If a building has more than one business, frontage is that portion of a building, which faces a street, parking lot, pedestrian mall, arcade or walkway. The primary business frontage is one which contains a customer entrance or which includes a glass-enclosed showroom facing the street.

**Channel Letters.** Three dimensional, individually manufactured letters or figures with an open back which may contain a light source to provide light onto the sign background against which the channel letters are silhouetted. See also reverse pan channel letters.

**Commercial Message.** A message conveyed by any sign that is solely intended to interest, entice, or solicit any person to participate in commercial transactions with a business, including offers of goods, cash, discounts on products or services, or other items, including the offering of free goods or services made in exchange for or with the intent to induce the recipient's willingness to receive information relating to a possible commercial transaction.

**Encroachment.** The extension of any sign over a public right-of-way or private access way.

**Flag.** A fabric sheet of square, rectangular, or triangular shape that is typically mounted on a pole.

**Fluorescent Colors.** The range of colors created through a synthetic pigmentation process in which ultraviolet light is absorbed and emitted at a different range within the color spectrum of the individual colors.

**Fully Shielded.** Light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

**Historical Plaque.** A sign that memorializes a person, event, building, former use of a place, or something else of historical significance.

**Illumination, External.** Illumination resulting from the face of the sign reflecting light from an external light source intentionally directed upon it.

**Illumination, Halo.** A form of sign illumination in which neon tubing, LED, or similar lights are mounted within the letter to illuminate the mounting surface causing a halo of light around the letter

**Illumination, Internal.** A form of sign illumination that includes single-color LED signs, signs constructed with pan channel letters (but not reverse pan channel letters), or indirect illuminated pan channel letters on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.

**Landscape Area.** For purposes of sign regulation, an area surrounding the base of a freestanding sign, and containing living plant materials with or without a fixed border.

**Laser Light Display.** A display that emits light through the use of a laser beam(s).

**LED (Light Emitting Diode).** A semiconductor diode that emits light when a voltage is applied to it.

**Maintenance.** The upkeep of signs, and their support structures, in a condition of good repair. This includes the replacement or repainting of sign faces which have been damaged or have otherwise lost their ability to convey the message intended. Maintenance does not include the changing of location, orientation, size, or height of a sign.

**Multi-tenant Building.** A building in which two or more separate and independently owned, rented, leased, or operated occupancies are contained.

**Neon.** An illumination source created when a glass tube filled with neon or other similar gas emits light when energized. The tube can be bent to form letters, symbols, or other shapes.

**Nonprofit.** Any person(s), partnership, association, corporation or other group whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group and may include, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

**Noncommercial Message.** Any copy that communicates a message that is not a commercial message. A noncommercial message does not directly or indirectly name, draw attention to, or advertise a business, product, good, service, or other commercial activity, or propose a commercial transaction.

**Pan Channel Letters.** A specific type of sign letter consisting of a metal pan enclosure fabricated in the shape of a letter, numeral, or other shape in which the metal pan enclosure is used to house the lighting and electrical components of the letter and can be mounted directly to a wall. The sign face is usually made of colored plastic attached to the metal pan so that the letters are illuminated and to seal it off from pests and harsh weather.

**Primary Frontage.** The side of a building facing a street or, in the case of a building having more than one side facing a street, the side so designated by planning department staff.

**Professionally Crafted or Painted Sign.** A temporary or permanent sign that is made to a high standard by a competent individual(s) skilled in sign design, fabrication, and installation.

**Raceway.** An enclosed conduit for electrical wiring.

**Reverse Pan Channel Letter.** A specific type of sign letter consisting of a metal pan enclosure fabricated in the shape of a letter, numeral, or other shape in which the metal pan enclosure is used to house the lighting and electrical components of the letter and can be mounted directly to a wall. The sign face is made of the same solid opaque materials as the sides of the letters so that the front and sides of the sign letters do not emit light.

**Roof line.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

**Search Lights.** Lights which disappear and reappear at periodic intervals, or are intermittently on and off, and which are placed so as to attract vehicular traffic with emphasis on the recurrence of lights.

**Secondary Frontage.** The sides of a building other than the primary frontage which are visible from a public right-of-way or from adjacent private property or which provide secondary access to the use or activity.

**Sign.** A permanent or temporary structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

**Sign Area.** Area enclosed in the frame of the sign as measured from the outside of the frame and following the contour of the frame. In those instances where a sign is painted or otherwise affixed or attached to a wall or similar structure or portion thereof, the area of a sign shall be computed by

measuring the overall length and width of the message. This computation shall also be utilized when raised or freestanding letters are affixed or attached to a structural surface.

**Sign Face.** The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

**Sign, Abandoned.** Sign that identifies a business, lessor, owner, product, service, or activity that is no longer on the premises where the sign is displayed.

**Sign, A-Frame.** A temporary pedestrian oriented sign constructed with two sides attached at the top allowing the sign to stand in an upright position and with the sign display areas attached to the side supports (also known as a Sandwich Board Sign or an Upright Sign).

**Sign, Awning.** Any permanent sign that is part of or attached to an awning, or other fabric, plastic or structural protective cover located over a door, entrance, window, storefront, or outdoor service area.

**Sign, Bandit.** Any sign that is placed on public or private property without the consent of the property owner or as authorized in Chapter 17.27, Signs.

**Sign, Billboard.** A permanent structure for the display of a commercial or non-commercial message.

**Sign, Blade.** A permanent sign mounted to the wall of building by means of a bracket and which is typically hung perpendicular to the wall of the building.

**Sign, Building Identification.** A sign consisting of letters or numbers applied to a building wall, engraved into the building material or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

**Sign, Building Mounted.** A permanent sign attached connected, painted, or erected on the wall, parapet, or fascia of a building or structure.

**Sign Cabinet.** A permanent building-mounted or freestanding sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet either that contains the lighting fixtures which illuminate the sign face from behind.

**Sign, Canopy.** A permanent sign that is painted, or mounted to a canopy, typically used to accent building entries.

**Sign, Commemorative.** Any sign containing words or figures commemorating a historical, cultural, or artistic event or location.

**Sign, Copy.** Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

**Sign, Directional.** A permanent sign erected to inform the viewer of the approximate route, direction, or location of a facility or tenant.

**Sign, Directory.** A permanent sign on a multi-tenant site or building providing information including a list of tenants and occupants, addresses, and suite numbers or a map of the building or complex. These signs are typically internal to a center, oriented to pedestrians, or motorists circulating in a parking lot rather than vehicles travelling on an arterial street.

**Sign, Electronic Message.** A permanent sign or portion of a sign that utilizes computer-generated messages or some other electronic means of changing its characters, letters, numbers, illustrations,

display, color, and/or light intensity, including animated graphics and video, by electronic or automatic means. An Electronic Message Sign is not a Single- or Two-Color LED Sign.

**Sign, Feather Banner.** A sign that is taller than it is wide and made of a flexible material (typically cloth, nylon, or vinyl) and mounted to a pole.

**Sign, Freestanding.** A permanent sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

**Sign, Fuel Pump Topper.** A temporary sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

**Sign, Government.** Any sign, posting, notice or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare.

**Sign, Incidental.** A sign which provides incidental information, including security, credit card acceptance, business hours, directions to services and facilities, or menus.

**Sign, Individual Letter.** A cut-out or etched letter or logo which is individually mounted on a building wall, or freestanding permanent sign.

**Sign LED.** A permanent or temporary sign consisting of light emitting diodes (electronic components that let electricity pass in only one direction) that emit visible light when electricity is applied.

**Sign, Monument.** A freestanding sign, with a solid base that is equal to or larger than the width of the sign face.

**Sign, Non-Conforming.** Any sign legally established prior to the Effective Date which does not fully comply with the standards imposed by the individual Sections of this Code.

**Sign, Off-Premise.** Any sign for a business, commodity, service, entertainment, product, structure, use or property that is different from a structure or use existing on the property where the sign is located. Includes any sign on which space is rented, donated, or sold by the owner of said sign or property for the purpose of conveying a message.

**Sign, On-Premise.** Any sign directing attention to a business, commodity, service, or offered upon the same premises as those upon which the sign is maintained.

**Sign, Painted Wall.** A sign painted directly onto the exterior wall of a building and having no sign structure.

**Sign, Pennant.** A temporary sign made of flexible materials usually longer than it is wide, often triangular in shape, and frequently displayed with other pennants on a string.

**Sign, Permanent.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

**Sign, Post.** A permanent sign mounted on either a single post or two or more posts.

**Sign, Prohibited.** Any sign not in accordance with or authorized in Chapter 17.27, Signs.

**Sign, Projecting.** A permanent sign that is perpendicular to the face of a building and projects outward from the building face.

**Sign, Raised Letter.** A sign containing copy, logo, and/or decorative embellishments in relief on the face.

**Sign, Roof.** Any permanent sign erected, painted, or attached to the sloped surface of a mansard or hip roof of a building. Excludes signs mounted on the top of a building's roof.

**Sign, Service Island Canopy.** A sign mounted on the fascia of a service island canopy.

**Single-Color or Two-Color LED.** A permanent or temporary sign or portion of a sign composed of single-color or two-color LEDs that displays static or changeable sign messages using characters, letters, and numbers only. Examples of these signs include, "open" or "closed" signs", "time and temperature " signs or signs indicating the number of available spaces in a parking facility.

**Sign, Spinner.** A lightweight, durable, and colorful device designed to be affected by the movement of air so that it spins or rotates in a manner to capture attention.

**Sign Structure.** The supports, uprights, bracing, and/or framework of a sign.

**Sign, Temporary.** A sign constructed of paper, cloth, vinyl, fabric, or similar material, which is intended for a definite and limited period of display and which is not permanently affixed to a structure, sign area, or window.

**Sign, Upright.** A pedestrian oriented sign that is not permanently affixed to a structure or the ground to advertise special goods, services, or products offered on the site.

**Sign, Vehicle.** Any temporary sign on or affixed to a truck, van, automobile, trailer, or other vehicle.

**Sign, Wall.** A permanent sign affixed to or erected against the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of wall or fascia to which it is affixed or erected.

**Sign, Wall Banner.** A temporary sign and constructed of cloth, bunting, plastic, paper, or similar nonrigid material, and securely attached to the wall or support structure for which it is advertising. Flags are not considered temporary wall banners.

**Sign, Walker.** A person who wears, holds, or balances a sign.

**Sign, Window.** A permanent or temporary sign posted, painted, placed, or affixed in, on, or within a window, or otherwise exposed to public view through a window.

**Sign, Yard, Type I.** A small temporary sign typically constructed of corrugated plastic and supported on either an H-shaped wire frame or mounted so as to swing between two pairs of support legs, used for example, for advertising by local businesses or by election campaigns (Synonym: Lawn Sign). A type I yard sign is not an A-frame sign.

**Sign, Yard, Type II.** A temporary sign mounted on a single post installed securely in the ground with a small sign hanging from a cross bar mounted parallel to the ground.

**Sign, Yard, Type III.** A large temporary typically wooden sign mounted on two posts installed securely in the ground.

**Static Display.** A sign face that does not change within a 24 hour period.

**Valance.** The vertical front face of an awning, parallel to the face of the building to which it is mounted.

## 17.27.030 Applicability

A. This Chapter applies to all signs within the City regardless of their nature or location, unless otherwise specifically exempted in Section 17.27.030.F, Exempt Signs.

1. Standards for permanent signs are found in Section 17.27.070, Standards for Permanent Signs.

2. Standards for temporary signs are found in Section 17.27.080, Standards for Temporary Signs.

B. The provisions of this Chapter shall be applied in a content-neutral manner. Noncommunicative aspects of all signs, not related to the content of the sign, shall comply with the provisions of this Chapter. "Non-communicative aspects" include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

C. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the City.

D. **Substitutions and Interpretations.**

1. This Chapter is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different noncommercial message, without the need for any approval or permit, provided that the size of the sign is not altered and the sign otherwise complies with the provisions of this Chapter. To the extent any provision of this Chapter is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.

2. This Chapter applies to all signs within the City.

3. When there is any question regarding the interpretation of a provision of this Chapter, or its application to any specific case or situation, the Director shall interpret the intent of this Chapter.

4. All regulations included in this Chapter shall apply unless a master sign program is approved by the Community Development Director; see Section 17.27.050.G, Sign Program. Entry into agreement between the City and a developer for a master sign program may supersede this Chapter except for matters of public safety.

E. **Conflicting Regulations.** Exceptions to this Chapter may be made for signs subject to federal or state government regulations that may be in conflict with this Chapter.

F. **Exempt Signs.** The following are not regulated under this Chapter, do not count toward the maximum total sign area for all permanent signs, and do not require a Sign Permit:

1. ***Government Signs.*** Any sign, posting, notice or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:

a. Numerals and letters identifying an address from the street to facilitate emergency response and compliant with City requirements;

b. Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense;

c. Traffic signs erected and maintained by an authorized public agency;

d. Signs required to be displayed by any applicable federal, state, or local law, regulation, or ordinance;

e. Signs directing the public to points of interest; and

f. Signs showing the location of public facilities.

g. Signs identifying the department service or location of City facilities and operations subject to the location and size limitations in this Chapter.

2. ***Incidental signs.*** Incidental signs not to exceed a total of three-square feet in sign area for all permanent signs in all single-family residential zoning districts and six square feet in all other zoning districts;

3. ***Signs not readable from the public right-of-way.*** Signs not readable from the public right-of-way, including:

a. Signs or displays located entirely inside of a building, within a courtyard, open-air pedestrian space or similar open area and not visible from the building's exterior;

b. Signs intended to be readable from within a parking area or City park but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way; and

4. ***Historic Plaques and Commemorative Signs.*** Historic plaques, memorial signs or tablets either attached to or cut into the surface of buildings, provided that no such sign exceeds two square feet in area.

## 17.27.040 Minor Sign Permit

A. **Purpose.** The purpose of the Minor Sign Permit is to allow for ministerial review and approval of certain signs to ensure compliance with the applicable provisions of this Zoning Code.

B. **Applicability.**

1. The Minor Sign Permit applies to all new signs, additions to signs, alterations of a sign, or replacement of a sign allowed by Chapter 17.27, Signs, excluding illuminated signs.

2. It shall be unlawful for any person to erect, place, display, alter, repair, or relocate a permanent sign without first obtaining approval for a Minor Sign Permit from the Community Development Director.

3. A Minor Sign Permit is not required for the following:

a. Changes to the face or copy of an existing single-tenant or multi-tenant freestanding or building mounted sign from one business to another with no structural or lighting modifications to the sign; and

b. The normal repair and maintenance of conforming or legal nonconforming signs.

C. **Application.** An application for a Minor Sign Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.

D. **Notice of Action, Appeals, Expiration, Extensions, and Modifications**

1. ***Planning Commission Review.*** The Director may require Planning Commission approval of a Minor Sign Permit if it is determined there are special or unusual circumstances associated with the sign application.

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

3. ***Appeals.*** A decision of the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.12, Procedures for Appeals.

4. ***Expiration, Extensions and Modifications.*** Minor Sign Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals, and Section 17.04.150, Modifications to an Approval.

E. **Inspections.** All signs for which a Minor Sign Permit is required are subject to inspection to establish compliance with the provisions of this Chapter as well as the following additional inspections, unless waived in writing by the Chief Building Official:

1. Footing inspections on all freestanding signs, including the addition of additional sign area to existing signs;

2. Electrical inspections for all sign structure(s) prior to placement; and,

3. Final inspection to establish compliance with provisions of this Code and other applicable City codes.

## 17.27.050 Major Sign Permit

A. **Purpose.** This Section establishes the permitting process for signs that require review and approval by the Planning Commission.

B. **Applicability.** The Major Sign Permit applies to:

1. Internally illuminated signs and permanent signs incorporating neon;

2. Neon signs or single- or two-color LED signs placed in a window (see Table 17.27.070.K: Standards for Window Signs,;

3. Monument signs in the A-20 zoning district (see Table 17.27.070.B: Standards for All Permanent Signs);

4. Signs, alterations of a sign, or replacement of a sign not in compliance with the standards of this Chapter, i.e., signs that are larger, signs of a unique design or location, or signs proposed in addition to those otherwise allowed; and

5. A Sign Program that addresses the needs for all businesses within a building with multiple tenants or a planned commercial development (see Section 17.27.050.G, Sign Programs).

C. **Application Requirements.**

1. ***Pre-Application Review.*** An optional Pre-Application Review with the Community Development Director is recommended for all applications in compliance with the procedures established in Section 17.04.040, Review of Planning Applications.

2. ***Application.*** An application for a Major Sign Permit shall be prepared, filed, and processed in compliance with Section 17.04.020, Application Process.

3. ***Responsibility.*** It is the responsibility of the applicant to provide information on the proposed sign which support the findings described in subsection E.

D. **Public Hearing and Procedures.**

1. Public hearings shall be noticed in compliance with Section 17.04.080, Public Hearing Notice.

2. The Planning Commission shall hold a public hearing on a Major Sign Permit application and shall, at the conclusion of the public hearing, approve (with or without conditions) or deny the application in compliance with the provisions of Chapter 17.04, Common Procedures.

E. **Findings.** In approving a Major Sign Permit, the Planning Commission shall make the following findings:

1. The sign is compatible with the site;

2. The sign materials are consistent with or complement those of the project;

3. The sign reflects the small-town character of St. Helena;

4. The sign will not negatively impact surrounding properties;

5. The sign does not obscure or detract from the architecture of a historic building or structure; and

6. The sign contributes to the historical or architectural character of the community.

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

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

2. ***Appeals.*** A decision of the Planning Commission may be appealed to the City Council as provided in Chapter 17.12, Procedures for Appeals.

3. ***Expiration, Extensions and Modifications.*** Sign Permits may only be extended or modified as provided for in Section 17.04.140, Extension of Permits and Approvals and Section 17.04.150, Modifications to an Approval.

G. **Sign Program.**

1. A Sign Program is required for all businesses within a multi-tenant building, or other types of planned commercial developments prior to the approval of any signs for an individual business within any of these developments.

2. The Planning Commission shall consider the cumulative visual effect of all signs and may reduce the overall number and/or area of signs allowed for each business or may require that directory signs be used instead of individual signs.

H. **Sign Permits – Temporary Wall Banner Signs.**

1. ***Temporary Wall Banner Sign Permit Requirement.*** It is unlawful for any person to erect, place, display, or relocate a temporary wall banner sign without first obtaining approval for a Temporary Wall Banner Sign Permit from the Community Development Director.

2. ***Duration of Temporary Wall Banner Sign Permits.*** The Temporary Wall Banner Sign Permit will be valid for 60 days beginning with the date of issuance, provided the sign is not displayed for more than two weeks at any one time and for not more than four times per year (maximum of eight weeks of temporary signs being displayed per year).

3. ***Review and Approval.***

a. *Review.* The Community Development Director shall review the Temporary Wall Banner Sign Permit application and supporting documentation for compliance with the standards of Section 17.27.080, Standards for Temporary Signs.

b. *Determination.* The Community Development Director shall determine whether the Temporary Wall Banner Sign Permit may be issued or if additional information is required from the applicant to complete the permit application. If the Temporary Wall Banner Sign Permit application is denied, the reason shall be stated in writing.

c. *Authorization and Substitution*. Issuance of a Temporary Wall Banner Sign Permit authorizes the holder to install a temporary wall banner sign(s) in compliance with the terms of the permit.

i. At any time after a Temporary Wall Banner Sign Permit is issued, a new owner, tenant, or lessee of record may be substituted for the original applicant if a record of the new interest is made with the City and the new interest assumes all obligations to be in compliance with the original permit.

ii. The change of interest shall not imply that any fees paid for the permit will be returned to either the interest which has been replaced or the substitute.

d. *Inspections.* All signs for which a Temporary Wall Banner Sign Permit is required are subject to inspection to establish compliance with the provisions of Section 17.27.080, Standards for Temporary Signs.

e. *Violations*. Any Temporary Wall Banner signs installed or displayed without a Temporary Wall Banner Sign Permit are in violation of this Chapter and is grounds for the Community Development Director to issue a correction notice and/or to cause removal of the Temporary Wall Banner sign until appropriate permits are obtained (See Section 17.27.100, Enforcement).

## 17.27.060 General Standards for All Signs

A. **Sign Message.** Any permitted sign may contain, in lieu of any other message or copy, any lawful non-commercial message, so long as the sign complies with the size, height, area, location, and other requirements of this Chapter.

B. **Prohibited Location Standards.** All signs may not be placed in the following locations or manner, except where specifically authorized in this Chapter:

1. ***Architectural Features.*** Areas where a sign would cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or another architectural feature;

2. ***Accessory Structures.*** Tacked, painted, pasted or otherwise affixed, to the walls of any building, barn or shed, accessory structure, or on trees, poles, posts, fences, ladders or other structures that are visible from a public way. Permanent signs may be attached to a fence or freestanding wall only when a monument or post sign is not present in the development and must be maximum three square feet in sign area;

3. ***Clearance Standards.*** Within the horizontal or vertical clearance standards from communications lines and energized electrical power lines prescribed by the laws of the State of California;

4. ***Conflict with Traffic Signs.*** Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device;

5. ***Exits and Entrances.*** Any sign which is placed in a manner that would prevent or inhibit free ingress to or egress from any door, window, vent, or any exit way required by the Building Code, or by Fire Department regulations (currently in effect);

6. ***Fuel Tanks, Storage Containers, and Solid Waste Receptacles.*** Painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;

7. ***Intersections and Site Visibility Triangle.*** Any sign erected or maintained at or near any street intersection or within the site visibility triangle as defined in Section 17.24.050 that will obstruct the free and clear vision of drivers and pedestrians;

8. ***Obstruction of Pedestrian Ways.*** Any sign mounted or displayed in such a manner that impede, obstruct or create hazards with respect to pedestrian traffic. A minimum width of four feet must be maintained on sidewalks at all times;

9. ***Off-premises.*** Off-premises signs, except those signs approved by a Major Sign Permit to be located on a legal easement for an access way through another property when such access is required for public use;

10. ***Public Utilities and Infrastructure.*** Any sign attached to any public utility pole, structure or streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved

as part of a special event permit on City property or banner signs permitted by the City on light poles within the City;

11. ***Right-of-Way.*** Signs located within the public right-of-way including any sign or handbill attached to a utility pole or street sign pole except those required or permitted by federal, State or local law;

12. ***Vehicles.*** Mounted, attached, or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on private premises in a manner intended to attract attention of the public for the purpose of advertising or identifying the business premises. This provision excludes signs indicating the name of the owner or business that are permanently painted or wrapped on the surface of the vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of the business. Vehicles must be operable and parked in a lawful or authorized manner.

C. **Prohibited Display Standards.** This Subsection regulates the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the City. Signs with the following display features are prohibited:

1. ***Devices Affected by Movement.*** Any sign animated by any means, including fixed aerial displays, airborne balloons, balloon bobbers, feather banners, pennants, propellers, spinners, streamers, lights, string of flags, tubes or other devices affected by movement of the air or other atmospheric or mechanical means;

2. ***Exposed Light Source.*** Any sign with an exposed light source, except for neon LED strip lights incorporated into the design of the sign;

3. ***Flashing Lights.*** Any sign or lighting device, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, blinking, or strobe light illumination, including search lights;

4. ***Fluorescent Colors.*** Any sign which uses florescent colors;

5. ***Rotating Signs and Barber Poles.*** Any sign in which the sign body or any portion of the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means. Barber poles no larger than three feet high and 10 inches in diameter, and clocks, are excepted from this restriction;

6. ***Visible Matter and Motion Picture Projection.*** Any sign which emits sound, odor, smoke, laser light display, hologram lights, or other visible matter, including any sign that uses motion picture projection.

D. **Prohibited Sign Types.** The following signs are prohibited within the City:

1. Any sign which advertises a business that is a prohibited use or no longer in existence or a product or service no longer being sold, except landmark signs;

2. Bandit signs;

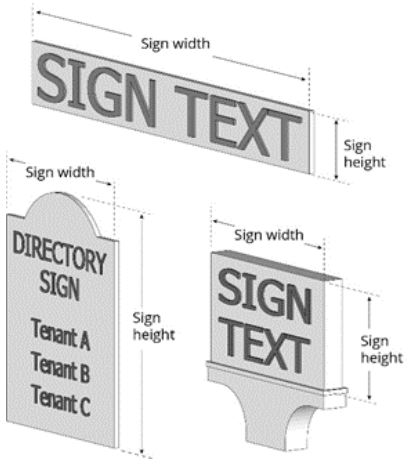
3. Billboards;
4. Cabinet signs;
5. Electronic message signs;
6. Pan channel letter signs;
7. Roof signs;
8. Sign Walkers;
9. Signs which bear or contain statements, words, or pictures of an obscene nature;
10. Stuffed or inflated animals or characters used as signs; and
11. Any signs not specifically allowed in this Chapter.

E. **Rules of Measurement.**

1. ***Sign Area Measurement.*** Sign area is measured as follows:

a. *Signs on Background Panel.* Where the sign copy is mounted, affixed, or painted on a background panel or distinctively painted, textured, or constructed surface, the sign area is measured as the sum of the smallest rectangle(s) that will enclose both the sign copy and the background, as shown in Figure 17.27.060.A.

**Figure 17.27.060.A: Signs on Background Panel**

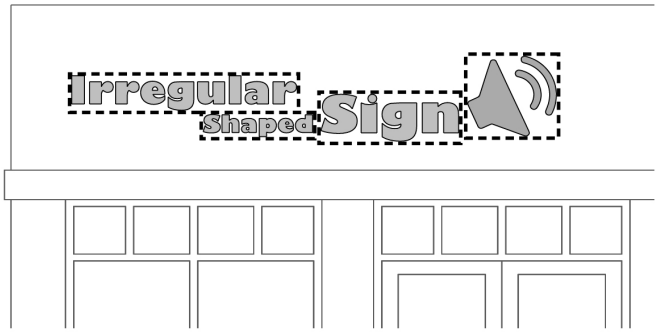



b. *Signs with Individual Letters.* Where the sign has individual letters or graphics mounted against a wall, fascia, mansard, parapet, or other building surface that has not been distinctively painted, textured or constructed as a background panel, the sign area is measured as the smallest rectangle(s) that will enclose each word and each graphic in the sign as shown in Figure 17.27.060.B.

**Figure 17.27.060.B: Signs with Individual Letters**

c. *Irregular Shaped Signs.* Sign area for irregular shaped signs is determined by dividing the sign into the smallest squares or rectangles that will enclose each word or graphic in the sign as shown in Figure 17.27.060.C. If the square or rectangles overlap, the area of overlap is subtracted from the total sign area.

**Figure 17.27.060.C: Irregular Shaped Signs**

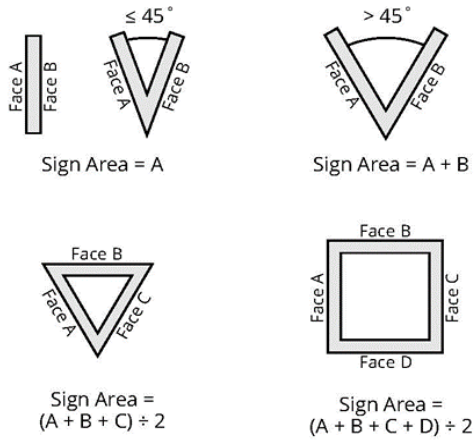



d. *Multi-Face Signs.* The sign area for multi-face signs, as shown in Figure 17.27.060.D, are measured as follows:

i. Two-Face Signs. Where the interior angle between the two sign faces is 45 degrees or less and the sign faces are less than 42 inches apart, the sign area is measured as the area of one sign face only. Where the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.

ii. Three- or Four-Face Signs. The allowable sign area is measured as 50 percent of the sum of the areas of all sign faces.

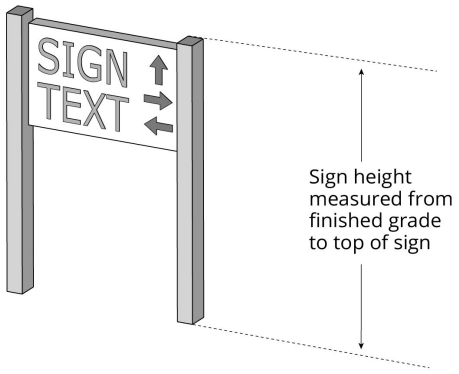
**Figure 17.27.060.D: Multi-Face Signs**




2. ***Sign Height Measurement.***

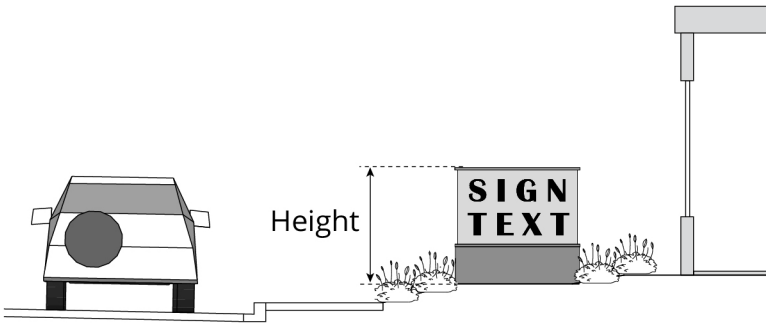
   a. *Freestanding Signs.* Sign height for freestanding signs is measured as the vertical distance from the finished grade to the top of the sign.

**Figure 17.27.060.E: Freestanding Sign Height**



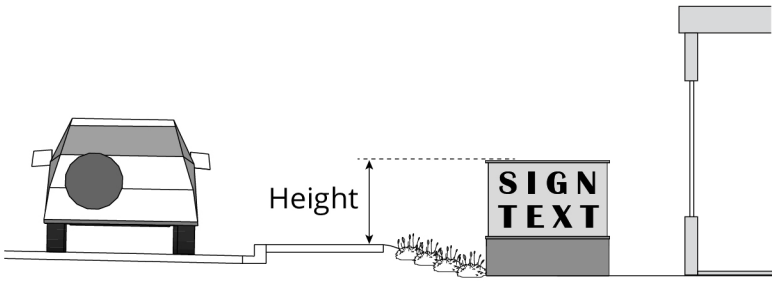

   i. Higher Than Adjacent Grade. Where the grade at the base of a sign is higher than the grade of the adjacent road right-of-way, sign height is measured from the base of the sign, as shown in Figure 17.27.060.F.

**Figure 17.27.060.F: Freestanding Sign Height, Higher Than Adjacent Grade**



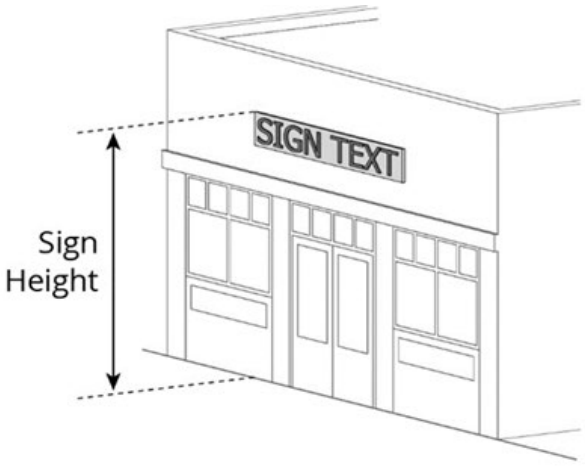

ii. Lower Than Adjacent Grade. Where the grade at the base of a sign is lower than the grade of an adjacent road right-of-way, the height of the sign is measured from the top of curb elevation, as shown in Figure 17.27.060.G (the portion of the sign below the grade at the edge of the right of way shall not be included in determining the sign's overall height).

**Figure 17.27.060.G: Freestanding Sign Height, Lower Than Adjacent Grade**




b. *Wall Signs.* The height of building-mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign structure, as shown in Figure 17.27.060.H.

**Figure 17.27.060.H: Wall Sign Height**




3. ***Building Frontage.***

   a. The wall length and sign area shall be calculated separately for buildings with two or more frontages.

   b. Projections and recesses on a building wall may not exceed 10 feet for a continuous building frontage.

F. **Sign Illumination.**

1. ***Internal Illumination.***

   a. Internally illuminated signs include single- or two-color LED signs, signs constructed with reverse pan channel letters (i.e. indirect halo illuminated channel letters) on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.

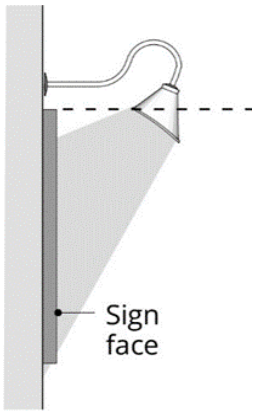
   b. Internally illuminated signs shall be illuminated only with steady, stationary, light sources.

2. ***External Illumination.***

   a. Externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.

   b. The light source for externally illuminated signs shall be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties as illustrated in Figure 17.27.060.J.

**Figure 17.27.060.J: External Illumination**




3. ***Neon.***

   a. Exposed neon sign lighting on permanent signs is only allowed in the CB, MU and I zoning districts subject to review and approval by the Planning Commission.

   b. Each business is only allowed one neon sign and it must be placed on the primary frontage of the building.

   c. Neon is allowed on no more than 25 percent of the total sign area of a permanent building mounted sign.

   d. Neon signs placed in a window are included in the total sign area limitations for all window signs (Refer to Table 17.27.070.K: Standards for Window Signs).

   e. Neon signs must be turned off daily at the close of business or 10:00 pm, whichever occurs last.

4. ***Single-Color or Two-Color LED Signs.***

   a. Single color or two-color LED signs are only allowed in commercial and industrial zoning districts subject to review and approval by the Planning Commission.

   b. Single-color or two-color LED signs are exempt from the sign area limitations for wall signs and window signs established in Table 17.27.070.J: Standards for Wall Signs, and Table 17.27.070.K: Standards for Window Signs.

   c. Any individual single-color or two-color LED sign must not exceed two square feet in area and must be max. four square feet in total.

   d. Single-color or two-color LED signs must be turned off daily at the close of business or 10:00 pm, whichever occurs last.

G. **Sign Structure and Installation.**

1. The installation of signs shall be enforced and administered by the Chief Building Official. All signs and sign structures must be designed to comply with the provisions

of this Chapter, the applicable provisions of Title 15 (Building and Construction), and constructed to withstand wind loads, dead loads, and lateral forces.

a. Any angle iron, bracing, guy wires, or similar features used to support a sign shall not be visible to the extent technically feasible.

b. Where electrical service is provided to freestanding signs or landscape wall signs, the electrical service shall be placed underground and concealed. Electrical service to building mounted signs, including conduit, housings, and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A Building Permit shall be issued prior to installation of any new signs requiring electrical service.

c. All permanent signs allowed by this Chapter shall be constructed of durable materials capable of withstanding continuous exposure to the elements and the conditions of a built-up environment, and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.

2. Raceway, as illustrated in Figure 17.27.060.K, shall only be used in building mounted signs when access to the wall behind the sign is not feasible, or when the Community Development Director determines that a benefit exists to preserve a historic or architectural feature of a building. In such cases, the raceway shall not extend in width and height beyond the area of the sign and shall match the color of the building to which it is attached.

**Figure 17.27.060.K: Raceway**

3. Signs shall be designed so that the support frameworks for the sign are an integral part of the design of the sign or within the structure of the building to which it is attached in such a manner as to not be visible.

H. **Sign Maintenance.**

1. All signs must be maintained by the property owner, tenant, or permittee. In the event a sign becomes derelict for reasons of lack of maintenance the approval may be revoked and the sign subject to abatement.

2. All signs together with their supports and appurtenances shall be maintained in good structural condition, in compliance with applicable Building and Electrical Codes, and in conformance with this Chapter. Maintenance of a sign includes periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this Chapter.

3. All signs and supporting structures shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted and clean. The immediate surrounding premises shall be maintained free of weeds and rubbish. The Community Development Director is authorized to order the painting, cleaning or repair of signs which become dilapidated and the cleaning of the immediate premises. Such maintenance shall be completed within 30 days of receiving written notice.

4. Required landscaped areas contained by a fixed border, curbed area, wall, or other perimeter structure shall receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within three months.

5. The Chief Building Official has the authority to order the repair, maintenance, or removal of any sign or sign structure that has not been maintained and is dangerous or in disrepair, or which is erected or maintained contrary to the requirements of this Section.

6. Failure to maintain a sign constitutes a violation of this Chapter and will be subject to enforcement action, in which case the Chief Building Official may order the removal of any sign that is determined to be in disrepair or dangerous.

7. Any owner of a sign victimized by graffiti shall remove, repair, or repaint sign(s) within 10 days of the graffiti being applied or within 10 days of notification by the Planning Building Director, whichever event comes first, or the sign shall be subject to removal by the City at the owner's expense.

## 17.27.070 Standards for Permanent Signs

A. **Applicability.**

1. This Section establishes the standards for permanent building-mounted and freestanding signs that are applicable in all zoning districts. Standards for each allowed sign type are provided in Table 17.27.070.C to Table 17.27.070.O. All permanent signs must comply with the standards for sign area, height, number, type, and the other requirements provided in these tables.

2. A sign type not specifically included in this Section may be allowed by the Community Development Director provided the sign meets the intent of the zone in which it is proposed.

**Table 17.27.070.A: Allowed Sign Types by Zoning Districts**

| Sign Type | LR | MR | HR | MU | CB | SC | BPO | I | A-20 | W | WW | PQP | PR | OS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *"•" = Permitted; "—" = Not Permitted* | | | | | | | | | | | | | | |
| **Building-Mounted Signs** | | | | | | | | | | | | | | |
| Awning Sign | — | — | — | • | • | • | • | — | — | • | — | • | — | — |
| Blade Sign | — | — | — | • | • | • | • | — | — | • | — | • | — | — |
| Canopy Sign | — | — | — | • | • | • | • | — | — | — | — | • | — | — |
| Directional Sign | — | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Directory Sign | — | • | • | • | • | • | • | • | • | • | • | • | • | — |
| Projecting Sign | — | — | — | • | • | • | — | • | — | — | — | — | — | — |
| Service Island Canopy Sign | — | — | — | — | • | • | • | • | — | — | — | — | — | — |
| Wall Sign [1] | • | • | • | • | • | • | • | • | • | • | • | • | • | — |
| Window Sign [1] | — | — | — | • | • | • | • | • | — | • | — | • | — | — |
| **Freestanding Signs** | | | | | | | | | | | | | | |
| Directional Sign | — | — | • | • | • | • | • | • | • | • | • | • | • | — |
| Directory Sign | — | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Monument Sign | — | • | • | • | • | • | • | • | • [2] | • | • | • | — | — |
| Post Sign | • | • | • | • | • | • | • | • | • | • | • | • | — | — |

**End Note:**

[1] Neon is only allowed on wall mounted signs and window signs in the CB, MU, and I zoning districts. Refer to Section 17.27.060.F.3.

[2] Monument signs in A-20 require a Major Sign Permit as established in Section 17.27.050, Major Sign Permit.

B. **Standards for Permanent Building-Mounted and Freestanding Signs.**

1. The maximum total area for all building-mounted and freestanding signs is established in Table 17.27.070.B: Standards for All Permanent Signs.

2. The area of all building-mounted signs is included in the maximum total sign area, except when specifically exempted.

3. All permanent building-mounted and freestanding signs must comply with the corresponding sign type standards provided in Tables 17.27.070.C to Table 17.27.070.O.

**Table 17.27.070.B: Standards for All Permanent Signs**

| Zoning Districts | Max. Sign Height, Building-Mounted | Max. Sign Height, Freestanding | Total Sign Area per Business or Development |
|---|---|---|---|
| *"sf" = square feet; "lf" = linear feet* | | | |
| LR, A-20 [1] | 8 ft | 5 ft | LR: Max. 4 sf<br>A-20: Max. 6 sf |
| MR | 8 ft | 5 ft | Max. 16 sf |
| HR | 8 ft | 5 ft | Max. 20 sf |
| MU, CB | 20 ft | 8 ft | Max. 1.0 sf per linear foot of business frontage; not to exceed 40 sf for the primary frontage and 20 sf for secondary frontage |
| SC, I [2] | 20 ft | 10 ft | Primary frontage: Max. 60 sf<br>Secondary frontage Max. 20 sf |
| BPO | 20 ft | 10 ft | Primary frontage: Max. 40 sf<br>Secondary frontage: Max. 20 sf |
| W, WW [3] | 8 ft | 5 ft | Primary frontage: Max. 20 sf<br>Secondary frontage: Max. 20 sf |
| PQP, PR, OS [1] | 12 ft | 6 ft | Primary frontage: Max. 20 sf<br>Secondary frontage: Max. 20 sf |

**Notes:**

1. The Community Development Director may grant by Minor Use Permit an increase in the maximum total sign area for all permanent signs in these zoning districts for public parks and recreation facilities, public schools, governmental facilities, public cultural facilities, and nonprofit hospitals.

2. The Planning Commission may approve signs that exceed the height, size, and number of signs specified in the SC and I zoning districts for properties located along Main Street where the visibility of the sign is impaired due to any one of the following:

A) The building is set back from the street for a distance of 50 feet or more;

B) The visibility of the building is obscured;

C) The speed limit on Main Street is greater than 35 miles per hour; or

D) A sign meeting the standards of this Chapter world create a safety hazard by obscuring the vision of vehicles exiting the property.

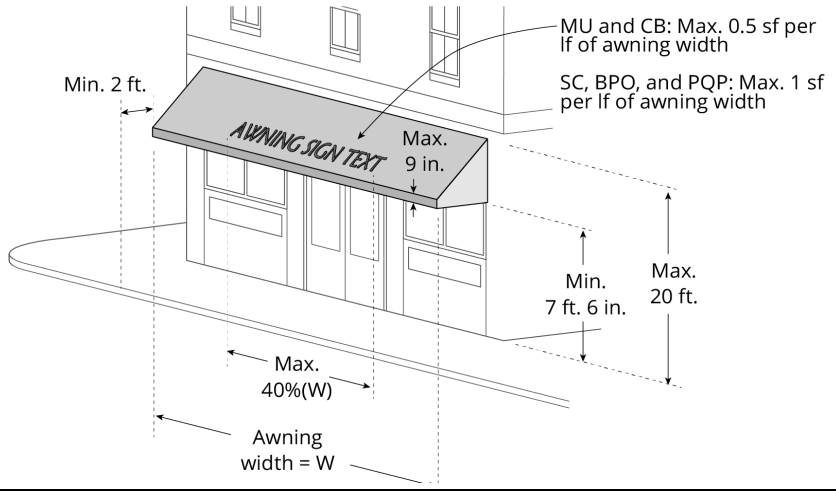
3. All signs in the WW zoning district shall be non-illuminated.

C. **Standards for Permanent Building-Mounted Signs**

1. ***Awning Sign.*** Awning signs must comply with the standards provided in the table below.

**Table 17.27.070.C: Standards for Awning Signs**

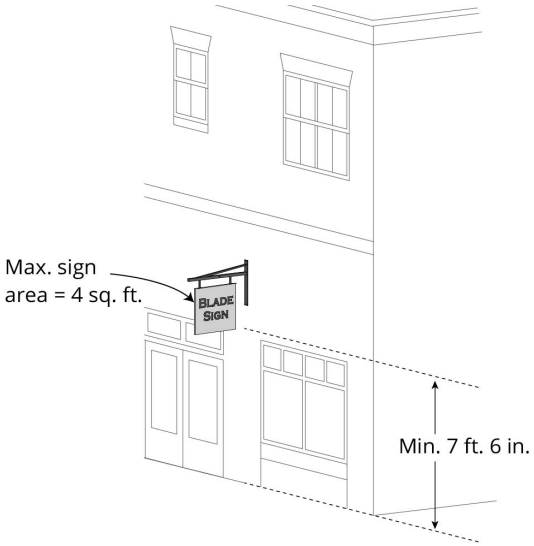
| Standards | MU and CB | SC, BPO, W, and PQP |
|---|---|---|
| *"sf" = square feet; "lf" = linear feet* | | |
| Sign Area | Max. 0.5 sf per lf of awning width | Max. 1 sf per lf of awning width |
| | Included in the total allowable sign area for all building-mounted signs (see Table 17.27.070.B). | |
| Mounting Height | Min. 7 ft 6 inches from the bottom of the awning to the nearest grade or sidewalk.<br>Max. 20 ft. | |
| Sign Placement | Must only be placed above the doors and windows of the ground floor.<br>Sign width must not be greater than 40% of the width of the awning face or valance on which it is displayed.<br>May project into public right-of-way with approval of an Encroachment Permit. | |
| Valance Height | Max. 9 in. | |
| Horizontal Distance from Back of Curb | Min. 2 ft. | |



2. ***Blade Sign.*** Blade signs must comply with the standards provided in the table below.

**Table 17.27.070.D: Standards for Blade Signs**

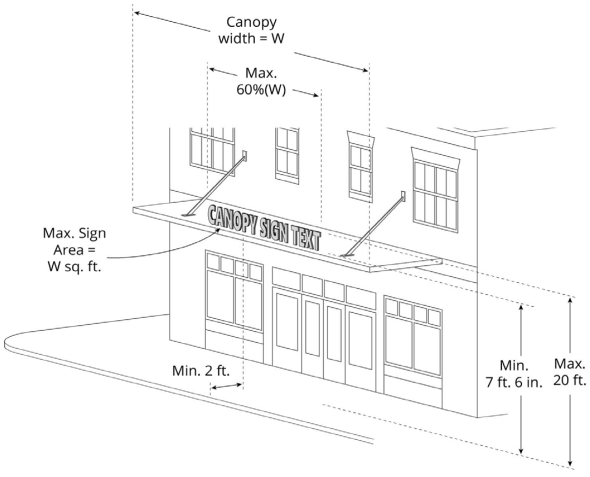
| Standards | MU, CB, SC, BPO, W, and PQP |
|---|---|
| *"sf" = square feet; "lf" = linear feet* | |
| Sign Area | Max. 4 sf per side.<br>Included in the total allowable sign area for all building-mounted signs (see Table 17.27.070.B). |
| Mounting Height | Min. 7 ft 6 inches from the bottom of the sign to the nearest grade or sidewalk.<br>Must be mounted perpendicular to the building face or at the corner of the building. |
| Number of Signs | Max. 2 signs; 1 sign per frontage. |
| Sign Placement | Sign must not extend beyond the edge of the structure on which it is located if mounted below the walkway or overhead structure.<br>May project into public right-of-way with approval of an Encroachment Permit. |
| Horizontal Distance from Back of Curb | Min. 2 ft. |
| Illumination | Non-illuminated, internal illumination, or external illumination. |



3. ***Canopy Sign.*** Canopy signs must comply with the standards provided in the table below.

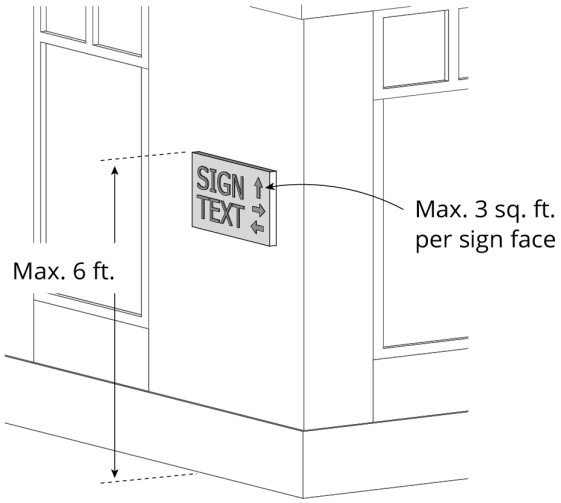
**Table 17.27.070.E: Standards for Canopy Signs**

| Standards | MU, CB, SC, BPO, and PQP |
|---|---|
| *"sf" = square feet; "lf" = linear feet* | |
| Sign Area | Max.1 sf per linear foot of canopy width. |
| Sign Height | Min. 7 ft 6 inches from the bottom of the canopy to the nearest grade or sidewalk; Max. 20 ft. |
| Number of Signs | 1 per business frontage. |
| Sign Placement | Must be placed above the doors and windows of the ground floor of a building.<br>Sign width must not be greater than 60% of the width of the canopy on which it is displayed.<br>If a canopy is placed on multiple store fronts, each business is permitted signage no greater than 60% of the store width or tenant space.<br>May project into public right-of-way with approved of an Encroachment Permit. |
| Horizontal Distance from the Edge of the Canopy to Back-of-Curb | Min. 2 ft. |
| Illumination | Non-illuminated or internal illumination. |



4. ***Directional Signs (Building-Mounted).*** Directional signs must comply with the standards provided in the table below.

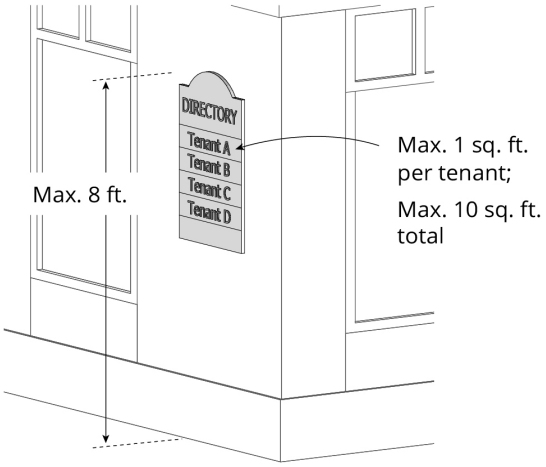
| Table 17.27.070.F: Standards for Directional Signs (Building-Mounted) | |
|---|---|
| **Standards** | **MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, PR, and OS** |
| *"sf" = square feet; "lf" = linear feet* | |
| Sign Area | Max. 3 sf.<br>Excluded from the total number of allowed signs for all building-mounted signs. |
| Mounting Height | Max. 6 ft. |
| Sign Placement | Max. 1 per pedestrian walkway. |
| Illumination | Non-illuminated or external illumination. |



5. ***Directory Signs (Building-Mounted).*** Directory signs must comply with the standards provided in the table below.

**Table 17.27.070.G: Standards for Directory Signs (Building-Mounted)**

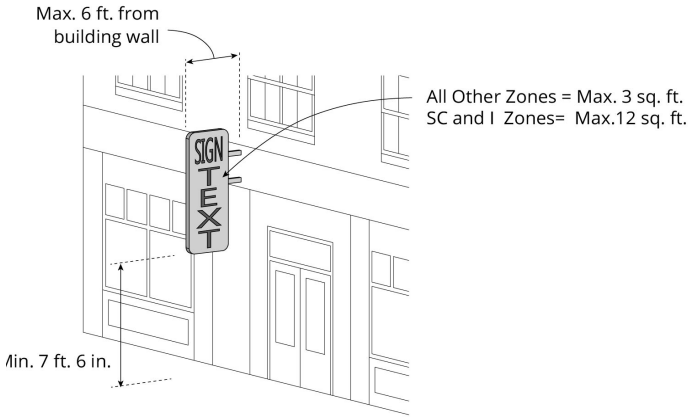
| Standards | MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, and PR |
|---|---|
| *"sf" = square feet; "lf" = linear feet* | |
| Sign Area | Max. 1 sf per tenant space; Max. 10 sf total sign area.<br>Excluded from the total number of allowed signs for all building-mounted signs. |
| Mounting Height | Max. 6 ft from nearest grade. |
| Number of Signs | Max. 1 per primary building entrance. |
| Illumination | Non-illuminated, internal illumination, or external illumination. |



6. ***Projecting Signs.*** Projecting signs must comply with the standards provided in the table below.

**Table 17.27.070.H: Standards for Projecting Signs**

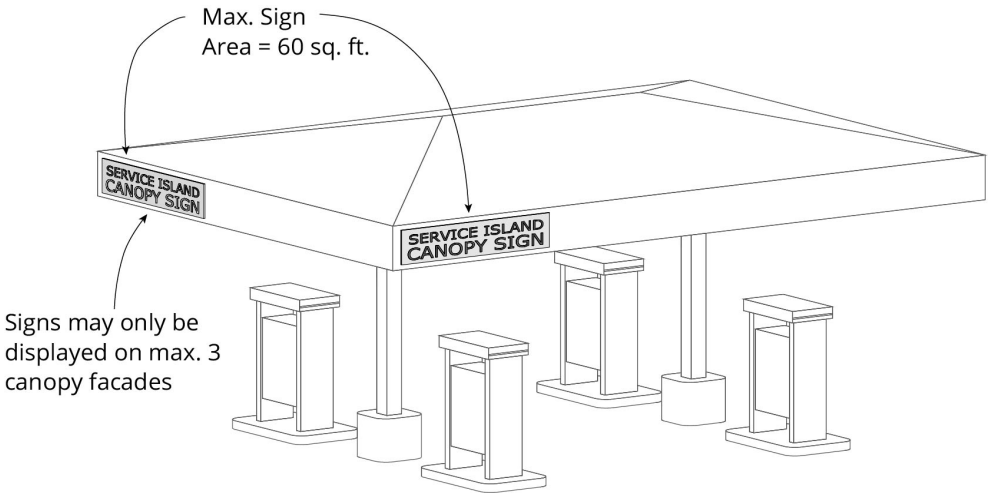
| Standards | MU and CB | SC and I |
|---|---|---|
| *"sf" = square feet; "lf" = linear feet* | | |
| Sign Area | Max. 12 sf per side | Max. 24 sf per side |
| | Included in the total allowable sign area for all building-mounted signs (see Table 17.27.070.B). | |
| Mounting Height | Min. 7 ft 6 inches from the bottom of the sign to the nearest grade or sidewalk. | |
| Sign Placement | Projecting signs shall not be permitted closer than 20 feet from each other.<br>May project into public right-of-way (but not public alleys) with approval of an Encroachment Permit<br>May not extend vertically above the second floor window sill or when there is no second floor, may not extend above the parapet, eave, or roof line.<br>Max. 6 ft from the building wall to the outer edge of the sign. | |
| Horizontal Distance from Back of the Curb | Signs may not project within two feet of the curb line. | |
| Number of Signs | Max. 1 per business when neither a monument sign nor a roof sign is present in the development.<br>Not allowed if a monument sign or post sign is present. | |
| Illumination | Non-illuminated, internal illumination, or external illumination. | |



7. ***Service Island Canopy Signs.*** Service Island Canopy signs must comply with the standards provided in the table below.

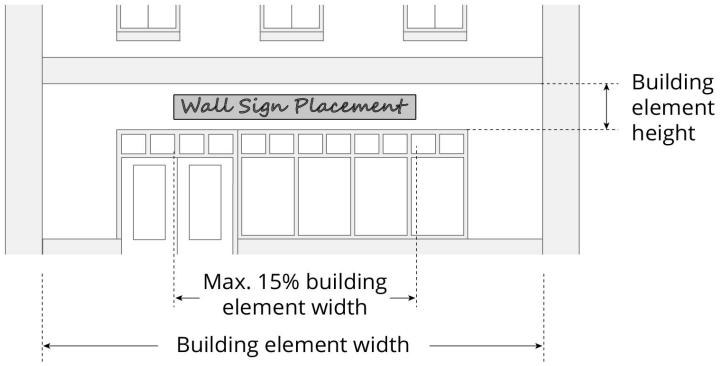
**Table 17.27.070.I: Standards for Service Island Canopy Signs**

| Standards | CB, SC, BPO, and I |
|---|---|
| *"sf" = square feet; "lf" = linear feet* | |
| Sign Area | Max. 60 sf for the total area of all signs on the canopy.<br>Included in the total allowable sign area for all building-mounted signs (see Table 17.27.070.B). |
| Number of Signs | Signs may only be displayed on max. 3 canopy facades. |
| Illumination | Internal illumination. |



8. ***Wall Signs.*** Wall signs must comply with the standards provided in the table below.

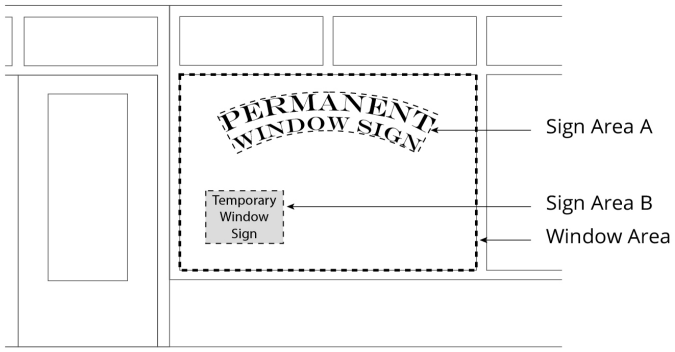
| Table 17.27.070.J: Standards for Wall Signs | |
|---|---|
| **Standards** | **LR, MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, and PR** |
| *"sf" = square feet; "lf" = linear feet* | |
| Sign Area | As provided in Table 17.27.070.B.<br>Included in the total allowable sign area for all building-mounted signs (see Table 17.27.070.B). |
| Number of Signs | Unlimited, provided the maximum area allowed for wall signs is not exceeded. |
| Sign Placement | Refer to the illustration below for applicable standards.<br>Wall signs shall be placed to establish a facade rhythm, scale, and proportion between buildings.<br>The sign's length shall not exceed the width of the framed portion of the storefront and shall not exceed 15 percent of the building facade. |
| **Special Provisions** | **Requirements** |
| Painted Wall Signs | Painted wall signs are allowed on any exterior building wall of an individual tenant space or building.<br>Painted wall signs must be professionally painted.<br>The allowable area for painted wall signs will be increased by 10% over the normal allowable sign dimensions for the zone.<br>Painted wall signs are prohibited on historically designated buildings. |
| Illumination | Non-illuminated, internal illumination, or external illumination. |



9. ***Window Signs.*** Window signs must comply with the standards provided in the table below.

**Table 17.27.070.K: Standards for Window Signs**

| Standards | MU, CB, SC, BPO, I, W, and PQP |
|---|---|
| *"sf" = square feet; "lf" = linear feet* | |
| Sign Area | The combined area of temporary and permanent window signs must not exceed 40% of the area of the window on which they are displayed.<br>Max. 25% of sign area may be neon or single-color or two-color LED signs.<br>Neon or single-color or two-color LED signs greater than 2 sf each or a total of 4 sf require Planning Commission approval.<br>Refer to Subsection 17.27.060.F.3, Neon and Subsection 17.27.060.F.4, Single-color or two-color LED signs.<br>Adhesive vinyl, gild-leaf, or screen printing is preferred over hand-painted window signs. |
| Sign Placement | Must be mounted or displayed on the interior of the window.<br>Window signs shall only be mounted on the first or second floor windows of a building. |




Sign Area A + Sign Area B ≤ 40% Window Area

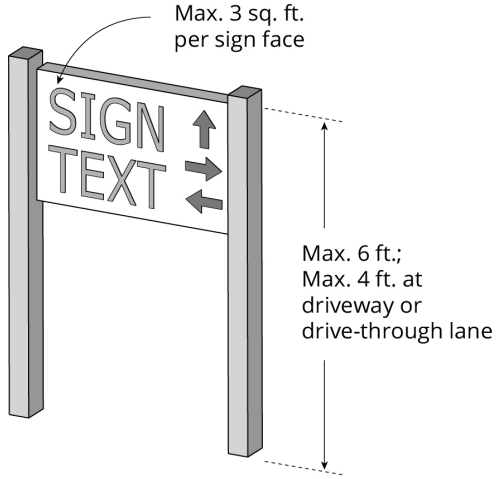
D. **Standards for Permanent Freestanding Signs.**

1. Standards for each allowed permanent freestanding sign type are provided in tables with a supporting illustration of each sign type. All permanent signs must comply with the standards for sign area, height, number, type, and other requirements provided in these tables.

2. ***Directional Signs (Freestanding).*** Directional signs must comply with the standards provided in table below.

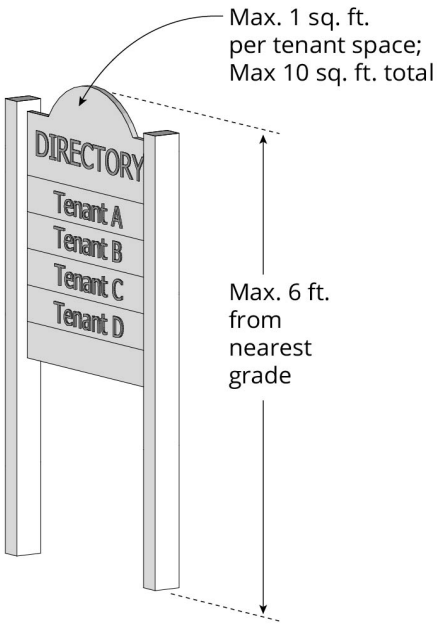
**Table 17.27.070.L: Standards for Directional Signs (Freestanding)**

| Standards | HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, and PR |
|---|---|
| *"sf" = square feet; "lf" = linear feet* | |
| Sign Area | 2 sided allowed; Max. 3 sf per sign face.<br>Excluded from the total number of allowed signs for all freestanding signs. |
| Sign Height | Max. 6 ft; Max. 4 ft at driveway or drive-through lanes. |
| Number of Signs | Max. 1 per driveway entrance or pedestrian walkway. |
| Illumination | Non-illuminated, internal illumination, or external illumination. |
| Special Provisions | May be mounted on either 1 or 2 posts. |



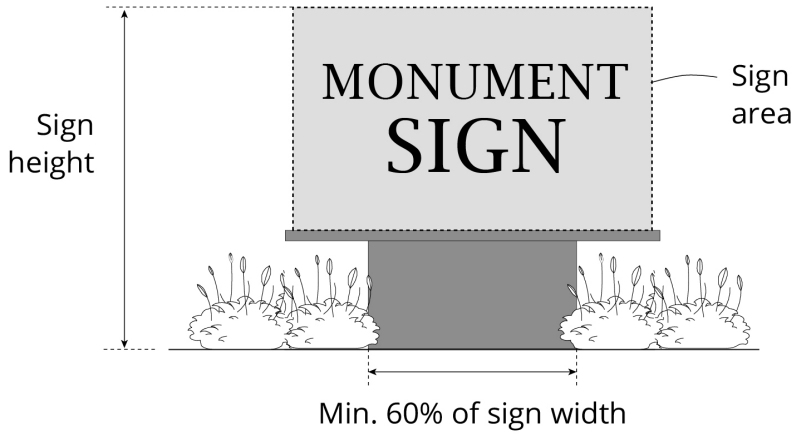
3. ***Directory Signs (Freestanding).*** Directory signs must comply with the standards provided in the table below.

| Table 17.27.070.M: Standards for Directory Signs (Freestanding) | |
|---|---|
| **Standards** | **MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, PQP, PR, and OS** |
| *"sf" = square feet; "lf" = linear feet* | |
| Sign Area | Max. 10 sf; Max. 1 sf per tenant space. Excluded from the total number of allowed signs for all freestanding signs. |
| Sign Height | Max. 6 ft from nearest grade. |
| Number of Signs | Max. 1 per building. |
| Illumination | Non-illuminated, internal illumination, or external illumination. |
| Special Provisions | May be mounted on either 1 or 2 posts. |



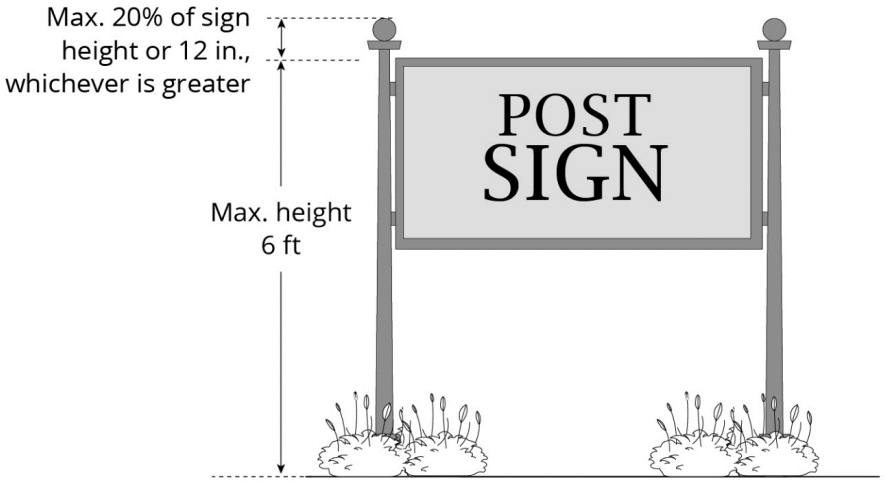
4. ***Monument Signs.*** Monument signs must comply with the standards provided in the table below.

| Table 17.27.070.N: Standards for Monument Signs | |
|---|---|
| **Standards** | **MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, and PQP** |
| *"sf" = square feet; "lf" = linear feet* | |
| Sign Area | As provided in Table 17.27.070.B. |
| Sign Height | As provided in Table 17.27.070.B.<br>Elements to enhance the design of a sign structure may extend above the sign to a max of 20% of the sign's allowed height, or 12 inches, whichever is greater. |
| Total Sign Width | Elements to enhance the design of a monument sign structure may extend no more than 2 feet on either side of the sign. |
| Base Width | The sign base must be at least 60% of the width of the sign. |
| Number of Signs | Only one monument sign is allowed per building per frontage.<br>Not allowed if a post sign is present in the development. |
| Sign Placement | Only located on private property along a site frontage facing a public street. |
| Illumination | Non-illuminated, internal illumination, or external illumination. |



5. ***Post Signs.*** Post signs must comply with the standards provided in the table below.

| Table 17.27.070.O: Standards for Post Signs | |
|---|---|
| **Standards** | **LR, MR, HR, MU, CB, SC, BPO, I, A-20, W, WW, and PQP** |
| *"sf" = square feet; "lf" = linear feet* | |
| Sign Area | As provided in Table 17.27.070.B |
| Sign Height | Max. 6 ft.<br>Elements to enhance the design of a sign structure may extend above the sign to a max of 20% of the sign's allowed height, or 12 inches, whichever is greater. |
| Sign Placement | Max. 5 ft setback from the front property line. |
| Number of Signs | Max. 1 per property frontage.<br>Not allowed if a monument sign is present in the development. |
| Illumination | Non-illuminated, internal illumination, or external illumination. |
| Special Provisions | Post signs shall be located in a landscaping area defined by a vertical curb to protect the sign. |



## 17.27.080 Standards for Temporary Signs

A. **Purpose.** The Council finds that the proliferation of temporary signs is a distraction to the traveling public and creates aesthetic blight and litter that threatens the public's health, safety, and welfare. In addition to the purpose provisions of Section 17.27.010, Purpose, these regulations ensure that temporary signs do not create a distraction to the traveling public by eliminating the aesthetic blight and litter caused by temporary signs and that certain types of temporary signs are allowed to ensure that residences are not left vacant for extended periods of time.

B. **General to All Temporary Signs.** Temporary signs are allowed only in compliance with the provisions of this Section.

1. ***Permits.*** A Temporary Wall Banner Sign Permit is required to display a temporary wall banner sign with a maximum area of 32 square feet. Wall Banners larger than 32 square feet in area requires Minor Sign Permit approval (see Section 17.27.040, Minor Sign Permit). All other temporary sign types do not require a Sign Permit. Each tenant in a multi-tenant building is entitled to a temporary wall banner sign in accordance with this Section.

2. ***Not Included in Permanent Sign Allowances.*** Temporary signs are not counted toward the maximum total sign area established in Section 17.27.070, Standards for Permanent Signs.

3. ***General Time, Place, and Manner Restrictions.***

a. *Prohibited Location Standards.* Temporary signs must be placed in compliance with subsection 17.27.060.B, Prohibited Location Standards, unless specifically exempted by this Section.

b. *Period of Use.* There is no limit on the length of time that a temporary sign may be displayed, except for temporary wall banner signs (see Table 17.27.080.B: Standards for Specific Temporary Signs).

c. *Prohibited Display Standards.* Temporary signs must comply with subsection 17.27.060.C, Prohibited Display Standards.

d. *Design and Construction.* Temporary signs must be of sufficient weight and durability to withstand wind gusts, storms, etc. and must be professionally crafted.

C. **Additional Standards for Temporary Signs.**

1. Temporary signs are allowed in compliance with provisions in Table 17.27.080.A: Standards for Temporary Signs.

**Table 17.27.080.A: Standards for Temporary Signs**

| Standard | Requirement |
|---|---|
| *"sf" = square feet; "lf" = linear feet* | |
| **LR, A-20, MR, HR, W, WW, PQP, PR, and OS Zoning Districts** | |
| Total Area of all Temporary Signs at Any One Time | Max. 16 sf [1, 2] |
| Number of Signs | Unlimited except that the total sign area of all temporary signs must not exceed 16 sf. |
| **MU and CB Zoning Districts** | |
| Total Area of All Temporary Signs at Any One Time | Max. 32 sf per business, with a total of max. 72 sf per lot.<br>Excludes the area of temporary wall banner signs. |
| Number of Signs | Unlimited except that the total sign area of all temporary signs (excludes area of temporary wall banner signs) must not exceed 32 sf per business.<br>Exception: Multi-tenant shopping centers or offices – Max. 2 temporary wall banner signs per 150 lf of property frontage not to exceed 64 sf combined. |
| **SC, BPO, and I Zoning Districts** | |
| Total Area of All Temporary Signs at Any One Time | Max. 40 sf per business, with a total of max. 90 sf per lot.<br>Excludes the area of temporary wall banner signs. |
| Number of Signs | Unlimited except that the total sign area of all temporary signs (excludes the area of wall banner signs) must not exceed 40 sf per business.<br>Exception: Multi-tenant shopping centers or offices – Max. 2 temporary wall banner signs per 150 linear feet of property frontage not to exceed 64 sf combined. |

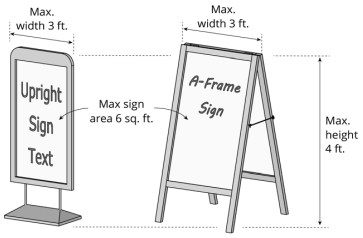
**Notes:**

[1] The Community Development Director may grant with a Minor Use Permit an increase in the maximum total sign area for all temporary signs in these zoning districts for public parks and recreation facilities, public schools, governmental facilities, public cultural facilities, and nonprofit hospitals.

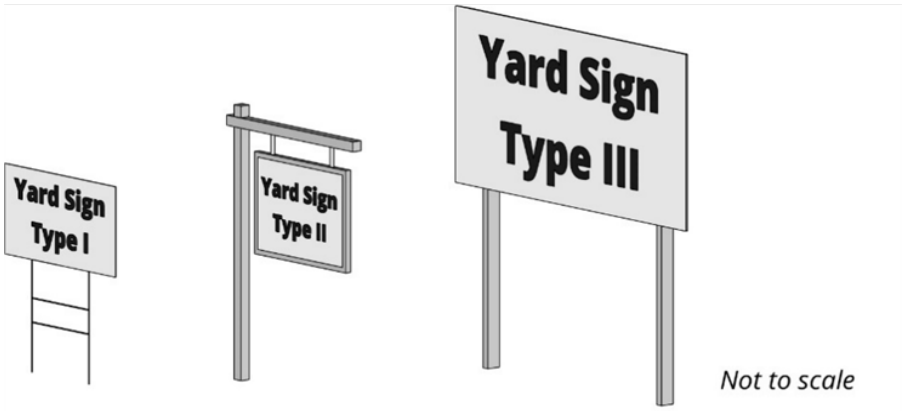
[2] All temporary signs with commercial messages are prohibited in all residential zones, except that temporary signs with commercial messages advertising the sale or lease of real property are allowed in residential zones.

2. ***Standards for Specific Temporary Signs.*** Temporary signs must comply with the standards provided in Table 17.27.080.B: Standards for Specific Temporary Sign Types.

**Table 17.27.080.B: Standards for Specific Temporary Signs**

| Temporary Sign Type[1] | Standards | | | Other Requirements |
|---|---|---|---|---|
| | Height (Max.) | Width (Max.) | Area (Max.) | |
| *"sf" = square feet; "lf" = linear feet* | | | | |
| **Allowed in all Zones Unless Noted in "Other Requirements"** | | | | |
| A-Frame or Upright Sign | 4 ft | 3 ft | 6 sf | Must be located within 15 feet of the building in which the business is located.<br>May be located on a sidewalk provided a minimum width of at least four feet in compliance with applicable ADA standards allows for unimpeded pedestrian movement.<br>Only permitted during regular business hours in non-residential zoning districts. |
|  | | | | |
| Wall Banner | 25 ft to top of banner | — | 32 sf | Prohibited in residential zoning districts.[2]<br>Must be mounted on a building wall or on T-posts or stakes installed ≤ 6" from a wall on which the wall banner would be hung. |
| Window Sign | — | — | See End Note 3 | Must be placed no higher than first story windows.<br>Inside mounting required.<br>Not included in the total sign area for all temporary signs. |

| Table 17.27.080.B: Standards for Specific Temporary Signs | | | | |
|---|---|---|---|---|
| **Temporary Sign Type[1]** | **Standards** | | | **Other Requirements** |
| | **Height (Max.)** | **Width (Max.)** | **Area (Max.)** | |
| *"sf" = square feet; "lf" = linear feet* | | | | |
| **Allowed in all Zones** | | | | |
| Yard Sign Type 1 | 4 ft | 2 ft | 6 sf | All yard signs must be installed securely in the ground. |
| Yard Sign Type 2 | 6 ft | 2 ft | 5 sf | |
| Yard Sign Type 3 | 6 | 8 ft | 32 sf | |




**Notes:**
[1] Other temporary sign types may be allowed (e.g., fuel pump topper signs or wraps around waste receptacles) provided the max. area limitation for all temporary signs is not exceeded.
[2] Except, banners greater than 32 sf in area installed in residential zoning districts for new subdivisions require Major Sign Permit approval.
[3] The area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) must not exceed 40% of the area of the window on or within which they are displayed.

3. ***Temporary Signs Associated with Model Sales Office.*** All temporary signs associated with model sales office for new subdivisions require a Conditional Use Permit approval (see Section 17.05.020).

## 17.27.090 Nonconforming Signs

Section 17.09.070, Nonconforming Signs, provides the standards and regulations for nonconforming signs.

## 17.27.100 Enforcement

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, display, maintain or use a sign within the City contrary to, or in violation of, any provision of this Chapter. The requirements of this Chapter shall be enforced in compliance with the enforcement provisions of Chapter 17.13, Enforcement.

## 17.27.110 Severability

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

# Chapter 17.28 Performance Standards

## 17.28.010 Purpose

This Chapter has been adopted to:

A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;

B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and

C. Protect industry from arbitrary exclusion from the City.

## 17.28.020 Applicability

A. The standards of this Chapter shall apply to all uses and properties existing in the City at the time of adoption of this Title.

B. Activities that generate odor, fumes, vibration, glare, dust, water or air pollution, fire or explosive hazard and visual impact shall be subject to Conditional Use Permit conditions (see Section 17.05.020, Conditional Use Permit, that ensure that public health, safety and welfare is not compromised.

## 17.28.030 Prohibited Uses

Uses constituting or resulting in public or private nuisance because of the emission of any smoke, dust, gas, odor, fumes, noise, vibration, radioactive or fissionable material, or refuse material are specifically prohibited in the City:

## 17.28.040 Measurement of Impacts

Measurements necessary for determining compliance with the standards of this Chapter shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

## 17.28.050 Dust and Fumes

Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, smoke, or particulate matter, unless authorized under federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resource Board, and the Bay Area Air Quality Management District.

## 17.28.060 Electromagnetic Interference

No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which

it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

## 17.28.070 Fire and Explosive Hazards

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Chief. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning and deemed a practical necessity by the Fire Chief.

## 17.28.080 Hazardous and Extremely Hazardous Materials

A. The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency.

B. **Industrial (I) District**.

1. No hazardous or flammable materials shall be stored outside of the building without a proper storage container.

2. A business plan shall be filed annually with the County of Napa Hazardous Material Section of the Department of Environmental Management and a copy of approval shall be submitted to the Community Development Director.

## 17.28.090 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities.

## 17.28.100 Waste Disposal

A. **Discharges to Surface Water, Sewers or Ground.** Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water (surface waters), storm drain or sanitary sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board.

B. **Containment.** Wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. Closed containers shall be provided and used for the storage of any materials which by their nature are combustible, volatile, dust, or odor producing or edible or attractive to rodents, vermin, or insects.

C. **Incineration.** There shall be no rubbish or refuse incineration on the premises with the exception of those materials and disposal processes covered in Section 17.28.070, Fire and Explosive Hazards.

D. **Winery (W) District**. Winery operations shall generate no discernible odors of sewerage or putrefying organic material origin, other than normal fermentation odors, at the property lines. For additional waste disposal standards specific to the W district, see Section 17.19.040, Supplemental Standards.

## 17.28.110 Vibration

A. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

B. An acoustic study shall be required for any proposed development within 200 feet or railroad track. Measures may be required to ensure that vibration impacts remain below acceptable levels.

# Chapter 17.29 Density Bonus

## 17.29.010 Purpose

This Chapter has been adopted to encourage the development of housing affordable to all segments of the community and to provide for incentives to defray the costs of providing affordable housing for very low, low, and moderate income households in the City. In enacting these provisions, the City expressly intends this Chapter to satisfy the requirements of:

A. Government Code § 65915 and the City's housing element by specifying how the City shall provide density bonuses and/or incentives or concessions for the construction of certain housing projects affordable to lower income, very low income, senior households, transitional foster youth, disabled veterans or homeless, lower income students, and for condominium and planned development projects affordable to moderate income households; and

B. Government Code § 65589.7 and the City's housing element by specifying how the City will grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households.

## 17.29.020 Applicability

An applicant may request a density bonus and concessions or incentives for a residential or residential mixed-use project of five or more units that satisfy one or more of the following criteria:

A. At least 10 percent of total units are designated for lower income households;

B. At least five percent of the total units are designated for very low income households;

C. A senior citizen housing development as defined in §§ 51.3 and 51.12 of the Civil Code;

D. At least 10 percent of the total units are designated for transitional foster youth, disabled veterans or homeless as defined by federal McKinney-Vento Homeless Assistance Act (42 U.S.C. §11301 et seq.) with affordability at the same level as very low income units.

E. A student housing development with at least 20 percent of the units for lower income students that meets the requirements set forth in § 65915(b)(1)(F)(i).

F. For a condominium project or planned development project only, at least 10 percent of total units are designated for moderate income households.

## 17.29.030 Project Requirements

In addition to satisfying one or more of the criteria in Section 17.29.020, Applicability, the applicant requesting a density bonus and/or incentive or concession shall satisfy the following requirements:

A. The designated units shall be comparable to the non-designated units within the project.

B. The applicant and/or owner shall enter into an agreement with the City to ensure the continuing affordability of units designated for low and very low income households. Where the City grants a density bonus or concessions or incentives, such agreement shall be for a

term of not less than 55 years for rental units and not less than 45 years for ownership units, or longer should the project financing so require.

C. The applicant and/or owner shall enter into an agreement with the City to ensure that the initial occupant of units in for sale projects directly related to the receipt of the density bonus shall be a person or family of moderate income. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City Council shall adopt a resolution establishing the method for determining how the City will recapture its proportionate share of appreciation which shall then be used within three years for any of the purposes described in subdivision (e) of § 33334.2 of the Health and Safety Code that promote home ownership.

D. Except as otherwise provided in Government Code § 65915, units designated for rent by lower income households shall be affordable at rents, including a utility allowance, that do not exceed 30 percent of 60 percent of area median income for Napa County. Units designated for rent by very low income households shall be affordable at rents, including a utility allowance, that do not exceed 30 percent of 50 percent of the area median income.

E. Units designated for purchase by low income or moderate income households shall be sold at an affordable housing cost according to limits established by the State Department of Housing and Community Development in accordance with Health and Safety Code § 50052.5.

F. The developer and/or property owner shall provide the City a yearly accounting of the total project units occupied and vacant, the total occupied and vacant units designated for low or very low income households, and rents charged.

## 17.29.040 Application

A. To apply for a density bonus consistent with the requirements in Government Code § 65915 (f) (1-4) and/or incentives or concessions, the applicant may submit a proposal for specific incentives or concessions and may request a meeting with the City. The preliminary written proposal shall provide the following information:

1. Preliminary sketch plan showing at a minimum the context, location of buildings, and parking;

2. A narrative describing the proposed development including the number, type, and size of the housing units;

3. Any request for waiver of development standards;

4. Information satisfactory to the Community Development Director, such as capital costs, equity investment, debt service, projected revenues, operating expenses, and any other information deemed appropriate to enable the City to determine the project cost per unit and whether the waiver or modification of otherwise applicable standards that will result in identifiable and actual cost reductions to:

    a. Provide for affordable housing costs, as defined in § 50052.5 of the Health and Safety Code;

    b. Provide for rents for the targeted units to be set as specified in subdivision (c) of Government Code § 65589.7; or

c. Otherwise make the housing units economically feasible.

B. The City shall, within 120 days of receipt of an application deemed to be complete and consistent with Section 17.04.040, Review of Planning Applications, notify the developer in writing whether and in what manner the City shall grant a density bonus and incentives or concessions as stipulated in Table 17.29.040.A: Required Concessions and Incentives.

**Table 17.29.040.A: Required Concessions and Incentives**

| Number of Concessions/ Incentives [1] | Percentage of Very Low Income Units | Percentage Low Income Units | Percentage of Moderate Income Units in a Condominium or Planned Development |
|---|---|---|---|
| 1 | 5% | 10% | 10% |
| 2 | 10% | 17% | 20% |
| 3 | 15% | 24% | 30% |
| 4 | 100% Low/Very Low/Mod (up to 20% Moderate Allowed) | 100% Low/Very Low/Mod (up to 20% Moderate Allowed) | 100% Low/Very Low/Mod (up to 20% Moderate Allowed) |

**End Notes:**

1 A concession or incentive only applies if an application is submitted for a density bonus.

In addition to the requirements of this Section, any applicant who proposes to construct a housing development that conforms to the requirements of this Chapter and includes a child care facility that will be located on the premises of, as part of, or adjacent to the project shall also be entitled to either an additional density bonus or an additional concession or incentive in accordance with the provisions of California Government Code § 65915(h).

C. Alternatively, in a City Council meeting scheduled separately from the approval process and timeline for the housing development and within 120 days of receipt of an application deemed to be complete consistent with Section 17.04.040, Review of Planning Applications, the City Council shall preliminarily find that:

1. The concession or incentive would not result in actual and identifiable cost reductions in order to provide for affordable housing costs, as defined in § 50025.2 of the Health and Safety Code or for rents for the proposed density bonus units as required pursuant to this Chapter; or

2. The concession or incentive would have a specific, adverse impact upon public health and safety, or upon the physical environment, or upon real property listed in the California Register of Historical Resources and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. For purposes of this subsection, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was

deemed complete. Such notification shall represent the joint recommendation of the Community Development Director charged with implementing this Section; provided, however, that the City Council, in acting on the project, may modify such recommendation.

D. In accordance with the provisions of California Government Code § 65915(f), an applicant may elect to accept a lesser percentage of density bonus than the maximum specified in this Chapter, including but not limited to no increase in density.

E. In accordance with the provisions of California Government Code § 65915, the granting of a density bonus pursuant to this Chapter shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

F. If the applicant does not submit a written preliminary proposal, the applicant shall submit a request in writing for specific incentives along with information described in subsection A.4 (along with other materials required for application submittal) at the time a formal application is submitted. The Approval Authority shall either grant the density bonus and concessions/incentives requested by the applicant or make one of the findings, based on substantial evidence, described in subsection C.1 or C.2.

G. The applicant shall pay any fee(s) which shall be paid at the time directed by the Community Development Director but not later than prior to issuance of a building permit(s) unless otherwise established by resolution of the City Council to implement this Section, including, but not limited to:

1. Fees to process the request for a density bonus and/or other concessions or incentives;
2. Preparation of contracts and other documents; and
3. Monitoring contracts and documents for compliance.

H. Affordable units under this Section shall be constructed at the same time as the market-rate units. The right to a density bonus or concession under this Chapter shall not be transferred to another development. Where an applicant proposes to simultaneously develop two or more parcels in the City, nothing in this Section shall prohibit the City Council in its discretion from using a density bonus and/or concession/incentive granted for one of the parcels on another parcel proposed for development.

## 17.29.050 Waiver or Reduction of Development Standards

In addition to any density bonus and/or concessions or incentives granted pursuant to this Chapter, an applicant may also request that the City waive or reduce any development standard that has the effect of physically precluding the construction of a development meeting the criteria of this Chapter at the densities or with the concessions or incentives permitted pursuant to this Chapter in accordance with the provisions of California Government Code § 65915(e).

## 17.29.060 Affordable Housing Concessions or Incentives

A. For residential development projects which meet the requirements specified in Section 17.30.030, Inclusionary Housing Requirements, through the actual construction of affordable units, the City shall follow the procedures and provide the described concessions and/or those incentives identified in California Government Code §§ 65915 through 65918.

B. The City Council may consider, on a case-by-case basis, at its sole discretion, providing the following additional concessions or incentives in addition to those granted pursuant to Government Code § 65915 which are consistent with state law and the housing element of the General Plan for projects which meet or exceed the requirements of Chapter 17.29, Density Bonus.

1. An additional density bonus or other incentives of equal financial value subject to the City Council's review and approval.

2. Direct financial assistance in the form of a loan or grant using trust fund or other appropriate available funds subject to the recommendation of the Community Development Director.

3. Payment deferral of applicable City fees on low-income units until the issuance of the certificate of occupancy for the unit.

## 17.29.070 Land Donation

A. When an applicant voluntarily offers to donate land to the City which is of sufficient developable acreage and with appropriate zoning classification to permit construction of units affordable to very low-income households in accordance with this Section, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density. For each one percent increase above the minimum land donation described in subsection B, the density bonus shall be increased by one percent, up to a maximum of 35 percent.

B. The voluntary donation of land shall comply with the following criteria:

1. The land is transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application.

2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development. Housing units designated for very low-income households pursuant to this Chapter shall not be included when determining compliance with this Section.

3. The transferred land is at least one acre or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.

4. The transferred land is within the boundary of the proposed development or, as approved by the City Council, within one-quarter mile of the boundary of the proposed development and located within the City limits.

C. An applicant for a tentative subdivision map, parcel map, or other residential development approval wishing to donate land pursuant to Government Code § 65915(h) shall include in the application for development the following information:

1. The size of the parcel;
2. The amount of developable acreage;
3. A preliminary plan for the development of at least 40 units affordable to very low-income households on the developable acreage;
4. A description of the public facilities and infrastructure that would serve the units; and
5. The name of the public or private entity to which the land will be donated.

D. The City Council shall approve, modify, or disapprove the application to donate land in accordance with the requirements of this Section and Government Code § 65915(h).

E. Unless the construction of at least 40 units affordable to very low-income households on the donated land is the subject of a separate development application, the units shall be considered a part of the application for a tentative subdivision map, parcel map, or other residential development for purposes of review under the California Environmental Quality Act (CEQA) and other state and local laws and regulations.

## 17.29.080 Parking

A. This Section implements the provisions of Government Code § 65915(p).

B. If a development is constructed consistent with the vehicular parking ratios described in Government Code § 65915(p)(1), and the parking ratios are less than otherwise required by the City in Chapter 17.26, Parking and Loading, the applicant shall record a covenant against the property disclosing the difference between the parking ratios that have been used for the development and the City's requirements.

## 17.29.090 Priority for Water and Sewer Services

In accordance with the provisions of California Government Code § 65589.7, the City shall grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households in accordance with a written policy adopted by resolution of the City Council.

# Chapter 17.30 Affordable Housing Program

## 17.30.010 Purpose

This Chapter establishes an affordable housing program, housing impact fees on developers of nonresidential development projects in the City, inclusionary housing requirements and alternative means of compliance, requirements for inclusionary units, and administration and enforcement measured for the program. The requirements of this Chapter do not replace other regulatory, development and processing fees or exactions; funding required pursuant to a development agreement or reimbursement agreement; or assessments charged pursuant to special assessments or benefit assessment district proceedings, unless so specified.

## 17.30.020 Housing Impact Fees

A. **Applicability.** A housing impact fee is imposed on all developers of nonresidential development projects and conversions, except for nonresidential projects that fall within one or more of the following categories:

1. Projects that are the subject of previously approved development agreements currently in effect with the City;
2. The nonresidential uses are described either in a building permit application accepted as complete by the City prior to the adoption of Resolution 2003-65 on May 27, 2003, or in a Minor or Conditional Use Permit or similar discretionary approval approved prior to the adoption of Resolution 2003-65 on May 27, 2003. However, any extension or modification of such approval or permit after such date shall not be exempt;
3. The portion of a project located on property owned by the state of California, the United States of America or any of its agencies used exclusively for governmental or educational purposes;
4. A project to the extent it has received a vested right to proceed without payment of housing impact fees pursuant to state law;
5. Projects operated by nonprofit organizations which provide food storage, meal service and/or temporary shelter to the homeless;
6. Projects for which no nexus can be established;
7. Any building which is damaged or destroyed by fire or natural catastrophes so long as the gross floor area of the building remains the same.
8. The following specific uses are exempt from the housing impact fee requirement;
    a. Child day care facilities serving six or fewer children;
    b. Non-profit organizations and schools;
    c. Public elementary or secondary schools, colleges, or universities;
    d. Public library, art galleries, museums, or other nonrecreational public facilities:
    e. Public parking lot;

f. Public works, major

g. Public works, minor;

h. Community assembly uses; and

i. Wineries, large and small.

B. **Fee Payment.** Unless otherwise preempted by law, the housing impact fee shall be paid according to the master fee schedule prior to the issuance of a building permit. For good cause shown, the City Council may allow for the fee to be paid at the time of a final inspection or prior to issuance of a certificate of occupancy.

C. **Alternative to Payment of Housing Impact Fee.** As an alternative to payment of the housing impact fee, a developer of a nonresidential development project may submit a request to mitigate the impacts of such development through the construction of residential units, the dedication of land, or mixed use or other resources. Such requests may be approved by the City Council, if the City Council determines that such alternative will further affordable housing opportunities in the City to an equal or greater extent than payment of the housing impact fee.

D. **Processing Requirements.**

1. Each discretionary permit for a project subject to this Section shall contain an express condition requiring compliance with this Section. Notwithstanding this subsection. failure to include the condition does not excuse compliance with this Chapter.

2. No application for building permits or discretionary permits for any project subject to this Section shall be deemed complete unless the application contains:

   a. A statement of the number of gross square feet in a nonresidential development project to be constructed, added, or placed that are subject to the requirements of this Section, together with documentation sufficient to support the application;

   b. The intended use or uses for the nonresidential development project by gross square feet; and

   c. A statement of any exemptions applicable to the project.

3. The Community Development Director may require similar information for completeness of other City permits or licenses as necessary or convenient to implement this Section.

## 17.30.030 Inclusionary Housing Requirements

A. **Inclusionary Requirement.** At least 20 percent of all new dwelling units in a residential development project shall be affordable units, which shall be constructed and completed concurrently with the related market rate units. The affordable units developed pursuant to this Chapter shall be of the same tenure as the market rate units, meaning that affordable rental units shall be developed to satisfy the requirement for rental developments, and affordable owner-occupied units shall be developed to satisfy the requirement for owner occupied developments. In the event that a development is comprised of both rental and

owner-occupied units, the requirement to develop 20 percent the new dwelling units as affordable units shall be applied to the rental and owner-occupied components of the development project separately. The requirement to construct and complete affordable units pursuant to this Chapter shall not be satisfied by designating accessory dwelling units as affordable units, and accessory dwelling units constructed as part of the development project shall not be counted as dwelling units for purposes of calculating the required number of affordable units. The affordable units may be constructed in phases if the market rate units are constructed in phases, provided that the percentage of inclusionary units to be developed in each phase shall be equivalent to or greater than the total percentage of inclusionary units to be developed as part of the residential development until such time that all the inclusionary units have been built. For fractions of affordable units, including fractions resulting from construction of less than five dwelling units, the developer may elect, at his or her option, to construct the next higher whole number of affordable units, perform an alternative equivalent action which has received the approval of the City Council pursuant to subsection B, or pay the housing in-lieu fee specified in subsection E for such fraction. Notwithstanding the above, this Section shall not apply to projects which fall into one or more of the following categories:

1. A residential development project to the extent it has received a vested right to proceed without payment of housing impact fees pursuant to state law;

2. Building permits for residential development projects if compliance with this Section for such project has already been satisfied including, but not limited to, building permits on newly created lots where the subdivider has built affordable units or otherwise satisfied this Section;

3. Replacement or rehabilitation of any dwelling unit which is damaged or destroyed so long as the square footage and use of the building remains the same. Upon the remodeling or rebuilding of a residential dwelling to add additional square footage, the housing impact fee shall be paid on the additional square footage (except for a one-time exclusion of 850 square feet per residence);

4. The one-time remodeling of any dwelling unit for which the gross square floor area of the structure is increased by 850 square feet or less;

5. New dwelling units less than 850 square feet.

B. **Alternative Equivalent Action Proposal.**

1. A developer of any residential project may propose to meet the requirements of subsection A with an alternative equivalent action, subject to the review and approval of the City Council. Proposals for alternative equivalent actions may include, but are not limited to, dedication of vacant land, the construction of affordable units on another site, or acquisition and enforcement of required rental/sales price restrictions on existing standard dwelling units consistent with this Section. Any proposal shall show how the alternative equivalent action will further affordable housing opportunities in the City to an equal or greater extent than compliance with the express requirements of subsection A or payment of the appropriate housing in-lieu fee.

2. Alternative equivalent action proposals for single-family and multi-family residential developments shall be considered on a case-by-case basis by the City Council, and

may be approved at the City Council's sole discretion, if the City Council determines that such alternative will further affordable housing opportunities in the City to an equal or greater extent than compliance with the express requirements of subsection A.

C. **In-Lieu Housing Fee.** A developer of four or fewer residential dwelling units which are the whole of a residential development project may meet the requirements of subsection A through payment of a housing in-lieu fee.

A developer of any other residential project may propose to meet the requirements of subsection A through payment of a housing in-lieu fee by showing good cause that it is not feasible to construct the required units. A written request shall be submitted with the developer's application for a discretionary approval or building permit, whichever comes first. The request shall include: a statement identifying all overriding conditions that prevent the developer from meeting the requirement to construct the affordable units; sufficient independent data, including appropriate financial information, to support the developer's claim that it is not feasible to construct the required affordable units; and a detailed analysis of why any concessions and incentives available to the developer pursuant to Chapter 17.29, Density Bonus, and Government Code § 65915 cannot mitigate the conditions that are preventing the developer from constructing the affordable units. The Community Development Director shall review all such requests and prepare a recommendation for the City Council. Such requests shall be considered on a case-by-case basis by the City Council, and may be approved if the council determines that there are overriding conditions which prevent the developer of a multi-family residential project from meeting the requirement to construct affordable units, and that payment of the housing in-lieu fee will further affordable housing opportunities to an equal or greater extent.

D. **Time of Payment of Housing In-Lieu Fee.** Unless otherwise preempted by law, the housing in-lieu fee shall be paid prior to the issuance of a building permit. For good cause shown, the City Council may allow for the fee to be paid at the time of final inspection/certificate of occupancy.

E. **Calculation of Housing In-Lieu Fee.** The housing in-lieu fee shall be charged on a percentage basis of the projected construction costs of market rate dwelling units. The amount and calculation of the housing in-lieu fee shall be established by resolution of the City Council. Construction costs of market rate dwelling units is determined in accordance with the definition in Section 17.32, Definitions of Terms. Construction costs shall be separately calculated for each dwelling unit in attached single-family residential and rental residential development projects, and the appropriate fee paid for each unit within the residential project. The housing in-lieu fee required by this Section may be satisfied either by cash payment or, upon the recommendation of the Community Development Director and approval of the City Council, by an alternative which will provide the City with a value equal to or greater than the amount of the required in-lieu fee.

F. **Requirements for Rental Affordable Units.**

1. If under subsection A, the developer is required to build three or fewer units of affordable rental housing, the following requirements apply:

    a. If the developer is required to build only one affordable unit, that unit shall be affordable for a very low-income household.

b. If the developer is required to build two affordable units, one unit shall be affordable for a very low-income household and one unit shall be affordable for a low-income household.

c. If the developer is required to build three affordable units, one unit shall be affordable for a very low-income household, one unit shall be affordable for a low-income household, and one unit shall be affordable for a moderate-income household.

d. Notwithstanding the foregoing, if the City's goals for providing its fair share of affordable housing as determined through the Regional Housing Needs Assessment and set forth in the housing element of the general plan, have been met for the lowest income category, any required units shall be affordable in the next higher income category in which there is an unmet fair share requirement.

2. If under subsection A, the developer is required to build four or more units of affordable housing, the number of affordable units which are required to be constructed in very low, low or moderate units shall be determined by the ratio of units needed in each of those categories in order to satisfy the City's fair share housing goals. Where the number of required affordable units in each category is a fractional number, the fractional units shall be carried to the category in which there is the greatest number of units needed. For instance, [as of March 17, 2022], the City's fair share housing goals require the City to provide for 104 very low (55 percent), 59 low (31 percent), and 26 moderate (14 percent) units to satisfy its fair share requirements. Therefore, a project that requires nine affordable units would be required to build five very low units, three low units and one moderate unit.

3. With respect to any particular rental residential project, the City Council may, upon the recommendation of the Community Development Director, forgive all or a portion of the affordability requirement set forth in subsection A upon a showing by the applicant that imposition of such requirement on the residential project will cause undue hardship and that such residential project will contribute significantly to affordable housing opportunities in the City.

G. **Requirements for Owner-Occupied Affordable Units.**

1. One-half of the affordable units that are required to be constructed in connection with the construction of market rate units, intended for owner-occupancy shall be available at affordable sales prices to households whose annual household income does not exceed 100 percent of median income. If one-half of the affordable units required are made available by the developer at affordable sales prices to households whose annual household income does not exceed 80 percent of median income, the developer shall be entitled to an additional density bonus of five percent for the proposed development, beyond any density bonus to which the developer would be entitled pursuant to Chapter 17.29, Density Bonus, and Government Code Section 65915 et seq.

2. As an alternative to receiving an additional density bonus of five percent, a developer may submit a request for another incentive in lieu of the density bonus. Such requests shall be considered on a case-by-case basis by the City Council and shall be approved,

at the City Council's sole discretion, if the City Council determines that such alternative incentive will further affordable housing opportunities.

3. The remaining one-half of the required affordable units shall be available at affordable sales prices to moderate-income households. Where the number of required affordable units is an odd number, the number of units affordable to moderate-income households may be one greater than the number affordable at or below 100 percent of median income.

H. **Basic Requirements for Owner-Occupied and Rental Affordable Units.**

1. Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project.

2. The gross floor area of affordable units and interior features in affordable units need not be the same as or equivalent to those in market rate units in the same residential project, so long as they are of comparable quality and comply with applicable base and overlay zone objective standards.

3. Affordable units shall receive a certificate of occupancy at the same time as market rate units.

I. **Continued Affordability.**

1. If the affordable units are owner-occupied, prior to the issuance of certificates of occupancy or approval of the final inspection for affordable units, regulatory agreements or resale restrictions, deeds of trust and/or other documents, all of which must be in a form prepared and approved by the Community Development Director and City Attorney and consistent with the requirements of this Chapter, shall be recorded against parcels having such affordable units for the benefit of the City and shall be effective for a minimum of 45 years.

2. Resale restrictions shall be recorded upon each resale of an affordable unit, and the effective period shall be an additional 45 years from the date of resale.

3. Income eligibility of the owners and title in the affordable unit may change over time due to circumstances including death. Upon the death of one of the owners, title in the property may transfer to the surviving joint tenant without respect to the income-eligibility of the household. Upon the death of a sole owner or all owners and inheritance of the affordable unit by a non income-eligible child or stepchild of one or more owners, there will be a one-year compassion period between the time when the estate is settled and the time when the property must be sold to an income-eligible household. Inheritance of an affordable unit by any other person whose household is not income-eligible shall require resale of the unit to an income-eligible household as soon as is feasible, but not more than 180 days.

4. If the affordable units are rental units, prior to the issuance of certificates of occupancy or approval of the final inspection for affordable units, regulatory agreements, deeds of trust and/or other documents, all of which must be in a form prepared and approved by the Community Development Director and City attorney and consistent with the requirements of this Chapter, shall be recorded against parcels having such affordable units for the benefit of the City and shall be effective in perpetuity.

5. ***Notwithstanding any other provision in this Section:***

   a. The maximum sales price permitted on resale of an affordable unit intended for owner-occupancy shall not exceed the seller's purchase price, adjusted for the percentage increase in median income since the seller's purchase, plus the market value of substantial structural or permanent fixed improvements to the property as determined by an independent appraisal, plus the cost of reasonable seller's broker fee as determined by the housing director. For purposes of this subsection, median income shall be calculated based upon the presumed occupancy levels used to determine affordable sales price.

   b. The resale restrictions shall provide that in the event of the sale of an affordable unit intended for owner-occupancy, the City shall have the right to purchase or assign its right to purchase such affordable unit at the maximum price which could be charged to an eligible household. In its sole discretion, the City shall also have the right to postpone its right to purchase without waiving that right.

6. No household shall be permitted to occupy an affordable unit, or purchase an affordable unit for owner-occupancy, unless the Housing Authority has approved the household's eligibility or has failed to make a determination of eligibility within the time or other limits provided by a regulatory agreement or resale restrictions. If the Housing Authority maintains a list of eligible households, households selected to occupy affordable units shall be selected first from that list to the extent provided in the regulatory agreement or resale restrictions.

J. **Annual Monitoring and Transfer Fees.**

1. For each rental affordable unit provided hereunder, the current owner may be required to pay an annual monitoring fee for the term of required affordability. Such fee shall be specified in the regulatory agreement(s) required hereunder.

2. For each owner-occupied affordable unit provided under this Section, the current owner may be required to pay a transfer fee for any change of ownership during the term of required affordability. Such fee shall be specified in the resale restrictions required by subsection I.

K. **Discretionary Permit Requirements.** Every discretionary permit for a residential development project approved after the effective date of the ordinance codified in this Chapter shall contain a condition detailing the method of compliance with this Chapter. Every final and parcel map shall bear a note indicating whether compliance with the requirements of this Section must be met prior to issuance of a building permit for each lot created by such map. Notwithstanding this subsection, failure to include such condition or note does not excuse compliance with this Chapter.

L. **Requirements for Certificate of Occupancy/Final Inspection.**

1. No temporary or permanent certificate of occupancy shall be issued, final inspection approved or release of utilities authorized for any new market rate dwelling unit in a residential development project until the developer has satisfactorily completed the requirements hereunder, i.e., on-site construction of affordable units, alternative equivalent action(s) or payment of the housing in-lieu fee.

2. No temporary or permanent certificate of occupancy shall be issued, final inspection approved or release of utilities authorized for a dwelling unit described in subsection (A)(1) until the builder or owner has made a showing acceptable to the housing director that such an exemption is appropriate. The housing director shall develop and implement regulations designed to ensure that such initially exempt dwelling units remain in compliance with the terms of the exemption throughout the first two years of occupancy. A builder or owner of a dwelling unit found to be out of compliance at any time during such two-year period shall be required to pay 125 percent of the then current in-lieu fee for that dwelling unit, as specified by resolution of the City Council. Such payment, however, shall not limit the City's ability to proceed against any party pursuant to Section 17.30.050.C, Enforcement, or other applicable law.

## 17.30.040 Inclusionary Housing Compliance Procedures

A. **Submittal of Inclusionary Housing Plan.** The applicant for a residential project subject to this Chapter shall submit an Inclusionary Housing Plan in conjunction with its application for discretionary approvals required of the City for the residential development, or if no discretionary approvals are required, in conjunction with the application for the first administrative or ministerial permit or approval required for the residential development. The Inclusionary Housing Plan shall be in a form as required by the City, must include an Affordable Housing Agreement to implement the Inclusionary Housing Plan, and must include the following information as applicable based on the applicant's method of compliance with this Chapter:

1. How the inclusionary housing requirement will be satisfied pursuant to this Chapter;
2. The number, unit type, tenure, number of bedrooms, approximate location, size and design, construction, and completion schedule of all inclusionary units;
3. Phasing of inclusionary units in relation to market rate units;
4. The amount of in-lieu fees to be paid by the applicant, if applicable;
5. Any other information reasonably requested by the Community Development Director to assist with evaluation of the plan under the requirements of this ordinance; and
6. Acknowledgement that an instrument as specified by the City restricting the inclusionary unit(s) as affordable shall be recorded against every inclusionary unit and that a recordable affordable housing agreement shall be entered into by the applicant and any other necessary party, and/or that all required in-lieu fees shall be paid at the time set forth in Section 17.30.030, Inclusionary Housing Requirements.

B. **Approval of Inclusionary Housing Plan.**

1. In the event that the residential development requires discretionary approvals in order to be developed, the Inclusionary Housing Plan shall be considered with the application for such inclusionary approvals by the Approval Authority and may be appealed in accordance with the appeals procedures established for such approvals except as provided in subsection B.3.
2. In the event that the residential development does not require discretionary approvals in order to be developed, the Inclusionary Housing Plan shall be considered by the

Community Development Director and must be approved prior to the issuance of any administrative or ministerial permits required for the residential development. The Community Development Director's decision is final unless a written appeal is filed with the Community Development Department within 10 days from the date of issuance of the Community Development Director's decision. The City Council's decision on appeal shall be final.

3. In the event the applicant desires to comply with this Chapter by means of a method that specifically requires City Council approval pursuant to this Chapter, the Inclusionary Housing Plan shall be considered by the City Council either prior to or concurrently with consideration by the required Approval Authority for the approvals required for the residential development.

C. **Form of Restrictions.** The forms of the affordable housing agreement and any related declarations, resale restrictions, deeds of trust, and other documents authorized by this Section shall be in a general form as prescribed by the City, and shall be approved by the Community Development Director and approved as to form by the City Attorney prior to being executed for any residential development subject to this program.

D. **Recording of Affordable Housing Agreements.**

1. An affordable housing agreement in a form approved by the City Attorney must be recorded against inclusionary units or the residential development in its entirety, as deemed appropriate by the Community Development Director in consultation with the City Attorney, prior to the issuance of any building permit for the residential development. The affordable housing agreement shall ensure that the applicant develops the required inclusionary housing units and complies with all other terms of the approved Inclusionary Housing Plan and this Chapter.

2. Resale restrictions, deeds of trust, and/or other documents as deemed necessary or appropriate by the Community Development Director shall be recorded against for-sale inclusionary units to ensure the continued affordability of the for-sale inclusionary units in compliance with this Chapter.

E. **Building Permits.** The City shall not issue a building permit for a residential development subject to the requirements of this Chapter without an affordable housing agreement executed by the owner, the applicant (if not the owner), and the Community Development Director, and approved as to form by the City Attorney, and recorded against the property, or payment of in-lieu fees in accordance with this Chapter.

## 17.30.050 Administration and Enforcement of Affordable Housing Program

A. **Affordable Housing Trust Fund Established.** The City affordable housing trust fund (the "housing fund") is established to increase and improve the supply of housing affordable to households of moderate, low and very low income households in the City. Separate accounts within the housing fund may be created from time to time to avoid commingling as required by law or as deemed appropriate to further the purposes of the housing fund.

1. ***Administration of Fund.*** The housing fund shall be administered by the Administrative Services Director who shall have the authority to govern the housing fund consistent

with this Chapter, and to prescribe procedures for such purpose, subject to approval by the City Council.

2. ***Purposes and Use of Funds.***

a. Monies deposited in the housing fund along with any interest earnings on such monies shall be used solely to increase and improve the supply of housing affordable to households of moderate, low and very low income households, including, but not limited to:

i. Acquisition of property and property rights;

ii. Cost of construction including costs associated with planning, administration, and design, as well as actual building or installation, as well as any other costs associated with the construction or financing of affordable housing;

iii. Reimbursement to the City for such costs if funds were advanced by the City from other sources; and

iv. Reimbursement of developers or property owners who have been required or permitted to install facilities which are beyond that which can be attributed to a specific development. To the maximum extent possible, all monies should be used to provide for additional affordable housing and services.

b. Monies may also be used to cover reasonable administrative expenses not reimbursed through processing fees, including reasonable consultant and legal expenses related to the establishment and/or administration of the housing fund and reasonable expenses for administering the process of calculating, collecting, and accounting for inclusionary fees and any deferred City fees authorized by this Section. No portion of the housing fund may be diverted to other purposes by way of a loan or otherwise.

c. Monies in the housing fund shall be used to construct, acquire, rehabilitate or subsidize very low, low and moderate income housing and/or to assist other governmental entities, private organizations or individuals in the construction, rehabilitation, reimbursement of City advanced funds, reimbursement of developer supplied infrastructure capacity, location or subsidy of very low, low and moderate income housing. To the extent possible, as determined by the council, monies shall be targeted to benefit households identified as a need in the housing element of the General Plan. Monies in the housing fund may be disbursed, hypothecated, collateralized or otherwise employed for these purposes from time to time as the Community Development Director and City Attorney and City Council determine is appropriate to accomplish the purposes of the housing fund. These uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases, or other public/private partnership arrangements. The housing fund monies may be extended for the benefit of rental or owner-occupied housing or housing services.

d. Expenditures by the Finance Department from the housing fund shall be controlled, authorized, and paid in accordance with general City budgetary policies. Execution of contracts related to the use or administration of housing fund monies shall be in accordance with standard City Council policy.

3. ***Location of Housing Units and Housing Services to be Assisted with Housing Fund Monies.*** With respect to monies generated by the housing impact fee established by Section 17.30.020, Housing Impact Fees, these criteria shall also consider a reasonable geographical linkage between the nonresidential development projects subject to such fee and the housing assistance provided with the housing fund monies collected in connection with the projects, such that those receiving the housing assistance could reasonably commute to the commercial locations.

B. **Bi-annual Review.** The housing impact fee, housing in-lieu fee, and inclusionary requirements authorized by this Chapter and implementing resolution(s) shall be reviewed every two years by the City Council. Failure to perform the review does not excuse compliance with this Chapter.

C. **Enforcement.**

1. It is unlawful, a public nuisance, and a misdemeanor for any person to sell or rent an affordable unit at a price or rent exceeding the maximum allowed under this Chapter or to a household not qualified under this Chapter, and such person shall be subject to a fine for the first offense of $100.00 per day per unit from the date of original noncompliance until the affordable unit is in compliance with this Section. A second offense by the same owner for the same unit shall be subject to a fine of $1,000.00 per day per unit.

2. The City Attorney's office or the Napa County district attorney, as appropriate, shall be authorized to abate violations of this Chapter and to enforce the provisions of this Chapter and all implementing regulatory agreements and resale controls placed on affordable units by civil action, injunctive relief, and any other proceeding or method permitted by law.

3. The remedies provided for in this Chapter shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.

D. **Adjustment and Appeal.**

1. A developer of any project subject to the requirements in this Chapter may appeal to the City Council for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of the development and either the amount of the fee charged or the inclusionary requirement.

2. A developer subject to the requirements of this Chapter who has received an approved tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary approval and who submits a new or revised tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary approval for the same property may appeal for a reduction, adjustment or waiver of the requirements with respect to the number of lots or gross floor area of construction

previously approved. No reduction, adjustment, or waiver shall be approved by the City Council for a new tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary approval on property with an approved tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary permit unless the City Council finds that the new tentative subdivision or parcel map, Minor or Conditional Use Permit or similar discretionary approval is consistent with the approved project both in its design and its mitigation of environmental impacts. The decision of the City Council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee or inclusionary requirement.

3. Any appeal under this Section shall be made in writing and filed with the City Clerk not later than 10 days before the first public hearing on any discretionary approval or permit for the development, or if no such discretionary approval or permit is required, or if the action complained of occurs after the first public hearing on such permit or approval, then the appeal shall be filed within 10 days after payment of the fees objected to. The appeal shall set forth in detail the factual and legal basis for the appeal. The City Council shall consider the appeal at the public hearing on the permit application or at a separate hearing within 60 days after the filing of the appeal, whichever is later. The appellant shall bear the burden of presenting substantial evidence to support the appeal including comparable technical information to support appellant's position.

# Chapter 17.31 Two-Unit Projects

## 17.31.010 Purpose

The purpose of this chapter is to allow and appropriately regulate two-unit projects in accordance with Government Code Section 65852.21. (Ord. 21-7 § 4 (Exh. B))

## 17.31.020 Definition

"Two-unit project" means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this chapter. (Ord. 21-7 § 4 (Exh. B))

## 17.31.030 Application

A. An application for a two-unit project must be submitted on the City's approved form.

B. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.

C. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this Chapter of the code, in accordance with applicable law. The City council may establish and change the fee by resolution. The fee must be paid with the application. (Ord. 21-7 § 4 (Exh. B))

## 17.31.040 Approval

A. An application for a two-unit project is approved or denied ministerially, by the Community Development Director, without discretionary review.

B. The ministerial approval of a two-unit project does not take effect until the City has confirmed that the required documents have been recorded, such as the deed restriction and easements.

C. The approval must require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.

D. The approval must require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code. (Ord. 21-7 § 4 (Exh. B))

## 17.31.050 Requirements

A two-unit project must satisfy each of the following requirements:

A. **Map Act Compliance.** The lot upon which the two-unit project will be located must have been legally subdivided.

B. **Zone.** The two-unit project must be located in a single-family residential zone. For purposes of this Section, single-family residential zones include the following zoning districts in the City: MR, LR, and WW.

C. **Lot Location.** The two-unit project may not be located on a site that is any of the following:

1. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
2. A wetland.
3. Within a very high fire hazard severity zone, unless the site complies with all fire hazard mitigation measures required by existing building standards.
4. A hazardous waste site that has not been cleared for residential use.
5. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
6. Within a 100-year flood hazard area, unless the site has either:
    a. Been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
    b. Meets Federal Emergency Management Agency requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program.
7. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
8. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
9. Habitat for protected species.
10. Land under conservation easement.

D. **Not Historic.** The two-unit project must not be located on a historic property or within a historic district that is included on the California Historical Resources Inventory. Further, the property upon which the two-unit project will be located also may not be or be within a site that is designated by ordinance to be within a historic preservation district, as a city or county landmark or as a historic property or district.

E. **No Impact on Protected Housing.** The two-unit project must not require or include the demolition or alteration of any of the following types of housing:

1. Housing that is income-restricted for households of moderate, low, or very low income.
2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
3. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060 through 7060.7) at any time in the 15 years prior to submission of the urban lot split application.

4. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a sworn statement as to this fact with the application for the parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including, but not limited to, surveying owners of nearby properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

F. **Unit Standards.**

1. ***Floor Area Ratio, Height Limitations, Lot Coverage and Open Space Requirements.*** All existing standards in this title related to floor area ratio, height limitations, lot coverage and open space requirements shall apply to units constructed pursuant to this Chapter, except to the extent that such standards would prevent two units of at least 800 square feet each to be constructed on the lot upon which the units will be located.

2. ***Demolition Cap.*** The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

3. ***Setbacks.***

a. Generally. All setbacks must conform to those objective setbacks that are imposed in the underlying zone.

b. *Exceptions.* Notwithstanding subsection (F)(3)(a) of this section:

i. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

ii. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.

iii. Front Setback Area. Notwithstanding any other part of this code, dwellings that are constructed pursuant to this Chapter must be consistent with the front setback requirements of the underlying zoning district.

4. ***Parking.*** Required parking as set forth below must be on the same lot as the residential unit served. Each new dwelling unit constructed pursuant to this Chapter must have at least one off-street parking space per unit unless one of the following applies:

a. The parcel is located within one-half mile walking distance of either:

i. A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours; or

ii. A site that otherwise qualifies as a high-quality transit corridor as defined in Section 21155(b) of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

b. The parcel is located within one block of a permanent, marked location for car-share vehicle pick-up and drop-off.

5. ***Replacement Parking Required.*** When an existing garage, carport, or other covered parking structure is converted or demolished in order to construct a new unit, the required parking spaces that are displaced by the conversion or demolition shall be replaced on the same lot, and may be either covered or uncovered, in order to satisfy the automobile parking requirement of the existing residential unit.

6. ***Design Standards.*** Each new dwelling unit constructed pursuant to this Chapter shall comply with all objective standards as set forth in this title as applicable in the underlying zoning district. Additionally, all units constructed pursuant to this Chapter shall comply with all of the following:

   a. All exterior lighting must be limited to down-lights.

   b. If a new dwelling is constructed pursuant to this Chapter and any portion of the dwelling is less than 30 feet from a property line that is not a public right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

   c. No rooftop decks shall be allowed on new dwelling units constructed pursuant to this Chapter.

   d. Upper story unenclosed landings, decks and balconies greater than 20 square feet that face or overlook an adjoining property shall be located a minimum of 15 feet from the interior lot lines.

   e. A two-unit residential project constructed pursuant to this Chapter may not include a request for an exception to any objective standards by applying for a variance, modification, exception, waiver or other discretionary approval for height, density, setbacks, open yard, land use, or similar development standard.

   f. On a site already developed with an existing residential unit, the new unit shall be designed and constructed to match the existing paint color and exterior building materials, including but not limited to siding, windows, doors, roofing, and exterior light fixtures.

   g. If a two-unit residential project is proposed on a lot where no residential units currently exist, the units shall be constructed using the same architectural style, exterior building materials, colors and finishes.

7. ***Landscaping.*** Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots along interior lot lines (but not rights-of-way) as follows:

a. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every ten linear feet of exterior wall.

b. Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least six feet in height may be installed. All landscaping must be drought tolerant.

c. A complete landscaping and irrigation plan shall be submitted and approved by the Community Development Department prior to the issuance of building permits for a two-unit residential development.

8. ***Building Separation.*** Unless attached to and made part of another main building pursuant to the definition of accessory building in Chapter 17.32, Definition of Terms, no detached main building shall be closer than ten feet to any other main building on the same lot; and no detached accessory building shall be closer than five feet to any other main or accessory building on the same lot; provided, that the requirements of this subsection shall not apply if doing so would preclude the construction of two units of at least 800 square feet each on the lot upon which the units will be located.

9. ***Building and Safety.*** All two-unit residential projects must comply with all current local building standards.

10. ***Stormwater and Runoff Pollution Control.*** All construction activity or development that occurs in furtherance of a two-unit project shall comply with all requirements of St. Helena Municipal Code Chapter 13.32, Stormwater and Runoff Pollution Control.

G. **Separate Conveyance.**

1. Primary dwelling units on the lot may not be owned or conveyed separately from each other.

2. Condominium airspace divisions and common interest developments are not permitted within the lot.

3. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

H. **Notice of Construction.**

1. At least thirty (30) business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:

a. Notice that construction has been authorized;

b. The anticipated start and end dates for construction;

c. The hours of construction;

d. Contact information for the project manager (for construction-related complaints); and

e. Contact information for the building and safety department.

2. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this Section. This notice requirement is purely to promote neighborhood awareness and expectation.

I. **Deed Restriction.** Prior to obtaining a building permit for a two-unit project pursuant to this Chapter, the owner must record a deed restriction, acceptable to the City, that does each of the following:

1. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

2. Expressly prohibits any nonresidential use of the lot.

3. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

4. If the lot is not created by an urban lot split, expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.

5. States that the property is formed by an urban lot split and is therefore subject to the City's urban lot split regulations, including all applicable limits on dwelling size and development.

J. **Basis for Denial—Specific, Adverse Impacts.**

1. Notwithstanding anything else in this Section, the City may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

2. "Specific, adverse impact" has the same meaning as in Government Code Section 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).

3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

K. **Remedies.** If a two-unit project violates any part of this code or any other legal requirement:

1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.

2. The City may:

a. Bring an action to enjoin any attempt to sell, lease, or finance the property.

b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to ten thousand dollars ($10,000.00), or both; or a misdemeanor.

d. Record a notice of violation.

e. Withhold any or all future permits and approvals.

f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the City's code. (Ord. 21-7 § 4 (Exh. B))

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# Chapter 17.32 Definitions of Terms

**Abutting.** See "Adjacent."

**Access drive.** See Section 17.26.020, Definitions.

**Accessory dwelling unit (ADU).** See Section 17.22.030, Accessory Dwelling Units.

**Accessory structure.** See Section 17.22.030, Accessory Dwelling Units.

**Accessory use.** A use that is customarily associated with, and is incidental and subordinate to, a primary use and located on the same lotas a primary use.

**Accessory use, commercial.** Any customarily incidental and clearly subordinate element of a commercial business operation that (a) is compatible with the purpose(s) for which the zoning district was established and (b) is not listed as a prohibited use in that district. Customarily incidental uses are those commonly found with other, similar primary uses; for example: greeting cards are commonly found in pharmacies. Clearly subordinate uses shall encompass no more than 15 percent of the business floor area and shall generate no more than 15 percent of the gross revenue receipts. A business may have more than one accessory use, but each accessory use must comply with the limitations on floor area space and gross receipts, and the total combined area of shall not exceed 30 percent of the business floor area and the total combined revenue from the accessory uses shall not exceed 30 percent of the gross receipts.

**ADA.** The Americans with Disabilities Act, as amended.

**Addition.** A building, structure, or floor area added to the original structure at some time after the completion of the original structure.

**Adjacent.** Directly adjoining, having a common boundary or property line, or contiguous to.

**Affordable housing.** Housing for which "affordable rent" or an "affordable sales price" is required to be charged.

**Affordable housing agreement.** A legally binding agreement between an applicant and the City, in a form and substance satisfactory to the City Manager and City Attorney and suitable for recording, setting forth those provisions necessary to ensure that the requirements of this Article are, and will continue to be, satisfied.

**Affordable housing cost.** The housing cost for for-sale inclusionary units as defined by California Health & Safety Code § 50052.5 for owner occupied housing, as applicable to the moderate-income households.

**Affordable rent.** The affordable rent for rental dwelling units as defined in California Health and Safety Code § 50053.

**Affordable sales price.** The maximum sales price for which a for sale inclusionary unit may be sold, that will result in the purchaser paying an affordable housing cost for the for sale inclusionary unit, assuming a benchmark mortgage interest rate and minimum down payment as may be established by the City from time to time.

**Affordable unit.** Dwelling units which are required to be rented at affordable rents or purchased at an affordable sales price to specified households.

**Agency.** An office or commercial establishment in which goods, materials or equipment is received for servicing, treatment or processing elsewhere.

**Agent.** Any authorized person acting for the property owner or applicant.

**Agricultural employee.** As defined in California Labor Code § 1140.4, an agricultural employee is one engaged in agriculture, as such term is defined in subdivision (a). However, nothing in this subdivision shall be construed to include any person other than those employees excluded from the coverage of the National Labor Relations Act, as amended, as agricultural employees, pursuant to § 2(3) of the Labor Management Relations Act (§ 152(3), Title 29, United States Code), and § 3(f) of the Fair Labor Standards Act (§ 203(f), Title 29, United States Code).

**Agriculture.** The use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture (including Christmas trees), floriculture, viticulture, apiaries and animal husbandry; but not including stockyards or the commercial feeding of garbage or offal to swine or other animals.

**Alteration.** Any change, addition or modification in construction.

**Amendment.** A revision, addition, or deletion in the wording of this Title, or the General Plan; or a change in the zone classification or zoning district boundary upon the Zoning Map, or a change in the land use designation upon the General Plan map.

**Annexation.** The addition of parcels into the City with a resulting change in the boundaries of the City.

**Annual household income.** The combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

**Apartment.** See "Dwelling, multiple-family" in this Section.

**Apiary.** A place where one or more honeybee colonies are kept.

**Applicant.** Any person, firm, partnership, association, joint venture, corporation or any entity, combination of entities or consortium who seek approval of a City permit, license or other entitlement for use of property. Also includes an authorized agent of any of the above.

**Application, complete.** An application shall be deemed complete when it contains all maps, drawings and other information requested by the Community Development Department and, where necessary, an environmental assessment.

**Arbor.** A shade-providing structure with a roof and perhaps sides formed by trees or climbing plants trained over a framework.

**Area Median Income.** The annual median household for Napa County, adjusted for household size, as published periodically in the California Code of Regulations, Title 25, § 6932, or its successor provision.

**Attic.** A room or space immediately below the roof of a building that is not habitable and is utilized only for storage.

**Awning.** A roof-like cover that projects from the wall of a building, shielding a doorway or window from the elements.

**Balcony.** An open platform, enclosed by a parapet or railing and projecting from an exterior wall of a building.

**Basement.** Any floor level below the first story in a building in which the finished floor level directly above is less than four feet above finished grade on all sides. See Section 17.34.030, Measuring Height.

**Bedroom.** Any habitable room with no less than 70 square feet of floor area and no dimension less than seven feet in a dwelling other than bathroom(s), kitchen, living and dining room. Unless specifically designed to exclude its use as a bedroom (e.g., no closet, enlarged entryway without doors, no windows open to the exterior, etc.), any den, study or other room meeting the above definition of a bedroom shall be considered a bedroom for the purpose of meeting the regulations and standards of the code.

**Beehive.** A series of rectangular boxes stacked one on top of the other, which house a colony. Standard dimensions of these boxes are 20 by 16.5 by nine and one-half inches.

**Block.** The collection of assessor's parcels that share the same block number on the Napa County assessor's map.

**Building.** A structure intended for any use or occupancy with substantial walls and roof.

**Building area** or **Building site.** The portion of a lot where the principal building can be located. Excludes the setbacks required by the zoning district.

**Building face** or **Building facade.** The outer surface of a main exterior wall of a building. For example, a building with a rectangular plan has four exterior walls and four building faces.

**Building permit.** A permit issued pursuant to Title 15, Chapter 15.04 of the St. Helena Municipal Code.

**Building, principal** or **Building, primary.** A building in which the principal use of the lot is conducted.

**Bulk storage.** The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.

**CalGreen.** California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations.

**Canopy.** A structural, ornamental roof-like appendage, freestanding or attached to a building, including roof overhangs, but excluding awnings or metallic hoods.

**Carport.** A roofed structure providing space for the parking or storage of motor vehicles and open on one or more sides.

**Center line**. See "Street, center line of."

**Certificate of Occupancy.** The permit issued by the City of St. Helena Community Development Department authorizing the initial occupancy of a residential unit, including a temporary certificate of occupancy.

**Chief Building Official.** The Chief Building Official of the City of St. Helena, or the designee charged with the administration and enforcement of the building, housing, plumbing, electrical and related codes, as provided by the St. Helena Municipal Code.

**City Engineer.** The Director of the City Engineering Department of the City of St. Helena, or designee or designee.

**Common usable open space.** Land within or related to a development, not individually owned or dedicated for public use, which is designated and intended for the common use or enjoyment of the residents of the development. May be located on the ground, roof, deck or porch which is designed and used for outdoor living or recreation and may include such complimentary structures and improvements as are necessary.

**Community Development Department.** The Director of the Community Development Department of the City of St. Helena, or designee.

**Concession or incentive.** As defined in California Government Code § 65915, a concession or incentive means any of the following:

> (1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with § 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in § 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
>
> (2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
>
> (3) Other regulatory incentives or concessions proposed by the developer or the City, county, or City and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in § 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

**Conditional use.** A use, structure or other development for which a Conditional Use Permit is required.

**Conditional Use Permit.** A discretionary permit which may be granted by the appropriate City authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of a discretionary review process and, where necessary, the imposition of special conditions of approval. See Section 17.05.020, Conditional Use Permit.

**Condominium project.** As defined in subdivision (f) of § 1351 of the Civil Code, a condominium project means a development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to (1)

boundaries described in the recorded final map, parcel map, or condominium plan, (2) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof, (3) an entire structure containing one or more units, or (4) any combination thereof. The portion or portions of the real property held in undivided interest may be all of the real property, except for the separate interests, or may include a particular three-dimensional portion thereof, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property.

**Construction costs.** The estimated cost per square foot of construction, as established by the City Building Department for use in the setting of regulatory fees and building permits, multiplied by the total square footage, minus the garage floor area, to be constructed.

**Construction work.** Any work for which a Building Permit is required, and also includes grading, landscaping and the erection, installation or painting of signs or public art.

**Conversion.** Conversion of an existing residential building to a nonresidential use, excluding home occupations as defined in Chapter 17.33, Definitions of Uses, or 3,000 square feet of floor area or more of a nonresidential building from one use category to another.

**Cooperative.** A form of multiple ownership of real estate in which a corporation or business trust entity holds title to a property and grants occupancy rights to particular units to shareholders by means of proprietary leases or similar arrangements.

**Cottage food products.** Non-potentially hazardous foods, including foods that are limited to and described in State of California Health and Safety Code § 114365.5 and that are prepared for sale in the kitchen of a cottage food operation.

**Council, City.** The Council of the City of St. Helena.

**Cupola.** A small, usually domed structure surmounting a roof for decorative purposes only. It does not contain flooring nor does it serve as a story.

**Decibel (dB).** A unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base of 10 of the ratios of the pressure of the sound measured to the reference pressure, which is 20 micro pascals.

**Deck.** A platform requiring ground supports usually extending from the main wall of the structure and used as exterior floor space.

**Deed restriction.** A restriction on the use of land set forth in the deed.

**Demolition.** The intentional removal of all or part of a building or structure when a building or structure is a designated historic landmark or located in a designated historic district. In all other areas of the City "demolition" means the intentional destruction and removal of 50 percent or more of the enclosing finished floor exterior walls and 50 percent of the roof structure of any building or structure. The percentage of this definition is determined using linear feet of finished floor.

**Density.** See "Residential density."

**Density bonus.** Except as applied to a condominium project or a senior housing development, means a density increase of at least 20 percent unless a lesser percentage is elected by the developer, over

the otherwise maximum allowable residential density for the site under the applicable zoning district and land use element of the General Plan. The amount of the density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 17.29.040, Application. For each one percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half percent up to a maximum of 35 percent. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half percent up to a maximum of 36 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number.

**Density bonus, Condominium project.** For a condominium project in which at least 10 percent of total units are reserved for moderate income households, is a density increase of at least five percent, unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density for the site under the applicable zoning district and land use element of the General Plan.

**Density bonus, Senior housing development.** For a senior housing development, as defined in §§ 51.3 and 51.12 of the California Civil Code or any successor statutes, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code § 798.76 or § 799.5 or any successor statutes, shall be twenty percent of the number of senior housing units, unless a lesser percentage is elected by the developer.

**Density bonus units.** Dwelling units approved in a residential development pursuant to California Government Code § 65915 et seq. and Chapter 17.29, Density Bonus, that are in excess of the maximum residential density otherwise permitted by the City's General Plan or Zoning Code, and any applicable Specific Plan.

**Development.** Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

**Development project.** Any project undertaken for the purpose of development, including the issuance of a permit or approval for construction, reconstruction, use or operation whether or not the permit or approval is ministerial or discretionary in nature.

**Discretionary permit.** Any permit or license issued by the City for a project which requires the exercise of judgment or deliberation wherein the City decides to either approve or disapprove a particular activity in accordance with applicable laws, including but not limited to use permits, and the approval or modification of tentative, or tentative parcel maps pursuant to Title 15, Buildings and Construction.

**District, Zoning District, or Zone.** A portion of the territory of the City within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Title.

**Drive-through use.** An establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods including food, or be entertained while remaining in their motor vehicles is a drive-in use.

**Driveway, residential.** See Section 17.26.020, Definitions.

**Duplex.** A two-family dwelling designed or used exclusively as a residence. Includes two separate but attached dwelling units.

**Dwelling, attached.** A single-family dwelling attached to one or more single-family dwellings by a common vertical wall.

**Dwelling, detached.** A single-family dwelling which is not attached to any other dwelling by any means.

**Dwelling unit.** A building or portion of a building including one or more rooms which is designed or used as a residence for one family or housekeeping unit with facilities for living, sleeping, cooking and dining.

**Easement.** A limited right of one person or class of persons to use real property owned or occupied by another, which right is described specifically as to location and entitlement to use.

**Eave.** The projecting lower edges of a roof overhanging the wall of a building.

**Effective date.** The date upon which this Zoning Code is in full force and effect from and after its adoption by the City Council.

**Eligible household.** Any household or applicant which the Community Development Department has determined meets the eligibility standards for affordable housing pursuant to the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

**Emergency shelter.** As defined in California Health and Safety Code § 50801(e), emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

**Employee.** Each person engaged in the operation or conduct of any business, whether as owner, any member of the owner's family, partner, agent, manager, solicitor and any and all other persons employed or working in such business.

**Enlargement.** An increase in the size of an existing building or structure or an increase in the physical area occupied by a use of land.

**Erect.** To construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance, including refinishing, is not included in this definition.

**Erosion, soil.** The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, and gravity.

**Family.** One or more persons living together as a single housekeeping unit in a dwelling unit.

**Farmworker.** See "Agricultural Employee".

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technical factors.

**Fence.** A barrier enclosing or defining an area, as separating or screening areas, usually made of posts and wires or wood and including walls or like structures.

**Finance Director.** The Director of the Finance Department of the City of St. Helena, or designee.

**Fire Chief or Official.** The chief of the St. Helena Fire Department, or designee.

**Final inspection.** An inspection performed by the Building Division of the Community Development Department to verify completion of the project per approved plans; a precondition to occupancy.

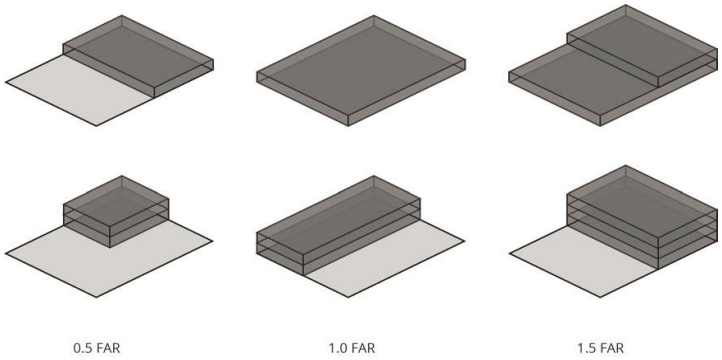
**Flag lot.** A lot in which the buildable portion of the lot is connected to and accessible from a public or private right-of-way by a narrow strip of land. The wider, buildable portion of the lot is situated behind adjoining lots which front on the same public or private street. Also known as a "panhandle lot."

**Flea market.** An occasional or periodic selling of goods held in an open area or structure where groups of individual sellers offer new and used goods for sale to the public.

**Floor area.** The sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings. See also Section 17.34.050, Measuring Floor Area and Floor Area Ratio.

**Floor area ratio (FAR).** The ratio of building gross floor area divided by net parcel area. For example, one building or a group of buildings with a total of 20,000 square feet of floor area on a 40,000 square foot lot would translate to a 0.50 FAR.

**Figure 17.32.A: Floor Area Ratio (FAR)**




**For-sale.** Any dwelling unit, including but not limited to a condominium, townhome, other attached or detached single family dwelling unit, for which a parcel or tentative and final map is required for the lawful subdivision of the parcel upon which the dwelling unit is located for the creation of the unit in accordance with the Subdivision Map Act (California Government Code §§ 66410 et seq.).

**Formula business.** A business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs, trademark, name or other similar standardized features which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations. Does not include formula restaurants, which are prohibited.

**Frontage, building.** The lineal dimension, parallel to the ground, of a building directly facing a right-of-way.

**Fully-shielded light fixture.** Light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal plane. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when

viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

**Garage.** An accessory structure or portion of a main structure, enclosed on three or more sides and containing accessible and usable enclosed space designed, constructed, and maintained for the parking and storage of one or more motor vehicles.

**General Plan.** The General Plan of the City of St. Helena. This is a comprehensive, long-term plan for the orderly physical development of the land and the preservation of open space in the City according to California Government Code § 653009 et seq. The plan is an integrated, internally consistent and compatible statement of land use policies, consisting of maps and texts stating principles, standards, proposals, and objectives contained in the area plans, required elements, or other permitted elements.

**Glare.** The effect produced by brightness sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

**Grade.** See "Slope."

**Grade, average.** The average of the finished ground level (i.e. finished grade) at the outermost corners of a building or building segments of stepped or terraced buildings.

**Grade, finished.** The elevation of the ground surface in its final state, after manmade alterations.

**Grade, natural.** The elevation of the undisturbed natural surface of the ground adjoining a building or structure as determined by the site grading plan.

**Gross floor area.** The total horizontal area in square feet of each floor within the exterior walls of all buildings on a parcel, as measured at the exterior face of the enclosing walls.

**Guest house.** An accessory building or portion of an accessory building, used for living quarters, which is clearly subordinate and incidental to the principal building(s) on the same lot, without facilities for cooking, and which is not separately rented, let or leased for direct or indirect compensation.

**Guest room.** Any room or rooms used or intended to be used by a guest for sleeping purposes in a principal or detached accessory building, but without kitchen or cooking facilities.

**Habitable.** Meeting the requirements of the California Administrative Code, Title 24, including but not limited to insulation, heating, ventilation and lighting (in relation to building construction).

**Height.** The vertical distance from a point on the ground below a structure to a point directly above. See Section 17.34.030, Measuring Height.

**Helipad.** A landing area for helicopters on public or private lands or buildings, for the picking up and discharging of passengers or freight.

**Honeybee colony.** A cluster of worker-bees with a queen and drones.

**Household pets.** Small animals of the type generally accepted as pets, including dogs, cats, rabbits, domesticated pigs, pigeons, hens, and the like; but not including roosters, quacking ducks, geese, pea fowl, goats, hogs, apiaries, or the presence of animals for commercial purposes.

**Household**. One person living alone or two or more persons sharing residency.

**Housing Authority.** The Napa Valley Housing Authority.

**Housing costs.** The monthly mortgage principal and interest, property taxes, association fees, and required homeowner's insurance, for ownership units and the monthly rent for rental units.

**Housing impact fee.** The fee established pursuant to Section 17.30.020, Housing Impact Fees, for nonresidential development projects.

**Housing in-lieu fee.** The fee established pursuant to Section 17.30.030, Inclusionary Housing Requirements, for residential development projects.

**Housing unit.** See "Dwelling unit."

**Hydrozone.** A portion of the landscaped area having plants with similar water needs.

**Inclusionary Housing Fund.** The City of St. Helena Affordable Housing Trust Fund established pursuant to Section 17.30.050, Administration and Enforcement of Affordable Housing Program, and designated by the City to maintain and account for all funds received pursuant to this Title, including but not limited to all in-lieu fees.

**Inclusionary Housing Plan**. A plan containing all the information specified in and submitted in conformance with Section 17.30.040, Inclusionary Housing Compliance Procedures, specifying the manner in which inclusionary units will be provided in conformance with this Title.

**Inclusionary unit.** A dwelling unit that is designated to meet the requirements set forth in this Code, and that must be made available at an affordable housing cost or an affordable rent to eligible moderate-, low- or very low-income households, as applicable to the unit.

**Junior accessory dwelling unit (JADU).** See Section 17.22.030.C, Definitions.

**Kitchen.** An area within any structure, including, but not limited to, dwelling units, equipped to allow the storage, cooking, refrigeration of food and/or intended for the preparation of food.

**Land disturbance.** Any activity involving the clearing, cutting, excavating, filling or grading of land or any other activity which alters land topography or vegetative cover.

**Landscaping.** The use of land for permanent, planned planting with, for example, shrubs, trees, or ground cover plants.

**Livestock.** All domesticated horses, mules, donkeys, cows, pigs, sheep, goats and similar species.

**Living quarters.** An accessory structure without kitchen facilities designed and used exclusively by persons and families employed on the premises.

**Loft.** A floor space directly beneath the roof of a structure raised above the main floor. See Section, 17.34.030, Measuring Height.

**Lot.** A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the Napa County, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

> ***Abutting Lot.*** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.
>
> ***Corner Lot.*** A lot or parcel bounded by two or more adjacent street lines, or two parts of the same street, that have an angle of intersection of not more than 135 degrees.

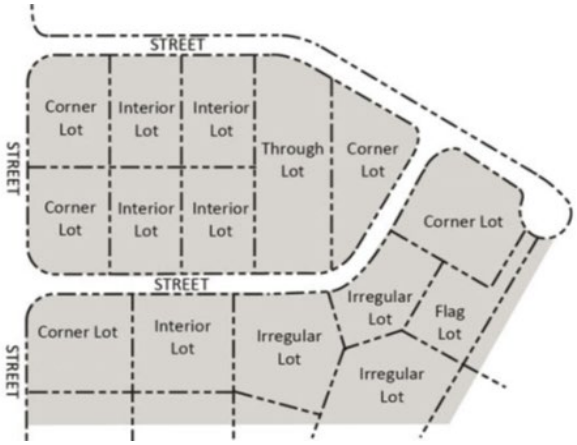
***Flag Lot.*** A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

***Interior Lot.*** A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than a corner lot.

***Irregular Lot.*** A lot which is shaped in manner that it does not match the regular pattern of lots on a block, such as a lot with a shape that is not square or rectangular.

***Through Lot.*** A lot having frontage on two parallel or approximately parallel streets.

**Figure 17.32.B: Lot Types**




**Lot area.** The gross area of the lot, measured horizontally between lot lines and including any public or private easements contained within the lot lines. See Section 17.34.040, Measuring Lots.

**Lot coverage.** The land area covered by all buildings or structures on a lot, including all projections except eaves. See Section 17.34.060, Measuring Lot Coverage.

**Lot depth.** The horizontal distance between the front and rear property lines of a site measured midway between the side property lines. See also Section 17.34.040, Measuring Lots.

**Lot line.** The property line bounding the lot.

***Front Lot Line,*** *or* ***Lot frontage****.* On an interior lot, the line separating the lot from the right-of-way, public plaza, or parking lot. On a corner lot, the shorter lot line abutting a right-of-way. On a through lot, the lot line abutting the right-of-way providing the primary access to the lot. On a flag lot, an interior lot line most parallel to and nearest the right-of-way from which access is obtained. In unusual cases, however, where the location and relationship of the lot to abutting public or private right-of-way (e.g., double frontage or narrow dimension located on local street while wide dimension located on arterial or collector) make it difficult to establish the front of the lot, the Community Development Department shall make a determination, subject to appeal and review by the Planning Commission.

***Interior Lot Line.*** Any lot line that is not adjacent to a right-of-way.

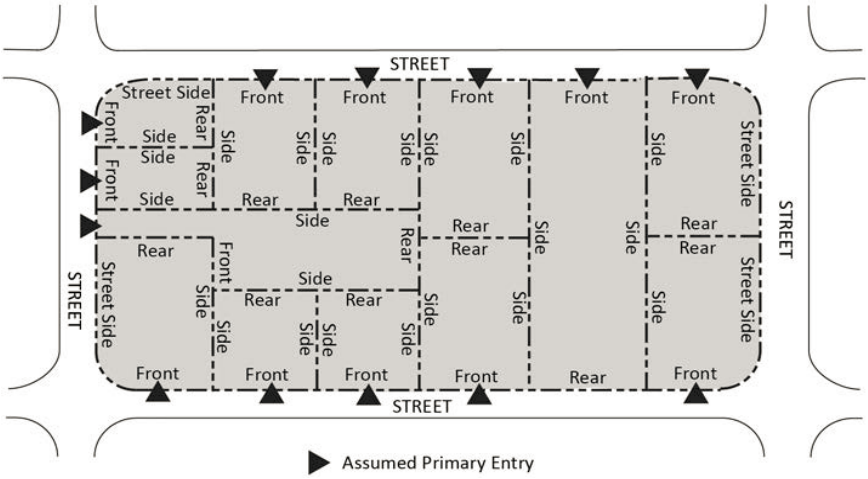
***Rear Lot Line.*** The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within

the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed a rear lot line for establishing a minimum rear yard.

***Side Lot Line.*** Any lot line that is not a front or rear lot line.

***Street Side Lot Line.*** A side lot line of a corner lot that is adjacent to a right-of-way.

**Figure 17.32.C: Lot Lines**




**Lot, substandard.** Any lot in any district with less than the minimum dimensions or area for the district in which it is located, unless the reduction is specifically authorized under the provisions of this Title.

**Lot width.** The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line. See also Section 17.34.040, Measuring Lots. When not applicable due to irregularity of lot shape, lot width shall be determined by the Community Development Director, subject to appeal and review by the Planning Commission.

**Low-income household.** A household whose income does not exceed the qualifying limits for lower income families as established and amended from time to time for Napa County pursuant to Section 8 of the United States Housing Act of 1937. The income limit for low-income households, adjusted for family size, is published periodically in the California Code of Regulations, Title 25, § 6932.

**Low-income unit**. A dwelling unit that is required to be sold or rented to a low-income household at an affordable sales price or an affordable rent, as applicable.

**Lower income households.** Defined by § 50079.5 of the Health and Safety Code.

**Lumen.** The unit used to measure the actual amount of light which is produced by a lamp.

**Manufacturing.** The establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling or component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

**Manufactured housing.** A residential building, dwelling unit or habitable room thereof which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on site, in accordance with regulations adopted by the Commission of Housing

and Community Development of the state of California pursuant to California Health and Safety Code § 19990 et. seq.

**Market-rate unit**. A dwelling unit in a residential development that is not an inclusionary unit.

**Marquee.** A structural flat roof structure attached to and supported by a building and projecting over public property.

**Median income.** The median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, § 6932 (or its successor provision) by the United States Department of Housing and Urban Development.

**Minor Use Permit.** An administrative permit which may be granted by the appropriate City authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of an administrative review process and, where necessary, the imposition of special conditions of approval. See Section 17.05.090, Minor Use Permit.

**Mixed-use development.** The development of a tract of land or building or structure with two or more different uses with a residential use such as, but not limited to office, manufacturing, retail, public or entertainment, in a compact, integrated urban form. Uses can be arranged vertically in one building, or horizontally in one building or separate buildings.

**Mobilehome.** See Chapter 17.33, Definitions of Uses.

**Mobilehome lot.** As defined §18210 of the Health and Safety Code, means any area or tract of land or portion of a mobilehome park designated or used for the occupancy of one manufactured home, mobilehome, or recreational vehicle.

**Mobilehome park.** As defined in § 18214 of the Health and Safety Code, means an area of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobilehomes.

**Mobilehome space.** A plot of ground within a mobilehome park abutting one or more access drives, designed for the accommodation of one mobilehome.

**Mobile recycling unit.** An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also shall mean the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

**Mobile Vending Unit.** A readily movable food service establishment such as a push cart, van, trailer, or a temporary/movable structure approved for mobile food vending by Napa County. It provides space for limited storage, handling, and/or dispensing of foods or other goods.

**Modal shift.** A change from one mode of transport to another mode of transport.

**Moderate-income household.** See definition for "persons and families of low or moderate-income" as set forth in California Health & Safety Code § 50093. The income limit for moderate-income households, adjusted for family size, is published periodically in the California Code of Regulations, Title 25, § 6932.

**Moderate-income unit.** A dwelling unit that is required to be sold or rented to a moderate income household, or a low-income unit that is able to qualify to rent or purchase the moderate income unit.

**Monthly owner-occupied housing payment.** The sum equal to the principal, interest, property taxes, homeowner's insurance and homeowner's association dues paid on an annual basis divided by 12.

**Motor vehicle.** Any automobile, truck, or motorcycle.

**Multi-Family Dwelling.** See Chapter 17.33, Definitions of Uses.

**Muntin.** A strip of wood or metal used to separate panes of glass within a window.

**Neighborhood.** An area of a community with characteristics that distinguish it from other community areas and which may include distinct ethnic or economic characteristics, schools or social clubs, or boundaries defined by physical barriers such as major highways and railroads or natural features such as rivers. Where none of the conditions or characteristics described above apply a neighborhood is assumed to be the area within a radius of approximately one-half mile of a specified site.

**Net parcel area.** The total horizontal area included within the property lines of a parcel, excluding area within vehicular rights-of-way and vehicular easements.

**Nightclub.** A commercial establishment which serves alcoholic beverages for on-site consumption and which provides entertainment, whether live or mechanical as its principal use or as an adjunct use to another use; provided, however, that no such commercial establishment shall be considered a nightclub unless dancing by patrons occurs.

**Nonconforming lot.** A legal parcel of land having less area, frontage, or dimensions than required in the zone in which it is located.

**Nonconforming structure.** A building or structure which was lawfully erected prior to the adoption of this Title, but which, under this Title, does not conform to the standards of coverage, yards, setbacks, height of buildings or structures, or distances between buildings or structures prescribed in the regulations for the district in which the building or structure is located.

**Nonconforming use.** A use of a structure or land, which was lawfully established and maintained prior to the adoption of this Title, but which, under this Title, does not conform with the use regulations for the district in which it is located.

**Occupancy.** The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. A change of occupancy is not intended to include change of tenants or proprietors without an accompanying change of use.

**Office.** A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

**Open storage.** The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for an extended period of time.

**Overhang.** The part of a roof (see "Eave") or wall which extends beyond the facade of a lower wall. It can also mean that portion of a vehicle extending beyond the wheel stops or curb.

**Owner.** A person, persons or corporation holding fee title to property within the City as shown on the most recent assessor's role in the county of Napa.

**Parcel.** A lot or tract of land. "Parcel" or "assessor's parcel" is also a term for a unit of land created and assigned a number by the Napa County Assessor. Since assessor's parcels are established for assessment purposes only, they are not necessarily lots of record.

**Parking definitions.** See Section 17.26.020, Definitions.

**Parking area.** An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the storage of operable motor vehicles for a period of 72 hours or less.

**Partially-shielded light fixture.** A light fixture constructed and mounted such that most light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal. Light emitted at or above the horizontal direction (sideways or upwards) arises only from incidental decorative elements or strongly colored or diffusing materials such as "honey" or colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded.

**Perimeter.** The boundaries or borders of a lot or lots if developed as a unit.

**Persons.** Individual persons and any form of organization, including but not limited to sole proprietorships, partnerships, corporations, trusts and any other form of commercial or noncommercial enterprise; person applies to any person who is the owner, lessee, sublessee, manager of premises, to any other person who is in possession of or in charge of premises, and to any person who has management or supervisory authority or responsibility to direct construction work or any other activity or use taking place on premises.

**Planning Commission.** The Planning Commission of the City of St. Helena.

**Planned development.** An area developed according to an approved planned development permit with unique development standards pursuant to the PD zoning overlay established for the development.

**Porch.** A roofed approach to a doorway usually extending from the exterior wall of the structure and requiring ground supports.

**Pre-prohibition winery.** A building that was used as a winery prior to Prohibition but has since been abandoned from use as a winery. For purposes of this Section, Prohibition took effect on January 16, 1920. Also referred to as a "ghost winery."

**Private wine marketing event.** Marketing event which is hosted by a Small Winery owner/operator for members of the wine trade.

**Processing.** The preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

**Processing fee.** The charges for staff time, transmission and communication costs, including but not limited to charges for postage, telephone, fax, transportation, etc., as well as the costs of production or reproduction of materials, exhibits, etc., used in the investigation, processing, inspection or review of development projects or the enforcement of regulations and conditions to development projects. Also referred to as "processing costs."

**Public.** A building or land use open to the public, whether free or on a fee basis.

**Public hearing.** A meeting noticed as required by this Title in which testimony and arguments are presented publicly before any of the City's hearing bodies, including the Planning Commission and City Council.

**Public recreation.** Any recreational use that is not private.

**Publicly owned.** Land or building owned or operated by a governmental or other public agency.

**Pump island.** A facility, generally a raised concrete apron, designed primarily to hold motor vehicle fuel dispensing devices, and separated from other pump islands by sufficient space for the maneuvering of an automobile.

**Qualifying resident.** As defined in § 51.3 of the Civil Code, a qualifying resident or senior citizen means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

**Reconstruction.** The repair or renewal of any part of an existing structure for the purpose of work necessary due to damage in same footprint where rebuilding structure.

**Recreational trailer.** Any camping trailer and any trailer designed for transporting boats, airplanes, motorcycles, horses or other livestock which horses or livestock are intended solely for recreational use, tents, and any other recreational equipment.

**Recreational vehicle.** As defined in California Government Code § 18010, recreational vehicle means both of the following:

1. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:
    a. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
    b. It contains 400 square feet or less of gross area measured at maximum horizontal projections.
    c. It is built on a single chassis.
    d. It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.
2. A park trailer, as defined in California Government Code § 18009.3.

**Rehabilitation.** The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

**Rental**. A dwelling unit that is not a for-sale dwelling unit, and does not include any dwelling unit, whether offered for rental or sale, that may be sold as a result of the lawful subdivision of the parcel upon which the dwelling unit is located or creation of the unit in accordance with the Subdivision Map Act (Government Code § 66410 et seq.).

**Resale restriction agreement.** A legally binding agreement between the City and the purchaser of a for-sale inclusionary unit, in a form as approved by the City Attorney, which requires that the

inclusionary unit to be occupied by the purchaser for the term of the agreement or sold to another moderate-income household at an affordable sales price.

**Residential condominium project.** A community apartment project, a condominium, a condominium project, a stock cooperative or a planned development as those terms are defined by California Civil Code § 783, California Business and Professions Code, respectively. A residential condominium project does not mean or include:

- Financing or leasing of apartments, offices, stores or store space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks;
- Mineral, oil or gas leases; or
- Land dedicated for cemetery purposes under the Health and Safety Code of the state of California.

**Residential density,** or **Density.** A computation expressing number of dwelling units per acre, based on the gross lot area prior to the dedication of any rights of way, public parks or other public areas. Primary and accessory units are included in the calculation of residential density.

**Residential development.** Any development project for which an application for any ministerial or discretionary pem1it has been submitted to the City and where the development would create new or additional dwelling units by the construction or alteration of structures, the conversion of a use to residential from any other use, or the conversion of a use to for-sale residential from rental residential use.

**Reverse vending machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. A bulk reverse vending machine is a type of reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

**Review Authority.** Body or entity responsible for making decisions on applications.

**Rezoning or Reclassification.** See "Amendment."

**Right-of-way.** An area of land acquired by reservation, dedication, prescription or condemnation and is intended to be occupied or is occupied by a street, road or other similar public utility or use. The right-of-way generally includes the area behind the curb (i.e., planting strip, sidewalk and sometimes the area behind the sidewalk).

**Riparian.** Land and vegetation which is located adjacent to a natural or man-made water course or body of water.

**Roof.** The outside top covering of a building.

**Run with the land.** A covenant, restriction, permit, or entitlement to the use of the land contained in a deed or other recorded instrument which is binding on the present and future owners of the property.

**Screening.** A method of visually shielding or obscuring one abutting or nearby structure or use from another or from the public right-of-way by fencing, walls, berms or densely planted vegetation.

**Section 8 of the Housing and Urban Development Act of 1965.** A federal rent subsidy program (or its successors) in which eligible, very low-income and low-income households receive financial assistance to rent housing units.

**Service station.** A parcel of land, or any portion of a parcel of land, developed exclusively for the purpose of, and with facilities for, the sale of motor vehicle fuels; and which may also provide lubricants, tires, batteries, accessory items and other customary services for motor vehicles, the delivery of which is made directly to the vehicle. The servicing of motor vehicles shall be generally limited to lubrication, nonmechanical washing, the replacement of spark plugs, lamps, fan belts and batteries, the repair or replacement of tires and tubes; and minor motor vehicle repair.

**Setback.** The distance between a property line and a building or structure that must be kept clear or open, except for such encroachments as are specifically permitted by this Title.

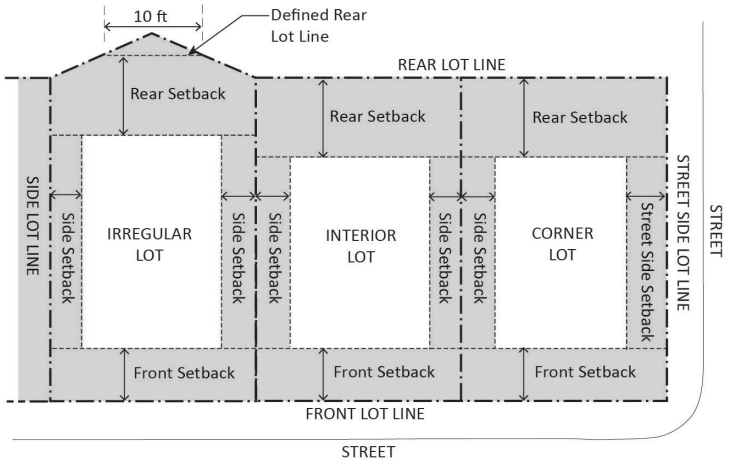
**Setback, front.** The area extending the full width of the lot as measured from, and perpendicular to, a front lot line.

**Setback, interior side.** The area extending from a front setback line to a rear setback line as measured from, and perpendicular to, an interior side property line. An interior side setback does not abut a street.

**Setback, street side.** The area extending from a front setback line to a rear setback line as measured from, and perpendicular to, a street side property line.

**Setback, rear.** The area extending the full width of the lot as measured from, and perpendicular to, a rear lot line. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from a front lot line, will be deemed a rear lot line for establishing a minimum rear yard.

**Figure 17.32.D: Setbacks**




**Shopping center.** A type of integrated commercial center specifically designed for occupancy or occupied by a minimum of five separate uses devoted predominantly to retail and personal service activities which are characterized by common parking, access, function and appearance. Shopping centers may also include other nonretail uses (i.e., restaurants, real estate offices, travel agencies, law

offices, etc.) when permitted by district regulations. Also referred to as "Integrated commercial center."

**Short-term rental.** A use in which overnight accommodations are provided to guests for compensation for periods of less than 30 days in a single-family dwelling.

**Sign terms.** See Section 17.27.020, Sign Definitions.

**Single housekeeping unit**. A dwelling unit in which the residents of the dwelling unit satisfy the following criteria:

1. They have established ties and familiarity and interact with each other.
2. Membership in the single housekeeping unit is fairly stable as opposed to transient or temporary.
3. They share meals, household activities, expenses, and responsibilities.
4. All adult residents have chosen to jointly occupy the entire premises of the dwelling unit, and they each have access to all common areas.
5. If the dwelling unit is rented, all adult residents are named on and party to a single written lease that gives them each joint use and responsibility for the premises.
6. Membership of the household is determined by the residents not by a landlord, property manager, or other third party.
7. The residential activities of the household are conducted on a nonprofit basis.
8. They do not have separate entrances, nor do they have separate food-storage facilities, such as separate refrigerators or food-prep areas.

**Single room occupancy housing.** See Chapter 17.33, Definitions of Uses.

**Slope.** The degree of deviation of a surface from the horizontal, usually expressed in percent, degrees or ratios. Slope is referenced or measured in the following ways:

> ***Percent slope:*** The change in elevation or rise (in feet) divided by the horizontal distance or run in feet multiplied by 100 (e.g., 50 feet/480 feet x 100 = 10.4 percent).
>
> ***Degrees.*** The angle of deviation from the horizontal which ranges from zero degrees for horizontal to 90 degrees for vertical (e.g., a 50 percent slope is equal to 26.5 degrees).
>
> ***Slope ratio:*** The ratio between the horizontal or run in feet and vertical or rise in feet (e.g., a three to one slope (expressed as 3:1) shall mean three horizontal feet to one vertical foot; a 100 percent slope is the same as a slope ratio of 1:1 and is the same as 45 degrees).

**Small lot development.** Residential development on lots which are smaller than the minimum lot size of the zoning district, including but not limited to those specifically designed to accommodate bungalow court developments, garden court development, and zero lot line dwellings (single-family dwellings attached at a common wall located on a side lot line) and meeting the standards of Section 17.16.030, Development Standards and Section 17.16.040, Design Standards.

**Specific Plan.** Specific plans are planning documents that guide the development of a particular geographic area within the City. They are separate from, but must be consistent with, a jurisdiction's adopted general plan. Specific plans implement the general plan by providing a special set of planning policies and development standards. Refer also to the provisions of Government Code, §§ 65450 et seq.

**Stable, Private.** Any building, barn, corral or paddock used or designed to shelter or keep livestock.

**Stable, Public or Riding.** An establishment where livestock is kept, boarded, groomed or trained, rented for riding, or bred for profit.

**Staff.** The employees, agents, contractors, and consultants of the City.

**Step-back** A term used to describe an upper-story portion of a building façade that is closer to the interior of a property than the portion of the façade immediately below.

**Storage.** The placement of material objects on a site for any period in excess of seven consecutive days or the parking of a vehicle in the same approximate location for a period of 72 hours or more.

**Story.** Portion of a building included between the upper surface of any floor and the upper surface of the floor next above; except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. See Section 17.34.030, Measuring Height.

**Story, Half.** A partial story under a gable, hip or gambrel roof, of which the wall plates of two opposite exterior walls are not more than four feet above the floor.

**Street, Center Line of.** The line drawn at points midway between the face of curbs of an improved street; or as determined by the City Engineer, in the case of unimproved or partially improved streets.

**Street, Private.** A right-of-way or easement, approved by the City Council, in private ownership, not dedicated or maintained as a public street, and not an alley, and which affords the principal shall mean of access to two or more sites. See "Access drive."

**Street, Public.** A way, the entire width of which is within a publicly owned right-of-way and which contains pedestrian, vehicular and utility improvements, facilities and appurtenances. The term shall include avenue, drive, road, circle, parkway, boulevard, highway, thoroughfare or any other similar term. Also any dedicated street accepted by the City for maintenance.

**Structural alterations.** Any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters.

**Structure.** Anything constructed or erected, except fences, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. (Note: All buildings are structures, but not all structures are buildings. See "Building.")

**Subdivision.** The division, by any subdivider, or any unit or units of improved or unimproved land or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. The term subdivision includes a "condominium project," as defined in § 1350 of the Civil Code, a "community apartment project," as defined in § 11004 of the Business and Professions Code, or the conversion of five or more existing dwellings to a "stock cooperative," as defined in § 11003.2 of the Business and professions Code.

**Supportive housing.** As defined in Government California Health and Safety Code § 50675.14, supporting housing means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

**Swarming.** The natural method of honeybee colonies to reproduce, resulting in the departure of part of the bee population with a queen to create a new honeybee colony.

**Swimming pool.** An outdoor pool or artificial body of water designed, constructed or used for swimming, dipping, or immersion purposes, and having a depth in excess of 24 inches or a surface area exceeding 100 square feet.

**Timeshare.** See Section 17.22.260, Time Share Uses.

**Townhouse.** A single dwelling unit in a townhouse group, located or capable of being located on a separate lot; and being separated from the adjoining dwelling unit by an approved wall, extending from the foundation through the roof and structurally independent of the corresponding wall of the adjoining unit.

**Transitional housing.** As defined in California Government Code Section § 50801, transitional housing means housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

**Transitory Lodging.** Lodging provided for a period of up to 30 days.

**Triplex.** A three-family dwelling designed or used exclusively as residences. Includes three separate but attached dwelling units.

**Top of bank.** The highest elevation of land which confines to their channel waters flowing in an intermittent or perennial stream or river.

**Turf.** A ground cover surface of mowed grass.

**Unenclosed.** Open on at least one side.

**Urban Limit Line.** A parcel-specific boundary that marks the limit of where urban development is permitted within the incorporated area of St. Helena. The intent of the Urban Limit Line is to discourage urban sprawl by containing urban development within designated areas during the planning period.

**Use, Accessory.** See "Accessory use."

**Utilities**. Garbage collection, sewer, water, electricity, gas and other heating, cooling, cooking and refrigeration fuels.

**Vacancy rate.** The number of uninhabited dwelling units that are available and suitable for occupancy expressed as a ratio to the total number of housing units.

**Variance.** The term applied to the procedure whereby the strict application of the provisions of this Title relating to height, area, yard requirements or other requirements of this Title may be modified in a particular instance. The term "variance" does not apply to a use modification.

**Vehicle.** A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary

rails or tracks. The definition of vehicles includes motor vehicles, recreational vehicles, recreational trailers and boats.

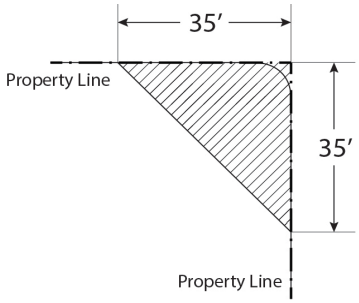
**Very low-income household**. A household whose income does not exceed the qualifying limits for very low-income families as established and amended from time to time pursuant to § 8 of the United States Housing Act of 193 7. The income limits for very low-income households, adjusted for family size, is published periodically in the California Code of Regulations, Title 25, § 6932.

**Very low-income unit**. Unit that is required to be rented to a very low-income household at an affordable rent.

**Video game center.** A commercial establishment which offers six or more electronic games as a form of entertainment.

**Visibility triangle.** On a corner lot, the triangle formed by the property lines extended to their intersection and a line connecting such property line extensions measured 35 feet from their point of intersection.

**Figure 17.32.E: Setbacks**




**Wall.** The vertical exterior surface of a building; or the vertical interior surfaces which divide a building's interior space into rooms.

**Warehouse.** A building used primarily for the storage of goods and materials.

**Waterway.** Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

**Wetlands.** Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Wine production.** A winery's total annual production equals the sum of all wine created through fermentation in a given year plus the net total of all fermented bulk wine received and shipped in the same year, including all bottled wine received on the premises during the same year.

**Wine marketing event.** Any activity conducted at a small winery for the purpose of educating members of the wine trade and persons who have pre-established business relationships with the small winery or its owner/operator about the wine produced at the Small Winery in order to increase the amount of wine sold to those individuals. Marketing activities may include food service without

charge when provided in association with such education and development but shall not include cultural and social events unrelated to such education and development.

**Xeriscape.** A style of landscape design requiring little or no irrigation or other maintenance. Xeriscape principles are listed in Chapter 17.25, Landscaping.

**Zero lot line.** The location of a building on a lot line in such a manner that one or more of the building's sides rest directly on a lot line. See "Small lot development."

**Zone.** See "District."

**Zoning map.** The officially adopted zoning map or maps of the City, together with all amendments subsequently adopted.

**Zoning Code.** Title 17 of the St. Helena Municipal Code consisting of the official adopted zoning map and text.

# Chapter 17.33 Definitions of Uses

**Accessory dwelling unit (ADU).** See Section 17.22.030, Accessory Dwelling Units.

**Adult entertainment.** An establishment of concern that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

**Agriculture.**

> **Animal husbandry.** The use of land for the care and raising of livestock, equine, poultry, and dairy animals. This also includes any animal-related production uses incidental to the foregoing, including processing, drying, storage, and sales.
>
> **Animal keeping.** The raising or keeping of domestic animals as provided in Title 6, Animals of the Municipal Code and Section 17.22.060, Animal Keeping.
>
> **Beekeeping.** The keeping or propagation of honeybee hives for collection of honey or other bee products.
>
> **Cultivated agriculture.** A commercial facility for the cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers or for growing flowers, trees, and ornamentals. Includes farming, pasturage, horticulture, floriculture, and viticulture.

**Agricultural employee housing.** Employee housing as set forth in California Health and Safety Code § 17008 for farmworkers.

**Agricultural supply sales.** An establishment or place of business primarily engaged in the retail or wholesale sale from the premises of farm supply, feed, grain, fertilizers, pesticides, and similar goods as well as the provision of agriculturally related services with incidental storage on a lot other than where the service is rendered.

**Amphitheater.** An open building with a central space surrounded by tiers of seats for spectators, for the presentation of dramatic, sporting, or other events.

**Animal boarding facility/kennel.** A facility for keeping, boarding, training, breeding, or maintaining, generally overnight or in excess of 24 hours, animals not owned by the owner or operator of the facility.

**Automobile/Vehicle sales and services.**

> **Auto rental.** An establishment providing for the rental of automobiles, motorcycles, or other vehicles. Typical uses include car rental agencies. Excludes large vehicles and equipment.

**Auto sales.** A retail or wholesale establishment for the display and sale of new or used automobiles, small trucks and vans, motorcycles, and other motor vehicles. Excludes large vehicles and equipment.

**Auto service and repair.** The service and repair of automobiles, trucks, motorcycles, motor homes, boats, and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts.

**Car wash.** A facility for and a process involving the washing or cleaning of automobiles or other motor vehicles A car wash may, but need not, include drying facilities. Car wash does not include a casual or occasional use of the premises to wash or clean automobiles or other motor vehicles that is done as a convenience or accommodation to customers or other persons and that constitutes a secondary use.

**Large equipment sales, service, and rental.** Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, farming/agricultural, or landscape gardening activities.

**Service station.** An establishment primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile vehicle repair services; selling automotive oils, replacement parts, and accessories; or providing incidental food and retail services. Major motor vehicle repair (engine rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender repair; over-all painting) is not permitted. This facility may include a "mini-mart" or a convenience store that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles.

**Towing and impound yard.** An establishment primarily engaged in towing light or heavy motor vehicles, both local and long distance. This establishment may provide incidental services, such as vehicle storage and emergency road repair services.

**Bank or financial institution.** A financial institution providing retail banking services. This classification includes only institutions that serve walk-in customers or clients, including banks, savings, and loan institutions, check-cashing services, and credit unions. Includes facilities that provide self-serve facilities; excludes drive-through facilities.

**Business services.**

**Cleaning and janitorial services.** An establishment that offers professional cleaning services.

**Equipment rental and leasing.** A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental or leasing.

**General business services.** An establishment primarily engaged in providing personal services and commercial services to other businesses on a fee or contract basis, including advertising and mailing, legal document services, model building, and taxi services or delivery services with two or fewer fleet vehicles on-site.

**Printing and copy services.** An establishment providing printed or copied materials from digital or hard copy format originals, including printing and distribution of envelopes, business cards, and similar business products.

**Security services.** A service establishment that offers monitoring, theft prevention, or protection of individuals or property.

**Caretaker residence.** A building which is used as a residence by a security guard or caretaker of a commercial, industrial, public, or semi-public use, which is located on or adjacent to the premises occupied by the use, and which is reasonably necessary to provide adequate security for the use.

**Catering.** An accessory service to a restaurant that provides food or beverages at social events or other large gatherings.

**Cemetery.** An establishment primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

**Cinema/theater.** A facility for the indoor display of motion pictures on single or multiple screens and stage productions such as plays, ballets, and musical performances. This classification may include incidental food and beverage service to patrons as well as an auditorium within a building.

**College or trade school.** An institution of higher education primarily for adults providing curricula of a general, religious, or professional nature, granting degrees or professional certifications and including junior colleges, business and computer schools, management training, and technical and trade schools. This classification excludes Instructional Services.

**Commercial laundry.** A facility where articles of fabric are laundered by commercial grade machinery. Does not include Laundromat, Self Service.

**Communication facility.**

**Audio/video recording studio.** An indoor facility including radio, television or music recording studios.

**Telecommunications.** See Section 17.22.270, Wireless Telecommunication Facilities.

**Community assembly.** A facility for public or private meetings and gatherings, including community centers, union halls, places of worship, meeting halls, and membership organizations. This classification includes the use of functionally related facilities for the use of members and attendees, such as kitchens, multi-purpose rooms, classrooms, and storage. Includes social halls, lodges, fraternal organizations, and clubs when owned and operated by nonprofit organizations.

**Community garden.** An area where neighbors and residents have the opportunity to contribute to and manage the cultivation of plants, herbs, vegetables, and fruits. May consist of individually tended plots on a shared parcel or many be communal on a single plot.

**Contractor shop.** An establishment for specialized business activities related to building construction. This classification includes establishments for trades such as painting, carpentry, plumbing, heating, air-conditioning, roofing, landscaping, cabinetmaking, and sign-making.

**Contractor's office and showroom.** An office or showroom of a business related to building construction. This classification excludes storage yards.

**Contractor's yard.** Premises used by any person for the storage, maintenance, repair and processing of equipment, materials and other items involved in construction of physical facilities or in the operation of a fleet of rolling stock.

**Cottage food operation.** An enterprise where an individual prepares or packages non-potentially hazardous foods in his or her private home for sale to consumers and as it is defined in California Health and Safety Code §113758.

**Crop services.** An establishment that provides agriculturally related services including pesticide application and tree maintenance.

**Cultural institution.** A public or private institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts facilities, community centers, arenas, auditoriums, event and conference spaces, spaces for display or preservation of objects of interest in the arts or sciences, libraries, museums, and historical sites. This classification excludes schools or institutions of higher education providing curricula of a general nature (see College or Trade School).

**Custom and artisan manufacturing.** An establishment primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include metalworking, pottery and ceramic studios with a kiln, glass furnace, or woodworking.

**Day care facility.** A commercial establishment providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

**Dry cleaning facility.** A facility engaged in the cleaning of fabrics in an essentially non-aqueous solvent by means of one or more washes in solvent and extraction of excess solvent. Does not include Dry Cleaners, Drop-Off and Pick-Up.

**Eating and drinking establishment.**

> **Bar.** A business, whether called a bar, nightclub, lounge, or other, that serves alcoholic beverages for consumption on the premises as a primary use, including on-sale service of alcohol including beer, wine, and mixed drinks and amplified music as an accessory use. This subclassification excludes formula businesses.
>
> **Brewpub.** An establishment that is a hybrid between a restaurant and a brewery engaged in the small-scale production of specialty or craft beer that sells at least 25 percent of the beer produced on-site with significant food services in a restaurant or bar. Brewpubs may also sell beer to go or distribute it to offsite destinations.
>
> **Mobile food vendor.** A business engaged in the sale of prepared, pre-packaged or unprepared, unpackaged food or foodstuffs from a mobile vending unit on private or public property.
>
> **Restaurant, full service.** An establishment where food and beverages are served to patrons on-site. This subclassification excludes formula businesses.
>
> **Restaurant, limited counter service.** A restaurant where more than 50 percent of food, frozen desserts, or beverages intended for immediate consumption is available after a short waiting time and is packaged or presented in such a manner that it may be readily eaten off the premises as well as on the premises where it is sold; and where the facilities for on-premises consumption of the food items are insufficient for the volume of customers

purchasing such items. This subclassification includes, but is not limited to, cafes, coffee shops, ice cream shops, delicatessens, bakeries, and sandwich shops, and by-the-slice pizza parlors with indoor or outdoor seating for customers. This subclassification excludes formula businesses.

**Emergency services.** Facilities for parking and the dispatch of emergency medical transport services, including ambulance, fire, police, and rescue. May include offices and facilities for cooking and sleeping of on-duty personnel.

**Family day care, large**. As defined in California Health and Safety Code Section § 1596.78, a large family daycare home means a facility that provides care, protection, and supervision for seven to 14 children inclusive, including children under 10 years of age who reside at the home, as set forth in § 1597.465 and as defined in those regulations.

**Family day care, small.** As defined in California Health and Safety Code Section § 1596.78 a small family daycare home means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in § 1597.44 and as defined in those regulations.

**Food and beverage sales.**

**Farmers market.** Temporary but recurring outdoor retail sales of primarily raw, unprocessed fruits, vegetables, nuts, plants, flowers, and prepared products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them. Also includes sale of non-food items (processed food, artisan items, clothing, leather, art, etc.)

**Fruit and vegetable market.** A retail establishment that primarily sells fresh produce.

**Grocery store.** A store limited to 10,000 square feet in gross floor area with retail sales of meat, produce, dairy, baked goods, and groceries with accessory sales of household goods and delicatessen items.

**Liquor store.** A retail establishment that primarily sells alcoholic beverages.

**Public market.** A retail location made up of small independent retail or food/drink businesses where each shop or stall is owner-operated.

**Roadside stand.** An open-air retail establishment that sells agricultural products produced on-site.

**Winery tasting room.** An establishment that sells wines on behalf of one or more wineries and enables consumers to taste wine (with and without charge) as a regular part of the sales process. The wines for tasting and for sale must be made from a minimum of 75 percent Napa Valley grapes and must be labeled Napa Valley or be a sub-appellation of the Napa Valley. The permit requires a Type 02 ABC license. Food may be provided if it is at no cost to the consumer, is made off premises, and the facilities are approved by Napa County Environmental Management.

**Wine shop.** An establishment that purchases and sells wines from multiple wineries and distributors. Wines may be made in other counties in California, other states, or other countries. Incidental wine tastings may occur in wine shops. Wine shops are not owned by wineries and must possess a Type 20, 21, or 42 license from Alcoholic Beverage Control.

**Food preparation.** An establishment preparing and/or packaging food for off-site consumption only, including catering kitchens, small-scale specialty food production, and commercial kitchens. This classification excludes establishments with an industrial character in terms of processes employed, waste produced, water used, and traffic generation. May include ancillary retail sales of items prepared on the premises.

**Formula business.** A business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs, trademark, name or other similar standardized features which cause them to be substantially identical to 10 or more other businesses in the United States regardless of ownership or location. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations. Does not include formula restaurants, which are prohibited.

**Fuel storage.** A facility engaged in the storage of gasoline or other fuel sources.

**Funeral home or mortuary.** An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of human remains and conducting memorial services. This subclassification includes funeral parlors, crematories, and mortuaries, but excludes cemeteries and burial parks.

**Government office.** An administrative, clerical, or public contact office of a government agency, including postal facilities and courts, along with the storage and maintenance of vehicles. Includes public and quasi-public noncommercial uses (open to the public but privately owned), buildings and facilities of an administrative, educational, religious, cultural, communications or public service nature. This classification excludes corporation yards, equipment service centers, and similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment.

**Health club or fitness center.** A facility used for sports, health, and recreational uses, including tennis or racquetball courts, swimming pools, weight training, exercise classes, health spas, and other similar uses.

**Heavy equipment repair.** An establishment engaged in the repair of heavy-duty vehicles, construction equipment and apparatus, as well as equipment associated with any form of heavy manufacturing.

**Home occupation.** A commercial use conducted on residential property by the residents that is incidental to the primary residential use of the dwelling.

**Hospital or clinic.** A State-licensed facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs and teen crisis counseling centers, as well as training, research, and administrative services for patients and employees. This classification excludes veterinary and animal hospitals (see Veterinary Clinic).

**Indoor recreation.** An establishment that provides indoor amusement or recreation services conducted within an enclosed building. This classification includes but is not limited to arcades, bingo halls, bowling alleys, billiard parlors, video game center, card rooms, and ice- and roller-skating rinks.

**Industrial, general.** An establishment engaged in the manufacturing of non-edible products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. Toxic, hazardous, or explosive

materials may be produced or used in large quantities as part of the manufacturing process. These industrial activities may produce impacts on nearby properties, such as noise, gas, odor, dust, or vibration. This classification includes manufacturing for biomass energy conversion, commercial cosmetics and perfumes, electrical appliances, apparel and textile mills, leather and allied products manufacturing, wood and paper, glass and glass products, chemical products, medical/pharmaceutical products, plastics and rubber, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.

**Instructional services.** An establishment that offers specialized programs in personal growth and development such as music, martial arts, vocal, fitness, dancing, reading, and math instruction. Attendance is typically limited to hourly classes rather than full-day instruction. These establishments do not grant diplomas or degrees, though instruction could provide credits for diplomas or degrees granted by other institutions. Includes art, dance, photography, or music studio offering instruction, including retail as an accessory use. This classification also includes tutoring facilities which offer academic instruction to individuals or groups.

**Live/work.** An integrated housing unit and working space occupied and utilized by a single household in a structure designed or structurally modified to accommodate joint residential occupancy and work activity.

**Lodging.**

> **Bed and breakfast inn.** A home occupation in an owner-occupied residence in which transitory lodging and breakfast is provided to guests for compensation.
>
> **Boarding house.** A dwelling unit, other than a hotel, bed and breakfast, or condominium hotel, used in whole or in part to provide short-term or long-term lodging for compensation under multiple separate written or oral agreements.
>
> **Hotel.** An establishment with two or more rooms or suites that are used to provide overnight or extended-stay lodging to transient patrons.
>
> **Short-term rental.** The rental of any residential structure or any portion of any residential structure for occupancy for dwelling, lodging, or sleeping purposes for 30 or fewer consecutive calendar days.

**Low Barrier Navigation Center.** A housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter and housing. (See Government Code Section 65660.)

**Maker's space.** A workspace for an artist or artisan or for a group of artists or artisans practicing an applied art or craft, including but not limited to candle-making, pottery and ceramics (no kiln allowed), jewelry, or multi-media, with incidental retail sales of items produced on the premises. Uses in a maker's space typically do not produce significant odors, fumes, noise, or other disturbances.

**Manufacturing, packaging, and processing.** An establishment engaged in the production, processing, packaging, or manufacturing of food or beverage products and where instruction, direct sales, tasting, or on-site consumption are incidental to the food or beverage production activity. This classification excludes wineries and the slaughtering of animals which is not allowed.

**Micro-brewery.** An establishment engaged in the small-scale and independent manufacturing that produces 15,000 barrels or less of specialty or craft beer per year. A small tasting room or bar for

visiting consumers is allowed on site although a minimum of 75 percent of the beer produced must be sold in off-site locations through any one of the following ways:

1. Wholesale, i.e. the brewer sells to a wholesaler who in turn sells to a retailer or the brewer acts as a wholesaler and sells directly to a retailer;
2. Direct sales, i.e. the brewer sells directly to the consumer via carry-outs or sales from an onsite taproom or restaurant.

**Mining.**

**Gravel mining operations.** A facility engaging in the extracting, producing, handling, milling or other processing of gravel.

**Mining and quarrying of nonmetallic minerals.** A facility engaging in the extracting, producing, handling, milling or other processing of nonmetallic minerals.

**Mobilehome.** As defined in § 18008 of the Health and Safety Code or manufactured home as defined in § 18007 of the Health and Safety Code, a movable dwelling constructed on a chassis, designed for use without a permanent foundation, and designed to be connected to utilities. Excludes manufactured modular housing designed to be placed on a permanent foundation and recreational vehicles, recreational vehicles as defined in § 799.24 of the Civil Code and § 18010 of the Health and Safety Code, commercial coaches, and or factory-built housing, as defined in § 19971 of the Health and Safety Code.

**Model home sales office.** A dwelling temporarily used as a sales office for on-site sales for a residential development under construction.

**Multi-family dwelling.** Two or more attached dwelling units on a single lot. Types of multi-family dwellings include duplexes, townhouses and apartment buildings.

**Office.**

**Business, professional, and technology.** An office of a firm, organization, or agency providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal, and tax preparation.

**Medical and dental.** An office providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors or dentists; medical and dental laboratories that see patients; licensed acupuncturists; and similar practitioners of medical and healing arts for humans licensed by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

**Walk-in clientele.** An office providing direct services to patrons or clients without prior appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (see Bank or Financial Institution).

**Wholesale office.** An office of a wholesale firm excluding storage or on-site shipping and receiving of products.

**Winery office (off-site).** An office performing off-site administrative functions for a winery.

**On-site storage facilities.** The indoor or outdoor storage of any materials, products, or equipment on the premises.

**Outdoor dining.** An area set up outside the confines of a commercial structure with tables, chairs, and other furnishings for the purpose of offering seating to patrons while selling, offering for sale, and serving food and beverages by an adjoining restaurant in which the same food and beverages are offered for sale, sold, and served.

**Outdoor display and sales.** The display or sale of any materials, products, or equipment outside of a building.

**Parking facility.** A surface lot or structure with five or more parking spaces situated contiguous to one another or in close proximity, providing parking as the primary use of a site, typically for a fee. Excludes parking provided incidental to another on-site activity.

**Personal services.**

> **Hair salon/Nail salon/Spa.** A service establishment that offers hairstyling, manicuring, spa treatments, or similar services. May include retail sales.
>
> **Dry cleaners, drop-off, and pick-up.** A facility operated for the primary purpose of dry cleaning clothing and other fabrics utilizing a process that involves the use of dry cleaning solvents. May include tailoring.
>
> **Laundromat, self-service.** A self-serve clothes washing establishment containing one or more washers and drying, ironing, finishing, or other incidental equipment.
>
> **Massage establishment.** An establishment having a fixed place of business where any person engages in or carries on any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Such establishment shall have health enhancement as part of its purpose. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist (State-licensed professions or vocations) who are duly State-licensed to practice their respective professions in the State of California.
>
> **Tanning salon.** A commercial establishment where patrons can expose themselves to ultraviolet light to darken their skin.
>
> **Tattoo and piercing.** An establishment whose principal business activity is one or more of the following: (1) using ink or other substances that result in the permanent coloration of the skin using needles or other instruments designed to contact or puncture the skin; or (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Processing of agricultural products primarily produced on the premises.** A facility engaging in the processing of crops primarily grown on-site, excluding Large Wineries.

**Public Services, Major.** Services for the public that include water treatment facility, wastewater treatment facility, corporation yard, warehouse, and other services that provide major public infrastructure services for urban development.

**Public Services, Minor.** Services for the public that include utility substations, pumping stations and other transmission and distribution facilities.

**Recreational facility, active.** A public or private play field, athletic fields and facilities, including baseball/softball diamonds, basketball courts, volleyball courts, tennis courts, golf courses, bicycle courses, rollerblade and skateboard courses, swimming pools and boating/fishing facilities.

**Recreational facility, passive.** A park, playground, trail, botanical garden, or related open space.

**Research and development.** A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing conducted entirely within an enclosed building. This classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities, in addition to involving the production of experimental products.

**Retail.**

**Art gallery**. A commercial establishment exclusively engaged in the sale, loan, and exhibition of paintings, sculpture, photography, video art, or other works of art.

**Building materials and supply.** Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales, or equipment rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This subclassification does not include Construction and Material Yards, Auto Rental, hardware stores less than 10,000 square feet in gross floor area, or plant nurseries.

**Firearms sales.** A business engaged in the selling, transferring, or leasing any firearm or ammunition, either directly or indirectly.

**Furniture store.** A retail store primarily selling home furnishings including draperies, floor coverings, furniture, glass and chinaware.

**General retail and merchandise.** The retail sale or rental of merchandise not specifically listed under another use classification. This subclassification includes retail establishments such as clothing stores, small hardware stores (with 10,000 square feet or less of gross floor area), and businesses retailing the following goods: antiques, household pets and pet supplies, toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), pharmacies, electronic equipment, sporting goods, department stores, kitchen utensils, hardware, appliances, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and parts replacement. Retail sales may be combined with other services such as office machine, computer, electronics, bicycle, and similar small-item repairs.

**Health care equipment.** An establishment that offers for sale primarily medical equipment and supplies.

**Nursery, lawn, and garden supply store.** An establishment primarily engaged in retailing nursery and garden products, accessory garden supplies, and trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves.

**Saddle and equestrian store and repair.** An establishment that offers for sale primarily equipment and supplies related to equestrian uses. May include repairs of such equipment.

**Tobacco/smoke shop.** An establishment dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia.

**Used merchandise store.** An establishment engaged in the purchase, barter, exchange, or sale of any secondhand merchandise of value, or which deals in secondhand goods. Does not include Antique Store.

**Reupholstery and furniture repair.** An establishment engaged in the maintenance or repair of upholstery, furniture, and similar items.

**School.** A facility for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

**Senior center.** A facility that offers services and activities to promote the physical, mental and social well-being of seniors.

**Single-family dwelling.** A building designed exclusively for and occupied exclusively by one single housekeeping unit.

**Single room occupancy (SRO).** Housing (consisting of single- room dwelling units) that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of nonresidential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants. A project's designation as an SRO cannot be inconsistent with the building's zoning and building code classification.

**Small recycling facility.** A recycling facility accessory to a primary use devoted exclusively to the collection of recyclable materials from the public. A small recycling facility does not include the processing of recycled products. A small recycling facility may include: mobile recycling units, reverse vending machines and groupings of reverse vending machines (including bulk reverse vending machines), kiosk type units (may be permanent), and unattended containers placed for the donation of recyclable materials. See Section 17.22.220, Small Recycling Facilities.

**Solar energy system.** Any solar energy collection device and all associated appurtenances, including energy storage, used for the purposes of heating or cooling or generating electricity for a primary or accessory structure.

**Storage, personal.** A facility offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage, and records or inventory storage for businesses. This classification includes moving company businesses which offer storage and transporting services, but excludes workshops, hobby shops, manufacturing, or commercial activity.

**Transit station and terminal.** A facility for passenger transportation operations, including rail stations, bus terminals, taxi, and scenic and sightseeing facilities. Includes truck, bus, taxi, van and limousine terminals and service centers, excluding maintenance centers.

**Veterinary clinic.** An infirmary for the treatment of small animals, including overnight care.

**Warehousing, wholesale, and distribution.** An establishment engaged in selling merchandise to retailers and other contractors; industrial, commercial, institutional, farm, or professional business users; other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. This category does not include freight forwarding terminals.

**Wildlife sanctuary.** An area of land managed as a nature reserve that serves as a place of refuge for wildlife. Includes wildlife sanctuaries, botanical gardens, outdoor nature areas and other similar facilities and uses for passive use.

**Winery event center.** A facility for major public assembly events such as concerts, art festivals, banquets and special wine tastings. Winery event centers are an accessory use to a large winery.

**Winery, large.** An agricultural processing facility used for wine production and the fermenting and processing of grape juice into wine, the refermenting of still wine into sparkling wine and processes and practices used in the creation of ports, sherries and the like. Includes manufacturing, packaging, commercial scales and grape sampling facilities; grape sampling; crushing of grapes; fermenting and processing of grape juice; ageing and processing of wine; distillation; bottling of wine; on-site disposal of winery waste generated on a site; and warehousing and shipping of wine produced on the premises. Uses accessory to a winery, including offices, laboratories, equipment maintenance shops, employees' eating facilities, cooperage repair shops, wine storage tanks, scales, and boiler rooms, are allowed.

**Winery, small.** An agricultural processing facility used for wine production and the fermenting and processing of grape juice into wine, and the refermenting of still wine into sparkling wine. Small wineries are an accessory use to a residential use.

**Winery visitor center.** A day use area including tour and tasting facilities, retail sales of wines and wine-related items, catering shops, cafes, restaurants, delicatessens, and drinking places. Must be conducted within structures specifically designated for such uses. Winery visitor centers are an accessory use to a large winery.

**Wine warehousing**. A building used for the wholesale storage or distribution of wine and allied wine products from any source.

# Chapter 17.34 Rules of Measurement

## 17.34.010 Measuring Fractions

Whenever this Code requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

A. **General Rounding.** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.

B. **Exception for State Affordable Housing Density Bonus.** The calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to Government Code § 65915 or any successor statute, and Chapter 17.29, Density Bonus, any fractional number of units shall be rounded up to the next whole number.

## 17.34.020 Measuring Distances

A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

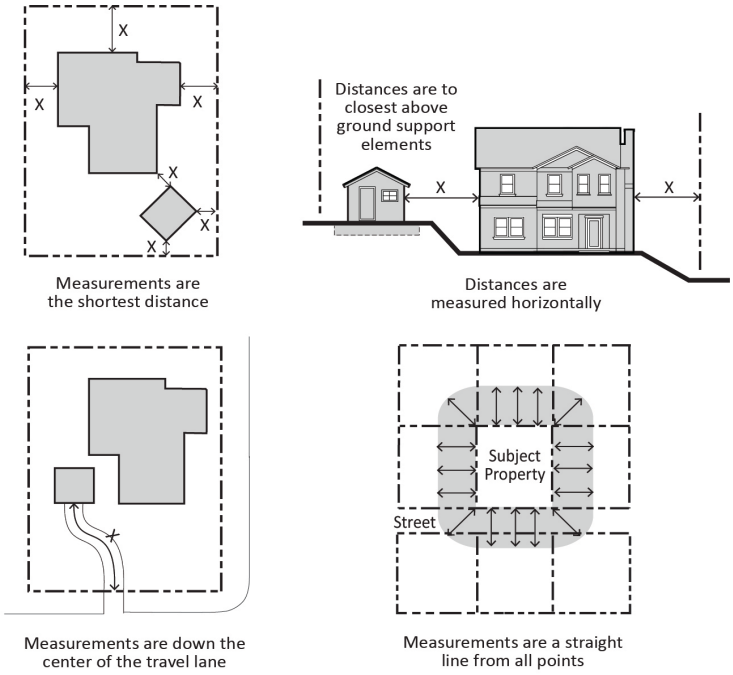
B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

C. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

D. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

E. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

**Figure 17.34.020: Measuring Distances**

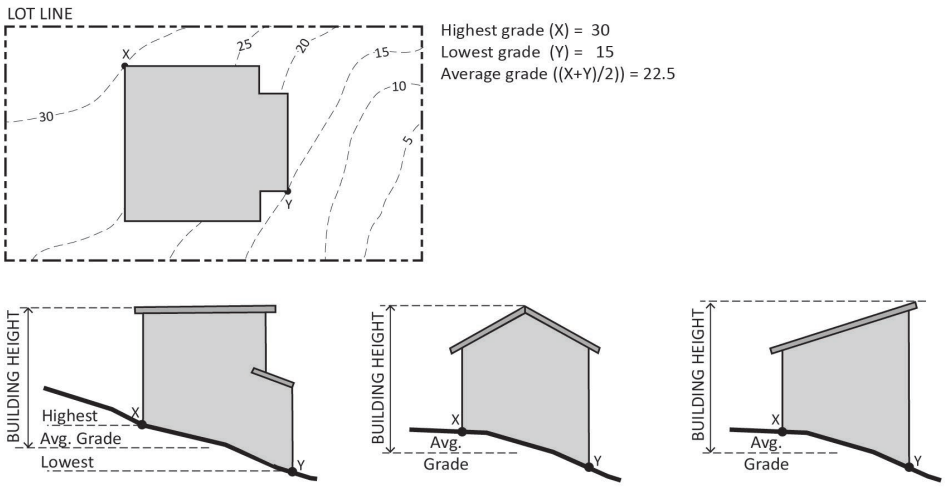



## 17.34.030 Measuring Height

A. **Parapet or Flat Roof.** For buildings with a parapet of flat roof, building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls touch existing or finished grade, whichever is lower, to the highest point on the roof, the top of the parapet wall, the wall coping of a flat roof, or the deck line of a mansard roof.

B. **Sloped Roof.** For buildings with a hipped, gabled, gambrel, or other sloped roof design, building height is measured from the average level of the highest and lowest points where the vertical plane of the exterior walls touch existing or finished grade, whichever is lower, to the highest point on the highest point on the highest ridge.

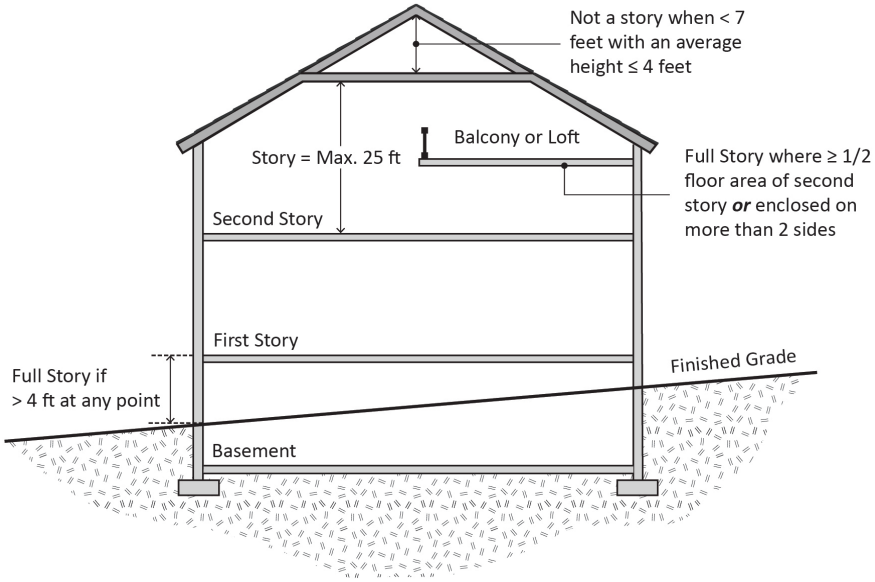
**Figure 17.34.030.A: Measuring Building Height**




C. **Stories.** In measuring the number of stories in a building, the following rules shall apply:

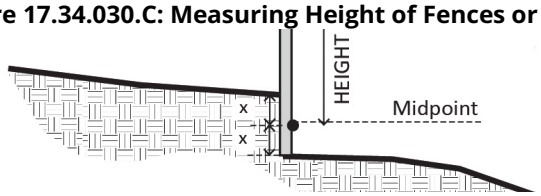
1. An interior balcony or loft shall be counted as a full story if its floor area exceeds one-half of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.
2. A basement shall be counted as a full story if the vertical distance between finished grade and the finished surface of the floor above the basement is more than four feet at any point.
3. A story shall not exceed 25 feet in height from the upper surface of the floor to the ceiling above.
4. An attic is not considered a story provided it is unconditioned, unfinished, and less than seven feet at its highest point with an average height not exceeding four feet.

**Figure 17.34.030.B: Measuring Building Stories**



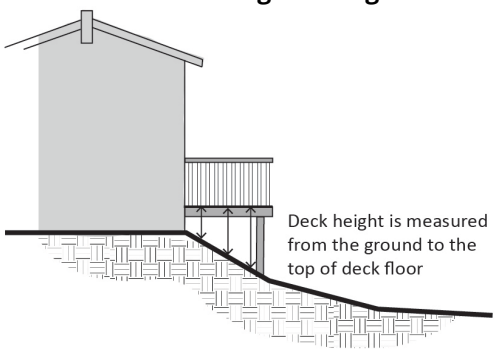

D. **Fences and Walls.** The height of fences, walls, and other landscape structures shall be measured as the vertical distance from the midpoint between the highest and lowest natural grade immediately adjacent to both sides of the fence or wall to the highest point of the fence or wall.

**Figure 17.34.030.C: Measuring Height of Fences or Walls**




E. **Decks.** Deck height is determined by measuring from the ground to the top of the floor of the deck directly above the ground below.

**Figure 17.34.030.D: Measuring the Height of Decks**



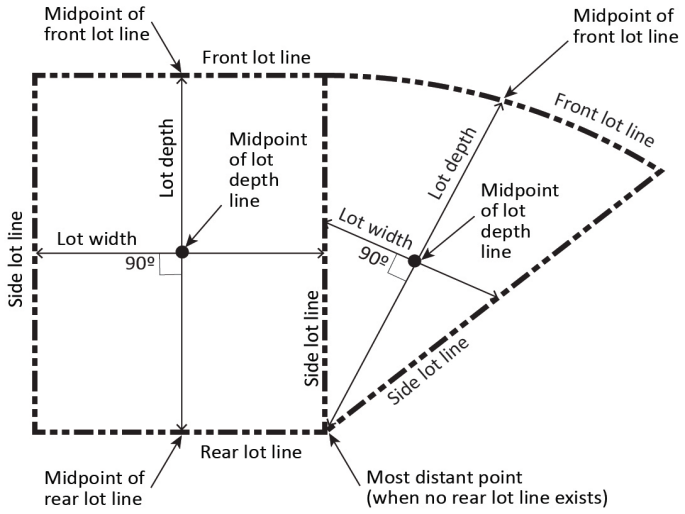
F. **Antennas.** The height of antennas shall be measured as described in Section 17.22.270, Wireless Telecommunication Facilities.

## 17.34.040 Measuring Lots

A. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

B. **Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

**Figure 17.34.040: Measuring Lot Width and Depth**




C. **Average Slope.** The average slope of a parcel is calculated using the following formula: S = 100(I)(L)/A, where:

1. S = Average slope (in percent)
2. I = Contour interval (in feet)
3. L = Total length of all contour lines on the parcel (in feet)
4. A = Area of subject parcel (in square feet)

## 17.34.050 Measuring Floor Area and Floor Area Ratio

A. **Areas included in floor area measurement.** The floor area is measured as the sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings. Areas included and excluded from floor area are listed below.

1. ***Included in Floor Area Calculation.***

a. All habitable space (as defined in the Building Code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof.

b. In cases where no walls exist, the area covered by the roof excluding two feet on each side of the structure for a standard roof projection.

c. Interior walkways or corridors, interior courtyards, walkways, paseos, or corridors covered by a roof or skylight.

d. All floors of enclosed stairways, stairwells or elevator shafts.

2. ***Excluded from Floor Area.***

a. Mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area.

b. Bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater.

c. Any areas that satisfy the landscape and open space base zone requirements.

d. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.

e. In non-residential buildings, areas used for off-street parking spaces or loading spaces, driveways, and maneuvering aisles that are located below the finish grade of the property.

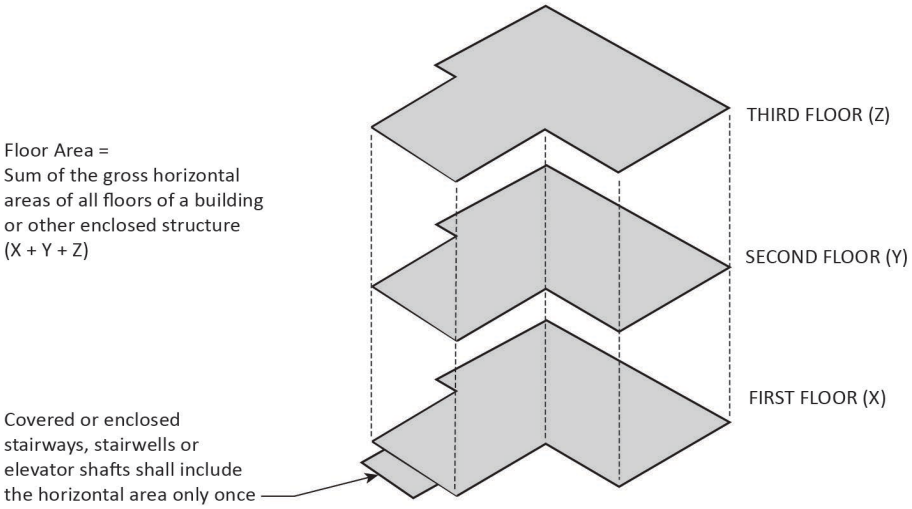
f. Arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

g. Outside areas used for sales and/or display (e.g., plant nurseries, building materials, auto sales, wine production, etc.).

h. A building or structure consisting of nonusable floor space such as a garage, carport or storage shed.

i. Unfinished attics, crawlspaces, and basements shall not be included unless converted and finished as usable floor space.

**Figure 17.34.050: Measuring Floor Area**




B. **Floor Area Ratio (FAR).** The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all primary and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0. The following are excluded from Floor Area in Calculating FAR.

1. ***Underground Areas.*** Floor area located below finished grade.
2. ***Parking.*** Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is less than six feet.
3. ***Small Accessory Structures.*** Accessory structures up to 120 gross square feet.

## 17.34.060 Measuring Lot Coverage

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including, but not limited to, garages, carports, covered patios, and roofed porches, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculation:

A. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways with an elevation of less than 18 inches above finished grade;

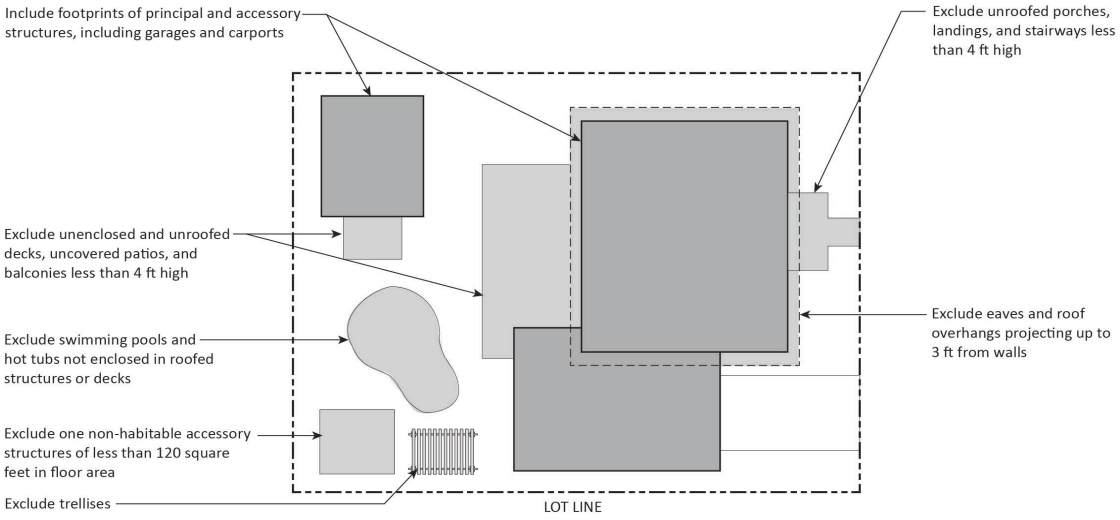
B. Eaves and roof overhangs projecting up to three feet from a wall;

C. Trellises, pergolas, and similar structures that have roofs that are at least 50 percent open to the sky through with uniformly distributed openings;

D. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and

E. One small, non-habitable accessory structure under 120 square feet. More than one small non-habitable accessory structure shall be included in lot coverage.

**Figure 17.34.060: Determining Lot Coverage**




## 17.34.070 Determining Lot Frontage

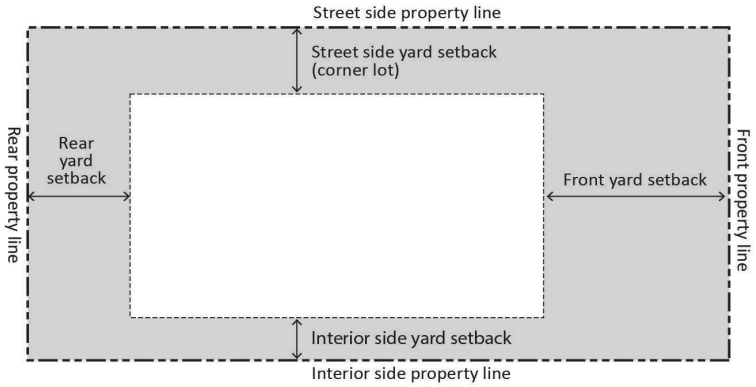
A. **Corner Lot.** The front of a lot is either of the two lines adjacent to the streets as platted, subdivided, or laid out, except that the front lot line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then as determined by the Community Development Director, either may be considered the front of the lot, but not both.

B. **Through Lot.** The front of a through lot abuts the street that neighboring lots use to provide primary access.

## 17.34.080 Measuring Setbacks

A setback line defining a required setback is parallel to and at the specified distance from the corresponding front, side, or rear property line, as shown in Figure 17.34.080: Determining Setbacks. Required setbacks shall be unobstructed from the ground to the sky except where allowed pursuant to this Title, subject to compliance with the Building Code. All required setbacks shall be determined by their relationship to the front of a lot.

**Figure 17.34.080: Determining Setbacks**




The following special regulations for determining required setbacks apply when a lot abuts a proposed street or alley.

A. **Setback Abutting Planned Street Expansions.** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the property line.

B. **Setbacks abutting Alleys.**

1. If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.

2. In computing the minimum setback for any lot where such setback abuts an alley, no part of the width of the alley may be considered as part of the required setback.

C. **Flag lots.**

1. The panhandle portion of the lot shall be excluded when determining the required setbacks and yards.

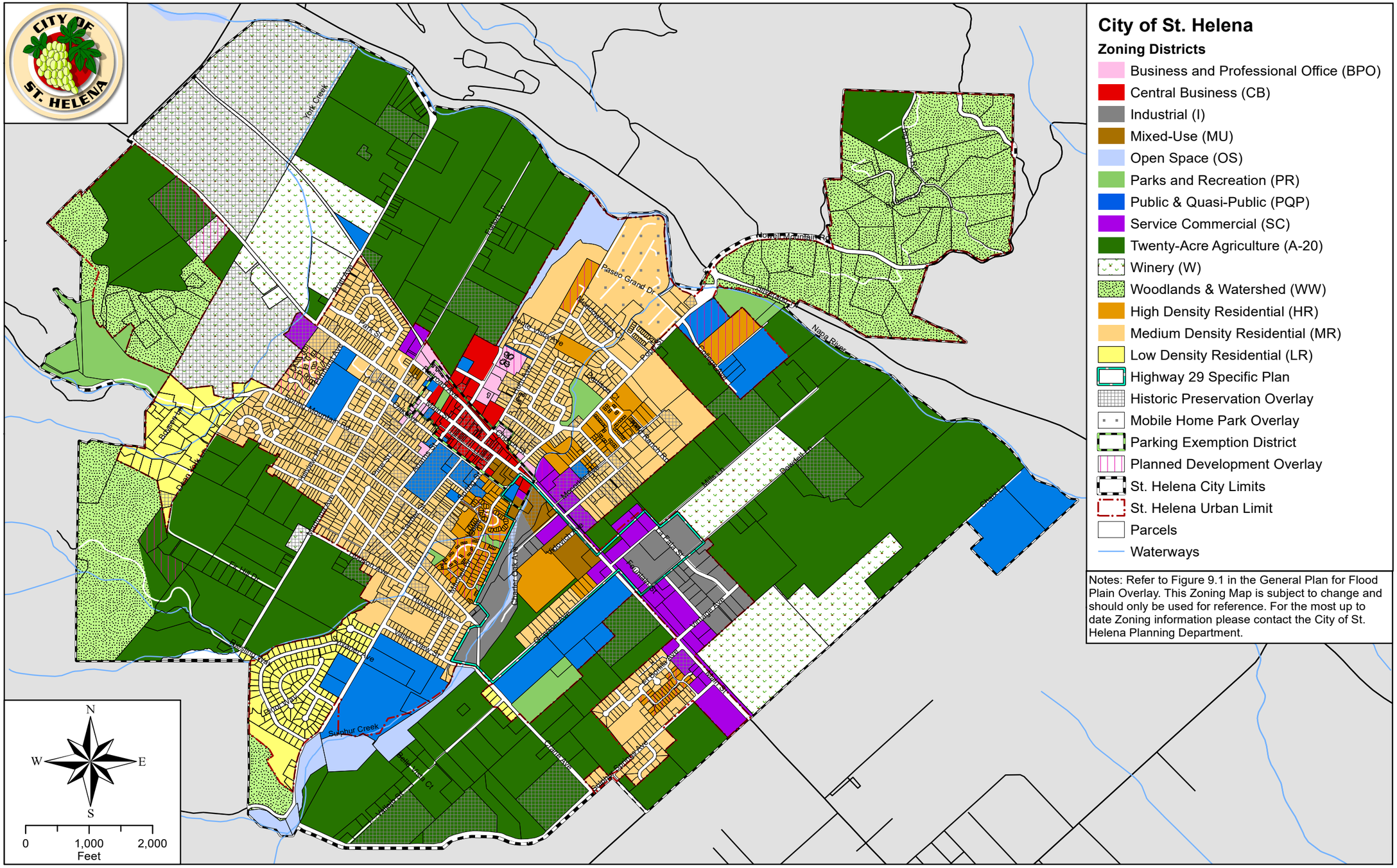
2. The Planning Commission may waive the minimum setback requirements of existing units after review of the location of the proposed panhandle, the width of the landscape area and the location of buildings in the vicinity.

D. **Exceptions.** In unusual cases, the Community Development Director shall have the authority to establish the location of the setback and yard standards in relation to any existing or proposed buildings or structures.

## 17.34.090 Measuring Signs

The calculation of measurements related to signs are described in Chapter 17.27, Signs.

LWC


City of St. Helena
Zoning Districts
Business and Professional Office (BPO)
Central Business (CB)
Industrial (I)
Mixed-Use (MU)
Open Space (OS)
Parks and Recreation (PR)
Public & Quasi-Public (PQP)
Service Commercial (SC)
Twenty-Acre Agriculture (A-20)
Winery (W)
Woodlands & Watershed (WW)
High Density Residential (HR)
Medium Density Residential (MR)
Low Density Residential (LR)
Highway 29 Specific Plan
Historic Preservation Overlay
Mobile Home Park Overlay
Parking Exemption District
Planned Development Overlay
St. Helena City Limits
St. Helena Urban Limit
Parcels
Waterways
Notes: Refer to Figure 9.1 in the General Plan for Flood Plain Overlay. This Zoning Map is subject to change and should only be used for reference. For the most up to date Zoning information please contact the City of St. Helena Planning Department.
N
W
E
S
0
1,000
2,000
Feet
York Creek
Napa River
Sulphur Creek
Spring Mountain Rd
Pope St
Main St
Adams St
Hunt Ave
Charter Oak Ave
Crane Ave
Railroad Ave
Whitehall Ln
Deer Park Rd
Dowdell Ln
Ehlers Ln
Glass Mountain Rd
Silverado Trl
Petrified Forest Rd
Lodi Ln
Bale Ln
Bella Vista Dr
Bella Vista Ct
Valley View Dr
Meadowood Ln
Meadowood Cir
Pratt Ave
Kearney St
Oak Ave
Mitchell Dr
Mitchell Ct
Mockingbird Ln
Mockingbird Ct
Hillcrest Dr
Hillcrest Ct
Hillcrest Pl
Hillcrest Ln
Sunshine Ln
Sunshine Ct
Sunshine Pl
Sunshine Cir
Sunshine Way
Sunshine Dr
Sunshine Ave
Sunshine Rd
Sunshine Trl
Sunshine Pkwy
Sunshine Blvd
Sunshine Ter
Sunshine Sq
Sunshine Ln
Sunshine Ct
Sunshine Pl
Sunshine Cir
Sunshine Way
Sunshine Dr
Sunshine Ave
Sunshine Rd
Sunshine Trl
Sunshine Pkwy
Sunshine Blvd
Sunshine Ter
Sunshine Sq

**LR District Proposed Standards for Maximum Primary Building Footprint**

| LOT SIZE-square feet | MAX Footprint of Primary Structure |
|---|---|
| ≥7000-7999 | 2400 |
| ≥8000-8999 | 2700 |
| ≥9000-9999 | 2950 |
| ≥10,000-10,999 | 3300 |
| ≥11,000-11,999 | 3650 |
| ≥12,000-12,999 | 4000 |
| ≥13,000-13,999 | 4350 |
| ≥14,000-14,999 | 4700 |
| >15,000 | 4800 |

## Cindy Tzafopoulos

**From:** Maya DeRosa
**Sent:** Friday, October 21, 2022 5:34 PM
**To:** Cindy Tzafopoulos
**Subject:** FW: [External] Comments regarding new Zoning Ordinance

Hi Cindy, once the packet is live for the 10/26 meeting, please add this to it.

**MAYA DEROSA, AICP**
**COMMUNITY DEVELOPMENT DIRECTOR**
City of St. Helena | Community Development Department
1572 Railroad Avenue | St. Helena, CA 94574
Direct: (707) 967-2783 | mderosa@cityofsthelena.org | http://cityofsthelena.org/planning

**From:** Kelly Wheaton <a4est42@gmail.com>
**Sent:** Friday, October 21, 2022 4:29 PM
**To:** Maya DeRosa <MDeRosa@cityofsthelena.org>
**Subject:** [External] Comments regarding new Zoning Ordinance

Thanks Maya for Returning my call.

To the St Helena Planning Commissioners and St Helena City Council

**Comments specific to Section 17.19.010 and more specifically your table 17.19.030**
As stated "Re: Twenty-Acre Agriculture (A-20)

This Zone restricts the density of residential use and stipulates the location and area of residential development to promote **preservation of agricultural land use** and reduce impacts to the provision of infrastructure as the urban area of the City expands."

In your table 17.19.030 you propose a maximum of *35% lot coverage* which includes accessory structures in parcels of 2 acres or less. I would like to point out that this is the same *35% limit* as proposed in your Low Density Residential LR Zoning. For lots greater than 2 acres this is restricted to ½ acre of non agricultural use which is 25% of 2 acres and 10% of 20 acres. Which I would point out is a much more reasonable standard.

I would urge you to consider a reduction to between 10-25% in 2 acre or less A20 zoning. It seems unreasonable to hold the same standard as low density Residential while professing to preserve Ag lands. Let's put this another way on a 1 acre A-20 parcel one could cover more than a third in structures. Since I live on an acre parcel I can tell you that is ludicrous. 2 acres at 35% means of 87,120 sf, 30,492 sf could be covered in structures. Do you really want to open the door to over 30,000 sf of structures in your A20 zone? I can tell you this is not preserving agriculture and subverts your stated goal. So I urge revising this.

Another gaping whole in the same Table 17.19.030 is the stated maximum ground level Floor area which not only excludes accessory structures there is no restriction on underground square footage, no restriction on second story or overall structures other than the previously mentioned 30,000 potential sf of structures on parcels of 2 acres or less. **Why are they not restricted to Second stories of 35% of ground floor area like in parcels over 2 acres?** Do you realize

that I could build a 4,500 sf house ground floor level and have another 6,000 sf on the second story under this guideline? So a 10,500 sf house and that does not count a full basement or out buildings.

I would suggest that the provisions of A-20 for parcels of 2 acres or less be aligned with the current standards for those over 2 acres. It's a pretty simple fix and would close many a loop-hole that will haunt you in the future.

**All Zoning**

I also think it is appropriate **to address underground square footage be included in ALL calculations for ALL zoning districts**. Underground structures bring their own problems including drainage, flooding and displacement of groundwater during high rainfall events. **There also is a correlation between overall water use and the size of a structure---whether that is above ground or not.**

**Water Usage**

While I am not sure where this should be addressed it is obvious that basing water usage on the number of bedrooms (which people just call a sewing room, library, study etc to circumvent the intent) or new structures replacing high flow faucets, toilets etc while greatly increasing square footage including landscaping is not sufficient to prove that the new development is water neutral. This needs much more scrutiny. The current proposal on the corner of Madrona and Fir Hill of 11 bathrooms and 4 washing machines being an egregious example.

Sincerely

Kelly Wheaton

1335 Inglewood Ave

St Helena

707-963-9609

--

Kelly Wheaton

**Xinia Gamero**

**From:** Daniel Hale <danielhale64@yahoo.com>
**Sent:** Wednesday, October 26, 2022 4:30 PM
**To:** Xinia Gamero; Cindy Tzafopoulos
**Subject:** [External] Code revision comment
**Attachments:** CODE REVISION COMMENT.pdf

City, Xinia,

Understand this is close to the wire to enter into agenda but thought I would forward (attached).

Daniel Hale
1616 Madrona Avenue
Saint Helena, CA 94574
707.227.4322

www.danielmhale.com

danielhale (INSTAGRAM)

SHCC, SHPC, Planning Dept,

RE code revision:

I have now made several thorough passes at code draft revision. I undertook that with the mindset that it would take a commitment of time and some amount of patience to understand new facets and how best to negotiate and find pieces of code and compare them to a more settled understanding of existing code. I expected some level of frustration and evolution of understanding. I understand that this is a DRAFT and not the final iteration…as is my understanding of it

Some preliminary take-aways from that exercise:

There should absolutely be an introduction and or key to the items that have changed and make clear the changes in relation to existing code. Also would seem critical to explain what sections of code needed change and why…the reasoning that went into those decisions and the resulting improved code.

It seems clear that it is based upon a generic template for a town that is not Saint Helena and I cannot see how it may have been generated by stakeholder interviews. Those appear now as little more than a box checking /window dressing exercise.

Did anyone actually do the math?  (apply new sf allowances to actual lots/situations in town? See inserted exercise below:

square footage allowed by “revised” verses existing code comparison

| equiv in LR | new code | exist code MDR incl +200sf for garage exemption | LOT SIZE | new code MR calc | | new code calc in LR | |
|---|---|---|---|---|---|---|---|
| **4715.4 sf** | 3054 sf | 3256 sf | 80x120 9600 sf | 2000 sf footprint + second level 1054 sf = 3054 sf | | 2950 sf footprint + second level 1765.4 sf = | |
| **4616.6 sf** | 3053.5 sf | 3135 sf | 50x184.5 9225 sf | 2000 sf footprint + second level 1054 sf = 3054 sf | | 2950 sf footprint + second level 1666.6 sf = 4616.6 sf | |
| **3700 sf** | 3053.5 sf | 2710 sf | 50x150 7500 sf | 2000 sf footprint + second level 1053.5 sf = 3053.5 sf | * most typical lot size in St Helena | 2400 sf footprint + second level 1300 sf = 3700 sf | |
| **5963.8 sf** | 3054.4 sf | 3545 sf | 75x150 11250 sf | 2000 sf footprint + second level 1054.4 sf = 3054.4 sf | | 3650 sf footprint + second level 2313 sf = 5963.8 sf | |
| **na** | 2025 sf | 2000 sf | 50x100 5000 sf | 1400 sf footprint + second level 625 sf = 2025 | | na | |
| **na** | 2033.2 sf | 2300 sf | 50x120 6000 sf | 1400 sf footprint + second level 633.2 sf = 2033.2 sf | | na | |
| **na** | 3053.5 sf | 2300 sf | 50x120.02 6001 sf | 2000 sf footprint + second level 1053.5 sf = 3053.5 sf | *new definition of small lot (under 6000sf) | na | |
| **8050 sf** | 3054.4 sf | 4100 sf | 100x150 15000 sf | 2000 sf footprint + second level 1054.4 sf = 3054.4 sf | | 4800 sf footprint + second level 3250 sf = 8050 sf | |
| **8050 sf** | 3054.4 sf | 4200 sf | 100x160 16000 sf | 2000 sf footprint + second level 1054.4 sf = 3054.4 sf | | 4800 sf footprint + second level 3250 sf = 8050 sf | |

Above is a comparative table of applied existing code and revised code for both the MR designated and LR designated areas. Based on actual lots and result of applied code and resulting square foot allowed in those instances.

I believe it should include at minimum an introduction as to why FAR is no longer the tool used to understand and empower allowed square footage. What is the logic behind that change? And how has the change been made at all clear without some form of comparative analysis? Why are there references in other parts of the revision to FAR when it appears to no longer be the driver? As you can see above there are potentially substantial changes in allowed square footages.

I am not sure what revision is shooting for for but results seem a bit arbitrary and haphazard at best. Obviously this chart examines one facet of revision but it is an aspect that affects every neighbor or holder of real estate in town. I cannot imagine that the intent was to substantially shift real estate values in town but I also cannot see how this revision would not instantly accomplish that. What was reasoning behind allowing LR areas (Sylvaner and Dean York and Eastern edge of Vallejo street) such a shift in allowable square footage when compared to same size lots in MR area?

Transparency?
What design guideline (expert/mantras/thoughts/handbook?) suggest that a universal widget exists that can spin geometries and math (in that new area of code) to produce more successful buildings? And what demonstration of Planning Commission (past or present) would inspire one to think that it (past, present or future) is capable of interpreting?

Same question should be asked about mandated setbacks of second levels. I do not see how a one size fits all rule that ignores site influences will serve anyones interest…meanwhile crushing creativity and expression.

Arbitrary bans on certain material/finish choices do not a better town make. (IE corrugated)

Mistakes in both graphics and wording can be reconciled but I believe more scrutiny before presenting would have been time/effort well spent.

CODE MATTERS:

It shapes development use and property value.

I intend to examine the revision more and more closely and I am sure my understanding of it will evolve but as it currently stands I believe it is a LARGE step backwards. It does not address demonstrated choke points in previous code and introduces (seemingly arbitrarily) many new thorns to struggle over. I believe it NEEDS at minimum a COMPREHENSIVE rethinking…It is not more clear or instructive as to development or alterations.

Sincerely,

Daniel Hale
1810 Vineyard Avenue
Saint Helena

## Xinia Gamero

**From:** Joe McGrath <joe.mcgrath65@gmail.com>
**Sent:** Wednesday, October 26, 2022 4:25 PM
**To:** Geoff Ellsworth; Paul Dohring; Anna Chouteau; Lester Hardy; Eric Hall; Maya DeRosa; Aaron Hecock; Public Comment; John Ponte; Autumn Anderson; Rosaura Segura; Marika Rothfeld; Christopher Warner; Joe McGrath
**Subject:** Re: [External] Draft Zoning Code Input
**Attachments:** Design and Development Guidelines (2004).pdf

I would encourage you all to review the City of Fairfield Design Guidelines -attached.
This document provides clear articulation of desired design features,
without overly defining quantitative values that pertain to aesthetics and contextual design.

I clearly understand that we are not Fairfield and do not want to be Fairfield...
But the point remains the same.

Thx,

Joe

On Wed, Oct 26, 2022 at 4:15 PM Joe McGrath <joe.mcgrath65@gmail.com> wrote:

> 10/26/22
>
> Mayor, Council Members, Planning Commission, and Planning Staff:
>
> Thank you for undertaking the herculean task of updating and revising the St. Helena Zoning Code.
>
> The goal of this collective effort should be to create a Zoning Code that preserves and enhances the character and uniqueness of St. Helena while facilitating and streamlining the process for an applicant.
>
> The updated Zoning Code should further clarify both the application process and streamline the code to reduce and minimize subjectivity in the evaluation of an application. Zoning Code should facilitate and not obstruct the application and development process.
>
> In a cursory review of the Draft Zoning Code released last week, it Is clear that the initial draft has made some significant enhancements to the review process as well as the code. The introduction of Design Guidelines, a new Major and Minor Design Review Process, the authorization of the Planning Director to approve Minor Design Review, and the reduction of some setbacks and parking ratios for multi-family development are all steps in the right direction.
>
> However, It is imperative that the City get this right.
>
> As we all know, St. Helena, like many communities around the State, is facing a severe housing affordability issue. St. Helena is particularly exposed to this crisis as it has a robust wine and hospitality industry with a high jobs:working resident ratio, is physically and logistically isolated from other communities, and has extraordinary demand on its limited housing stock coming from retirees, second home owners, and non-working residents. All while rightfully preserving our agricultural and natural environment.

As many of you know, I am a St. Helena native, full-time resident, and the developer who built the market rate workforce housing apartment complex at 632 McCorkle. Unfortunately, I believe I still have the improbable "honor" of having built the only private, market rate multi-family apartment complex in St. Helena in over 30 years.

While I currently serve on the Board of Our Town St. Helena, I am providing this input as a private citizen. As I believe it will ultimately be impossible for affordable non-profit organization and public subsidies to exclusively close the housing affordability gap, it is imperative that the market play a pivotal role to solve for affordable housing. We cannot subsidize our way to a housing solution. An affordable housing solution will require market participation and incredible ingenuity; in the acquisition or leasing of land; in building techniques and process; in the productization of building; in modular construction (such as volumetric or panelized modular manufacturing); In financing methods; in private partnerships; **and in cooperation and collaboration with municipalities or other regulatory authorities**. As such it is critical that the new zoning code plays a critical and contextual role in solving this challenge and be conscious of any code, no matter how well intended, that increases multi-family project costs. I encourage the Council and the Commission to understand the language of every line of this code and understand their potential implication, intended, or not.

In the brief time allowed from the draft code release to public comment, I would like to identify a few items that deserve attention:

- Design Review
  - It should be made very clear that Design Review is not a discretionary review for entitled “by-right” projects. Design Review, in this case, is to shape a project in the interest of all stakeholders and the community, not a determination if an entitled, by-right project can be built or not.

- Design Review v. Design Guidelines
  - It appears that the intent of this draft is to streamline applications that meet design guidelines which allows them to forego Major Design Review in some instances. This is a noble cause and I am full support. However, the document would be much more clear and use a process outline with “if, then” type process flow.

  - It is critical to getting Design Guidelines right. It is very difficult to do architecture by numbers, and we should be skeptical of quantitative values in relation to aesthetic design features.

- Major Design Review
  - New multi-family residential is not identified under 17.05.070.C Applicability. Is this an omission? or is this indicating that if Design Standards are met and application is compliant to all other codes, that an application can forego Major Design Review? This process flow needs to be clarified.

- Design Standards for all Residential Development
  - 17.16.030 Development Standards Private Open Space for Multi-Family = Min 120 SF
    - This is an onerous and expensive requirement for upper floors of multi-family. This would equate to a 10’ * 12’ balcony. Many jurisdictions require private exterior space on exterior units, but much smaller square footage (closer to 50 SF). This requirement should be reconsidered as it will cost out market based multi-family solutions and preclude modular construction solutions.
  - 17.16.040.3b. 12’ separation of windows.
    - This requirement for multi-family residential could preclude cost-effective solutions such as modular construction that may likely have mirrored units opposite of each other. 12’ seems an

onerous distance. This requirement should also be contained with the opposing window/facade distance. For example, if the opposing façade is > 8', then the windows can be opposite. (I have strived on my projects to have window fenestrations on two planes of a room. This requirement may entice developers to remove a window on one facade.)

- 17.16.040.A.5.b. Flat Roofs of Roof >= 5:12 pitch.
  - 4:12 is by far the most common roof slope. Is this standard eliminating 1:12-4:12 pitches? I see no public benefit of this requirement. 3:12 and less pitches on 2-story buildings are likely not visible from ground level.
- 17.16.040.A.5.c. Min 6' ridgeline for shingle roof.
  - Why? Attic venting cupolas would violate this guideline. These features are in the historic architectural vernacular of Napa Valley.
- 17.16.040.A.5.c Second Floor Plate not to exceed 20'
  - The market effectively requires and desires a 9' apartment ceiling. Volumetric modular construction has a higher stack height than conventional construction since the floor and ceiling assemblies on stacked units are not integral like conventional construction. There are benefits to this with respect to both firewall separation between units as well as sound attenuation. However, the stack height of one floor of a modular unit is between 10'6" and 11'. If you stack a second story module over the first, it may likely exceed the 20' second floor plate height. It is unclear what the public benefit of this requirement is? The structure is already limited by overall height restrictions.
- 17.16.040.6a Prohibited Siding Materials
  - This is an overreach on the part of the Zoning Code. For example, corrugated metal siding is not only a popular design aesthetic, it has been used throughout Napa Valley history as a barn siding and fits within the architectural vernacular of our agrarian past and present. It is also fire-retardant and cost-effective. I can comprehend a code based on siding reflectivity, but to exclude a material class (particularly corrugated) outright is overreach.
- 17.16.040.A.1.a 18" vertical offset every three units
  - Vertical and Horizontal undulation of building massing is important to urban scale and context. Putting specific numbers on this is challenging and somewhat architecture by numbers. There are urban settings (Georgian London for example) that work well with very poor massing - if looking at it strictly by numbers. In that instance, building articulation makes up for single plane massing. We should scrutinize every numeric value we put in aesthetic design standards.
- 17.16.040.C.1.L 200' CU FT of storage space
  - Please clarify - internal or external?
- 17.16.040.A.12 Sustainable and Energy Efficiency.
  - These requirements are already covered by CBC and redundant.
- 17.16.040.C.6 Universal Design
  - These requirements are already covered by CBC and ADA and are redundant.

Thanks you for your time. I have limited comments here to the scope of tonight's meeting.

I am happy to continue to work with Staff on refining and improving the Zoning Code.

Joe McGrath

# CITY OF FAIRFIELD
# DESIGN & DEVELOPMENT GUIDELINES

**Adopted by Resolution of the Fairfield City Council**
**March 20, 2004**

# CITY OF FAIRFIELD
# DESIGN & DEVELOPMENT GUIDELINES

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# I. INTRODUCTION

## Urban Design Goals and The Guidelines

As the City of Fairfield matures, it faces the challenge of integrating new development into existing communities, enhancing those communities, preserving and improving the natural setting, and protecting the City's human scale (the "small town" self-image).

***Urban design*** addresses the way buildings, streets, landscape, and open space combine to create an attractive and memorable community character, or "sense of place." It creates a supportive framework for new investment and enhances community pride, while providing environmental and aesthetic benefits. City urban design policies, programs, and design standards are used to strengthen community character. The *Fairfield General Plan* "Urban Design Element" establishes an overall urban design goal for the City:

***"Enhance Fairfield's image as a unique community and retain that image in attractive and orderly development which preserves the beauty of the natural setting."***

The ***Design and Development Guidelines*** help the City implement this goal. The ***Guidelines*** provide direction to developers, business owners, homeowners, the Planning Commission, and City staff for project review.

## Organization of the Guidelines Document

This document is organized by Chapter and Building Type, with specific chapters devoted to Subdivisions, House Design**,** Multifamily Housing, and Commercial Development (Downtown , Commercial Corridors, Office, and Business Parks). There are also guidelines for Mixed Use Development. The Guidelines address both site development and building design. Site development includes landscaping, pedestrian connections, access, parking, open space, and streetscapes. Building design includes facade composition, materials, and architectural features, among others.

### The Prototypes

In addition to the written guidelines, each chapter includes "Prototypes" which illustrate some of the desired concepts and design principles that the City would like to see for different types of development. The prototypes are intended to complement the written guidelines and photographs but are not meant to be definitive. For example, the prototype for a single family subdivision shows options for boulevards with deep setbacks, street layouts integrating the neighborhood into the community, the distribution of pocket parks and open space elements.

## Using the Guidelines

**The *Guidelines* apply to all new residential, commercial, office and industrial projects in Fairfield, as well as major remodelling and expansion projects.**

This document summarizes the City's expectations for urban design in Fairfield, with a focus on aeasethtic, functional, and design issues often identified during the City's design review process. For a fuller understanding of the necessary rules and regulations that must be followed during development, project proponents should also consult:

- **Fairfield Zoning Ordinance**
- **Public Works Standard Details**
- **California Standard Building Code**
- **Fairfield Subdivision Ordinance**

These Guidelines use words like **"shall"** for **mandatory** elements, which staff will require be incorporated into projects. Words like "should" and "consider" refer to desirable design elements that are strongly encouraged.

Before a project is submitted for review, an applicant is urged to meet with staff to discuss how the Guidelines apply to the project. Planning staff can also direct applicants to other requirements. We also recommend applicants use the City's free **Conceptual Review** process. Staff will review a project's conceptual design and provide written comments outlining potential issues.

# II. COMMUNITY CONTEXT

## Natural Setting

Fairfield is located at the northeastern edge of the San Francisco Bay Metropolitan Area. Despite the City's growth, Fairfield remains surrounded by natural and agricultural landscapes. Rolling, grass and tree-covered hills border the City to the north and northwest, culminating in the area's two mountain landmarks: Twin Sisters (to the west) and Cement Hill (to the northeast). Rockville Hills Park, located west of the city, preserves a unique landscape of rock outcroppings, native trees, grasslands, and seasonal wildflowers. These hills provide an attractive backdrop to the City's man-made environment, as well as offering some recreational activities.

South of the central city is the Suisun Marsh, the Continental United States' largest brackish marsh. The marsh is a major resting stop for birds and has been largely preserved as an open landscape of sloughs, grasslands,and unique plant communities. Active vineyards and orchards are concentrated in Green Valley and Suisun Valley, rich agricultural districts immediately west of the City proper.

Several creeks run through or border Fairfield, providing natural open space corridors and recreational opportunities. These include Green Valley Creek in Middle Green Valley, American Canyon Creek in Cordelia Villages, Ledgewood Creek, which borders the Suisun Valley, and Laurel Creek in eastern Fairfield.

## Development Pattern

Fairfield has grown rapidly since World War II. Although part of the Bay Area, the city remains a physically separate, distinct city. Maintaining this distinct character is important to the community.

Central Fairfield includes the original town site and surrounding neighborhoods dating from the 1940s-through-1990s. Northeast of central Fairfield is Travis Air Force Base. Cordelia, located to the south near the intersection of Interstates 80 and 680, includes freeway-oriented businesses, newer housing, and office and industrial parks.

Interstate 80 is the spine of the City. It has enabled development of commercial centers at Cordelia Junction, and the Fairfield Gateway. Fairfield is also served by Interstate 680, which links Solano County to Contra Costa County and the East Bay, Highway 12, which links the city to Napa County and the Central Valley, and Air Base Parkway, which links Travis Air Force Base to I-80. The future Manuel Campos Parkway will link northeastern Fairfield to Interstate 80. Major surface arterials include Texas Street, North Texas Street, and Travis Blvd. These streets form a large grid that provides some continuity in Fairfield's largely unconnected network of local streets.

Fairfield, like most suburban communities, is a low density city largely experienced from the car. One-and two-story buildings predominate, with a majority of the city's land area devoted to detached single-family homes. Land uses are separated, linked via wide arterial streets.

## Landscape and Open Space

Landscaping, which includes formally designed and planted landscaping as well as natural open space, dominates the physical appearance of Fairfield. As infill development and redevelopment becomes more important, Fairfield must preserve and enhance the landscaping in residential neighborhoods.

One of the most attractive landscape elements in Fairfield is the "urban forest" of street trees. Large, mature street trees that form a canopy are a critical element in creating attractive residential neighborhoods, particularly in warmer climates like Fairfield.

Newer residential neighborhoods often incorporate special landscaping at neighborhood entries. For example, Green Valley Lakes features a landscaped median with a triple row of street trees. Particularly in the autumn, this landscaping creates a dramatic entrance for the community. Another characteristic element is the perimeter wall which defines neighborhoods and mitigate traffic noise levels. Green Valley Lakes is surrounded by carefully-designed masonry walls incorporating decorative pilasters, landscaping, and neighborhood signage. In some older neighborhoods, however, no landscaping has been planted (or planted landscaping has died) to soften the harshness of the walls.

Walls and gateways can help create a sense of place but can also "separate" neighborhoods from surrounding communities. In many areas, these walls have divided the city into a series of "walled enclaves."

Neighborhood parks and open space are another important element in the local landscape. Rancho Solano, for example, is identified with its golf course and rolling, oak-covered hills. Lakes lie at the center of the Woodlake, Green Valley Lake, and Paradise Cove communities. Wood Creek and Rolling Hills feature parks as community focal points. Southbrook and Woodcreek both offer residents trails along local creek corridors. Rockville Hills Park and the Rolling Hills Open Space are attractive backdrops to neighboring residential communities.

Landscaping in multifamily areas varies. Some older, smaller complexes are built to the street line, with landscaping limited to street trees, foundation shrubs, and lawns. Newer projects offer more amenities, such as landscaped courtyards, playgrounds, and pool complexes. Some complexes incorporate water features and dramatic entrance landscaping with gates and rock walls. As with some single family neighborhoods, the goal should be to not create a walled enclave but to create a complex that is a part of the community.

Landscaping in commercial areas has traditionally been less important in Fairfield. In the City's older commercial areas, landscaping is often limited and inconsistent, with most of the land area devoted to hard surfaces like parking lots and drive aisles. This creates an often harsh and unattractive setting for the community's heart. Newer shopping areas pay more attention to landscaping. While still scaled for the automobile and its need for large parking lots, the retail areas around Solano Mall incorporate landscaping that add color and interest to the street. Newer shopping centers include landscaped seating areas, pedestrian walkways, and entry features.

The City's business parks also vary in design quality. Some older areas oriented to small business and "service commercial" land uses (Western Business Park, State Street) have limited landscaping and basic architectural design. Newer areas like Solano Business Park and Green Valley Corporate Park, offer more elaborate landscapes incorporating special sign programs, amenities like lakes and walking paths, and elaborate entrances.

## The Built Environment

Fairfield is a city dominated by single-family homes. Most homes in Fairfield date from the postwar period and reflect typical regional suburban designs. The ranch house is probably Fairfield's most characteristic residence. Fairfield's residential neighborhoods are generally pleasant, with plentiful landscaping and trees. This pattern is evolving with the recent popularity of medium-density single-family homes, often built with relatively small yards.

The dominant pattern remains separation of homes by type, size, and price. There is relatively little mixing of housing sizes, types, and affordability within individual neighborhoods. Most housing is "tract housing" built at one time by large regional and national builders. Repetition snd monotony are an important issue, along with domination of residential streets by garage doors, scarcity of neighborhood parks, and the design of multifamily housing, which is often poorly integrated with surrounding neighborhoods.

Builders in Fairfield have traditionally provided relatively affordable housing for the Bay Area. As in the rest of California, price inflation has made single family homes increasingly unaffordable. Cost and new policy directions in the General Plan mean that new higher density and mixed-use development will be an increasingly important part of the local housing market.

Commercial development in Fairfield is also relatively small in scale, with only a handful of structures taller than a three-story building. Fairfield's old downtown is small in scale, with one-to-two story buildings lining Texas Street and adjacent blocks. Fairfield, of course, does have larger buildings, particularly in business parks. Many larger buildings are visible from the freeways and adjacent arterials. Larger structures include the Fairfield Civic Center, the Solano County Government Center, and the Fairfield Center for the Creative Arts. Private and commercial buildings like Solano Mall, Anheauser-Busch, and Northbay Medical Center serve as landmarks for the city, particularly the mall and its colorful movie theaters and the brewery.

Development generally follows a suburban pattern, with separated, single-purpose land uses. There is little "mixed use" development. Commercial development is physically and geographically separated from residential neighborhoods and often concentrated into the city's commercial corridors and shopping centers. There is always plentiful parking, and buildings are set back from the street. This pattern of development is oriented to the driver, not pedestrians or bicyclists. The City's commercial areas are often quite hostile in scale and design for pedestrians. North Texas Street, for example, the City's oldest commercial spine, is generally not a pleasant district for a stroll.

While parks, clubs, churches, and workplaces certainly provide for some social functions, the City also needs informal gathering spaces and pleasant pedestrian streets, places for sidewalk cafes, push-cart vendors, and attractive public art. Some of the newer shopping centers in Fairfield are beginning to incorporate such elements. Centers like Ralay's Plaza on North Texas Street and Gateway Courtyard illustrate what can be done with simple landscaping, building placement, and public outdoor seating.

***Seating Areas and Pedestrian Walkways at Gateway Courtyard***

Finally, large signs are a dominant element. This is particularly true at night, when well-lit signs, such as the Solano Mall pylon and Budweiser Brewery logo, are visible for miles. While some find these signs unsightly, they help create an image (and an identity) for the community. Such larger signs can be more than just commercial imagery, they can help create a sense of place. The winepresser outside Napa is a symbol of an industrial park - but it also serves as a public art piece for the community's gateway. New large scale signage in Fairfield should incorporate unique images-particularly near community gateways and focal points.

Public signs are also important. The new signs installed by the City near Solano Mall have a strong visual character tied to the community's past (the downtown arch) as well as pointing to key destinations. The City should work with property owners near gateway locations and major intersections to reserve space for major public art and signs.

# III. SUBDIVISION GUIDELINES

**Objective:** *Encourage attractive residential areas with distinctive character.*

## Subdivision Review Process

The City reviews "*Tentative Subdivision Maps*" and "*Community Design Plans*." *Maps* establish the layout of lots and streets, while *Design Plans* address landscaping and design issues. Guiding the review are the *General Plan* and the *Zoning* and *Subdivision Ordinances*. The *Hillside Management Guidelines*, *Scenic Vistas and Roadways Plan*, *Tree Preservation Ordinance*, and the *Creekside Protection Ordinance* also apply to subdivision design.

## LAND PLANNING AND SITE DEVELOPMENT

A. NATURAL FEATURES/OPEN SPACE

1. **Access -** Allow residents to see and have access to open space and natural amenities. Preserve views of open space. Use "single-loaded" roads as shown in the Prototype on Page 10. Use open fencing, and provide trails and/or viewpoints.

2. **Activity Centers -** Connect activity centers like parks, clubhouses, and/or schools with natural areas through walkways.

3. **Tree Preservation -** The City's Tree Preservation Ordinance requires the preservation of native trees and other significant trees. Preserve existing trees and groups of trees.

4. **Pockets** - Don't leave pockets of isolated and hidden open space surrounded by houses.

B. NEIGHBORHOOD EDGES - New neighborhoods should be visibly part of an existing community, not walled enclaves.

1. **House Orientation -** Orient the fronts of new houses to existing streets. Avoid creating an unbroken wall of rear facades. The prototype shows the use of deep lots fronting on the collector street as an alternative to the soundwall concept.

***Paradise Cove preserves views of its wetlands.***

2. **Perimeter Walls -** Perimeter walls are discouraged except where required for sound attenuation.

   a. Avoid walling off infill subdivisions from surrounding/ adjoining neighborhood.

   b. Justify all sound walls. Provide proof that there are no alternative solutions that provide equal sound mitigation.

   c. Any perimeter walls shall be buffered with at least ten feet of landscaping.

C. NEIGHBORHOOD GATEWAYS - Create attractive and visible neighborhood gateways at major sudivision entrances.

1. **Paving** - Incorporate pavers or colored/stamped concrete or asphalt.

***Gateways should have a pedestrian scale.***

***Another example of a neighborhood gateway.***

2. **Signs** - Use neighborhood identification signs.
3. **Landscaping** – Use street trees, ornamental plantings, stone walls, and water features. At major entrances, consider using landscaped median islands with a double row of flowering trees.

4. **Vehicular Access** - Use distinctive road configurations at major entries. Roundabouts, for example, can create a dramatic entry, slow traffic, and integrate the subdivision with adjoining neighborhoods. Such unique configurations must be approved by the Public Works and Fire Departments.

5. **Community Buildings** – Locate public and community buildings, near the edges of neighborhoods.

## STREET DESIGN AND LAYOUT

These guidelines address the design of the residential street network, which currently includes major ***Arterial Streets*** that tie the City together; ***Collector Streets***, interconnect neighborhoods and carry limited through traffic; and ***Local Streets***, which provide direct access to individual houses. Street types are defined in the Fairfield General Plan Land Use Diagram. The following streets are defined as **ARTERIALS** in the General Plan:

**North Texas Street**
**Dover Avenue**
**Walters Road**
**Peabody Road**
**Travis Blvd.**
**Suisun Valley Road**
**Mangels Blvd.**
**Lopes Road**
**Gold Hill Road**
**Dickson Hill Road**
**Texas Street**
**Claybank Road**
**East Tabor Avenue**
**Sunset Avenue**
**East Travis Blvd.**
**Nietzel Road**
**Green Valley Road**
**Red Top Road**
**Cement Hill Road**
**Sunset Avenue**

Major **COLLECTORS** in the City **include:**

**Gulf Drive**
**Link Road**
**Wood Creek Drive**
**Vista Grande Drive**
**Capitola Way**
**Vintage Valley Parkway**

## A. OVERALL GUIDELINES -

1. **Access Points -** Integrate new streets with the existing street network (see prototype). Larger subdivisions should allow for multiple access points to the neighborhood.

2. **Street Grid -** Use a grid system within the subdivision to allow residents multiple ways to get to their homes.

3. **Traffic Calming -** Road design, not signs alone, should be used to control traffic speeds and volumes within neighborhoods. While Fairfield does not permit speed bumps or dips, there are other alternatives that can be considered, like traffic circles, narrowed streets at intersections (neck-downs), and median islands. The Department of Public Works has prepared a report on Traffic Calming that addresses possible design options for Fairfield. Any Designs will be reviewed by the Public Works and Fire Departments to ensure that public safety concerns are addressed.

4. **Long Blocks -** Avoid the use of long, continuous blocks (greater than 600') in residential areas. Break up longer blocks with traffic calming devices, jogs in the street pattern, traffic circles, and other design elements. Long, unbroken blocks encourage speeding, deter circulation, and are visually monotonous.

5. **Sidewalks -** City policy requires sidewalks to be installed on both sides of all residential streets.

## B. ARTERIALS AND MAJOR COLLECTORS

1. **Street Frontage Design Standards -** Avoid sound walls along street frontages except when specifically required by an acoustic study or design analysis.

   a. **Walls and Fences -** Where walls are necessary, they should meet the following design standards.

1. Use vines and shrubbery to soften walls and reduce opportunities for grafitti taggers.

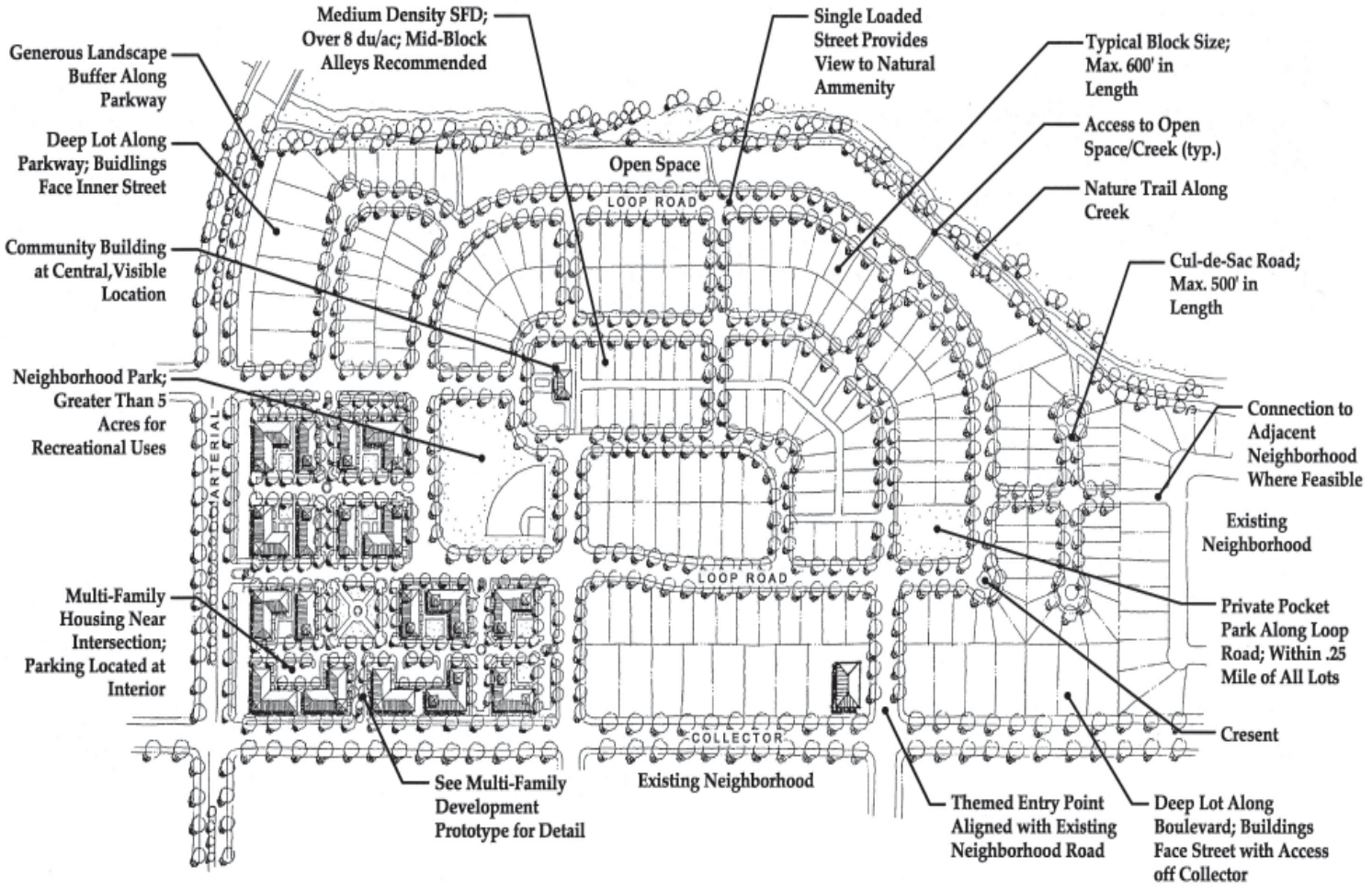
2. Incorporate periodic pilasters, with caps, and, where appropriate, trim bands, pre-cast caps, or bottom bands.

3. Major corners shall be monumented with decorative columns or pilasters, including caps.

4 Use one wall design for continuity. However, incorporate jogs in the wall to provide variety and visual interest.

5. Provide pedestrian access points every half mile to allow for easier pedestrian circulation.

***Woodlake subdivision wall incorporates pilasters***




# SUBDIVISON PROTOTYPE

b. **Landscaping -** Incorporate a parkway strip, a sidewalk, and a second strip of landscaping at least five feet wide between the path and the street curb.

1. Landscaping between the wall and the sidewalk shall be at least six feet deep and shall include a row of street trees spaced no less than 25' on center, foundation shrubs, live ground cover, and ornamental plantings at every street entrance or pedestrian gateway.

2. Sidewalks shall be at least six feet wide. Where an arterial provides a direct connection to a school, park, or shopping center, sidewalks should be ten feet wide and designated as a multi-use path.

***Meandering sidewalks and landscaping soften walls***

***Another example with mature landscaping.***

c. **Median Islands -** Consider landscaped medians at least sixteen feet wide, with street trees spaced 25' on center, low groundcover and/or shrubs. Where the median necks down to less than two feet in depth, stamped/colored concrete or decorative paving can be used.

***Landscaped medians create attractive streets.***

**d.** **Bicycle Lanes -** Use bicycle lanes along arterials and collectors.

**e.** **Frontage Land Uses** - Place more intensive uses such as middle and high schools, churches, significant landscape features, and major parks along arterials. The Prototype shows apartments along the neighborhood edge. Such uses can provide a transition between busy streets and single family neighborhoods.

1. Wherever possible, use deep setbacksof 25-30 feet in depth, landscaping, berms, heavy plantings, and other sound mitigation measures to reduce noise. Locate outdoor use areas behind buildings.

2. Consider traditional boulevard design featuringdeep setbacks of at least 35 feet; double colonnades of trees; low solid walls, and, where traffic levels merit, separate local access drives.

***Provide bicycle routes along arterials and collectors.***

3. If a park or school is located on an arterial or major collector, provide deep setbacks from activity areas. Include a low decorative wall or open fence and landscaping.

***Claybank Road landscape feature.***

C. LOCAL STREETS

1. **Street Width** - Local street widths should not exceed 36' curb to curb. The City will consider narrower streets if the streets are to be privately owned and maintained. Any narrow streets shall comply with emergency access and on-street parking requirements. Sidewalks along local streets shall be 4-1/2 feet wide.

2. **Bicycle Lanes-** In general, bicycle lanes are not requireed on local streets, unless unusually heavy through-traffic is anticipated.

3. **Provide separated sidewalks on through-streets** -A six foot wide planter strip between sidewalk and curb is recommended.

4. **Street Trees** - All residential streets shall incorporate street trees.

   a. Select shade trees suitable for the Fairfield climate. Provide a mix of evergreen and deciduous trees.

   b. Provide a street tree at least every twenty-five feet. Plant additional trees and shrubs in front of privacy fences.

   c. If there is no planter strip, trees shall be planted no more than eight feet behind the sidewalk.

   d. Each single family lot must have at least one street tree and one yard tree.

   e. Streetlights and utilities shall be located to minimize impacts on street trees.

***Street Trees in Rolling Hills.***

D. CUL-DE-SACS - Cul-de-Sacs should be avoided in favor of loop streets and properly sized local streets. Where provided, cul-de-sacs shall not exceed 500 feet in length.

1. **Landscaped Islands** – Consider using landscaped islands in the center of cul-de-sacs (subject to 20 foot curb-to-curb clearance and Fire Department approvals.)

2. **Connecting Walkways** - Provide walkways to connect cul-de-sacs to adjoining streets to reduce walking/bicycling distances. Generally, such walkways should be used to provide for internal circulation within subdivisions, and less so for connections to arterials and other neighborhoods. Such walkways shall require a minimum right-of-way of twenty feet to provide for visibility and reduce hidden gathering places.

***Connect cul-de-sacs for pedestrians.***

E. ALLEYS AND SERVICE DRIVES - Consider alleys as one way of improving the appearance of residential streets. However, alleys must be owned and maintained by a neighborhood association as private streets.

1. **When to use** – Consider alleys in small lot subdivisions where standard layouts would result in a row of garage doors.

2. **Alley design -** Alleys should provide at least 20 feet of clear right-of-way to allow for emergency access and garbage service. Where no emergency access is required, the City may consider, on a case-by-case basis, a narrower alley, as long as parking is limited. In no case shall an alley be narrower than 12 feet for a one-way alley.

3. **Garage setbacks -** Garage doors shall be set back either less than three feet (to make parking impossible) or more than 18 feet (to provide for a full-length parking space) from the alley right-of-way.

## NEIGHBORHOOD CENTERS

A. PARKS - Parks should be tied to open space, trails, schools, services, and shopping. In neighborhoods with no planned parks, provide private mini-parks, plazas, or community gardens.

***Neighborhood fishing area/mini-park at Woodlake.***

B. NEIGHBORHOOD COMMERCIAL AREAS - Shopping centers can be a focus for the neighborhood. Such centers should be small scale, pedestrian friendly, and include community spaces. Even when the neighborhood itself does not have a shopping center, provide links to neighboring coffee shops, restaurants, and convenience markets.

C. PUBLIC AND COMMUNITY BUILDINGS - Public and community buildings, such as clubhouses, recreation centers, and churches, should be focal points for the community. For example, the new recreation

***Neighborhood retail is encouraged.***

building at Paradise Valley, with its varied programs, will provide a sense of place for the neighborhood. As shown on the Subdivision Prototype, choose a central location or, if necessary, peripheral locations accessible to pedestrians from the neighborhood.

***Paradise Valley Recreation Center is a focal point for the neighborhood.***

# IV. HOUSE DESIGN GUIDELINES

**Objective:** *Encourage variation and quality in residential architecture.*

## TRACT HOMES

### A. FLOOR PLANS

1. Developments of more than 25 units should provide a minimum of three distinctive floor plans. Each plan shall have at least three distinctive elevations.

2. No one plan should occupy more than 35% of the total lots.

3. Identical floor plans should not be located on adjacent lots. Staff may, on a case-by-case basis, permit identical single-story floor plans if they are architecturally-distinctive.

4. Provide distinctive elevations for each floor plan.

   a. Use window treatments and placement to create variations.

   b. Differentiate roof types, mixing orientation of the roofs (front and side) and gabled and hip roofs. Vary roof materials to provide further differntiation.

   c. Use porches, gables, pop-outs, and changes in wall plane.

   d. The City encourages a mixture of housing that includes single-story units. At least one floor plan should be a single-story model

### B. ELEVATIONS - Elevations create the first impression of the home and help establish the character of the neighborhood.

1. Incorporate trim build-ups around doors and windows. Avoid out of scale trim elements. Wrap veneer materials around wall planes and columns. Extend trim to the fenceline or a logical termination point, or a minimum of four feet.

2. Use variations in massing, such as stepped back roof lines and single story wings, to reduce the massiveness of large homes. Avoid unbroken walls along the property lines; provide setbacks.

3. **Front Elevations**

   a. Downplay the garage door. Set garages back from the habitable part of the house by at least three feet. Use alternatives to front-loaded garages, such as detached and side-entry garages (larger and/or wider lots), and parking courts.

   b. Front doors shall be accentuated and visible from the street.

   c. Use porches to transition between the street and the house. Porches should be at least six feet deep to be useful.

***Porches create a welcoming transition between street and house.***

4. **Side and Rear Elevations -** Side and rear elevations visible from public rights-of-way and parks shall have "face quality" design. Blank walls are prohibited. Break up blank facades with pop-outs, turrets, bay windows, and balconies, and window treatments.

*Rear-loaded garage*

*The strong architecture (an arch, windows, projections) ensures that the house, not the garage, dominates*

*An attached garage set back from the street*

*Using set-backs to reduce the impact of garage doors*

**5. Three Car Garages**

a. Three-car garages on lots narrower than fifty-five feet are not allowed, unless one of the spaces is tandem. On lots of less than 6,000 square feet, consider using tandem parking to avoid dominant garage doors.

b. All 3-car garages shall be designed to reduce their dominance over the facade of the house. Options include:

1. Use tandem parking.

2. Incorporate an offset of at least three feet between the two bays.

3. Provide a one foot buildout and a visible break in the roofline to give the appearance of a stagger.

4. Separate the third bay into a separate garage unit.

## CUSTOM HOMES

The design of a custom residence is a highly personal expression of one's values and preferences. It is not the intent of the Guidelines to dictate particular architectural styles but to ensure that each dwelling meets minimal criteria for design and exterior materials, and to guide homebuilders in designing a home compatible with the character of housing in the surrounding area.

A. BUILDING SIZE AND MASSING - Size and massing of houses should be appropriate for the lot and neighborhood setting.

1. Custom houses shall not exceed a floor area ratio (FAR) of 0.5 or be out of scale and character with the surrounding neighborhood.

2. Use variations in massing, stepped back rooflines, and single story wings to reduce the massive appearance of large homes. Avoid unbroken walls along property lines. Use popouts, bay windows, and balconies to create interest.

B. TREES - The Fairfield Tree Preservation Ordinance restricts removal of mature native oaks and other significant trees. All applications shall provide a full tree survey, with an arborist's report indicating which trees are proposed for removal and why.

C. WALL MATERIALS – Custom homes should provide a variety of materials, colors, and textures within a unified overall design. This variation is most important for the front elevation. However, there should be some continuity of design on all elevations. Veneers used on the front elevation shall wrap around side elevations to a logical conclusion, such as a fence line or jog in wall.

D. WINDOWS AND DOORS - Windows and doors shall incorporate window trim on all four elevations in a manner complementary to the building's overall design. Additional detail such as grids, deeper pop-outs, and/or balconies shall be provided on side and rear elevations visible from streets, a public golf course, park, open space, or school.

E. GARAGES – Minimize the visual impact of garages.

F. PRIVACY - Place the home to maximize privacy for adjoining homes.

# VI. MULTIFAMILY HOUSING

**Objective:** *Create a safe, comfortable, and attractive living environment that complements existing neighborhoods.*

## Regulatory Framework/Project Review Process

Multifamily housing can be developed in Fairfield under the RM, RH, and RVH Residential Zoning Districts, at densities of 8-15 dwelling units per acre (du/acre), 15-22 du/acre, and 22-32 du/acre respectively, with density bonuses available for affordable family and senior apartments.

## SITE PLANNING

A. ACCESS - Multifamily communities should not be walled-off enclaves. Integrate multifamily projects with the surrounding neighborhoods.

1. **Location** - Locate multifamily on arterials and major collectors.

2. **Street Patterns -** Continue neighborhood streets, designing project driveways with the character of public "streets" (sidewalks, on-street parking, and street trees).

3. **Pedestrian Connections** - Link the project to shopping, services, and neighborhood parks, as shown in the Prototype.

4. **Open Projects -** Maintain an "open" appearance. Fences should be minimized and open in design. Buildings shall have windows and doors visible from the street.

B. PARKING - Minimize the visual impact on adjoining neighborhoods.

1. **Distribution -** Spread parking throughout the site, making it accessible to all units.

2. **Location/Screening -** Locate parking behind buildings wherever possible. Do not place parking lots on the perimeter, especially next to a street. Any parking next to a street must be screened by a hedge or low wall.

***Parking areas should be broken up into smaller lots.***

***Common open space should provide a focal point for the development.***

***Landscaped setbacks provide a buffer zone between buildings and the street.***

C. PROJECT ENTRANCES - Create a sense of arrival to the community. Incorporate elements like towers, arches, and clubhouses. Use landscaped median islands, trees, accent plantings, low walls, public art, and/or special paving.

D. LANDSCAPE BUFFERS - Provide a landscaped edge, with street trees (25' o. c.) foundation and access plantings, and live ground cover. Where appropriate, incorporate landscaping themes from adjoining residential and commercial neighborhoods.

E. COMMON FACILITIES AND OPEN SPACE - The Zoning Ordinance requires open space and "amenities" (Section 25.20.4.8 B.).

1. **The Commons**- Group open space to create at least one central "Commons", to serve as a central gathering place for the project. (see Prototype on page 20).

2. **Access** - Connect buildings to the open space through well-lit walkways. Provide accessibility from surrounding units.

3. **Uses** - Group trees to preserve open areas suitable for unstructured play. Encourage multiple uses. Integrate clubhouses, gyms, playgrounds and picnic areas into the design of the open space. Provide ample seating for residents.

4. **Visibility** - Common open spaces should be visible from adjacent apartments' balconies, windows, or patios to discourage inappropriate behavior.

5. **Central Spine -** Provide a central pedestrian spine that links the Commons and smaller open space areas throughout the site.

6. **Distribute Open Space -** Provide smaller courtyards/commons throughout the project. See the Prototype for examples.

7. **Community Services -** Incorporate social services like child-care facilities, meeting spaces, and rooms for social functions.

***Multi-family development projects should allow for privacy without becoming walled enclaves.***

***The central pedestrian street, Fremont's Oryssom Village***

***Rolling Oaks Apartments: A smaller courtyard***

F. BUILDING PLACEMENT

1. Maintain a street wall, with buildings parallel to the street. Avoid parking between buildings and the public street.

2. Group buildings around common open spaces.

3. Locate two-story and single story elevations next to single-family homes and along residential streets. Place taller buildings near the center of the site or near commercial, institutional, or public land uses. In such locations, three or four-story structures may be appropriate.

4. In commercial settings (like North Texas Street), shield residential units be placing offices and commercial uses near the street, with apartments above or behind. (See Mixed Use Development).

## BUILDING DESIGN

A. BULK, MASS, AND LENGTH

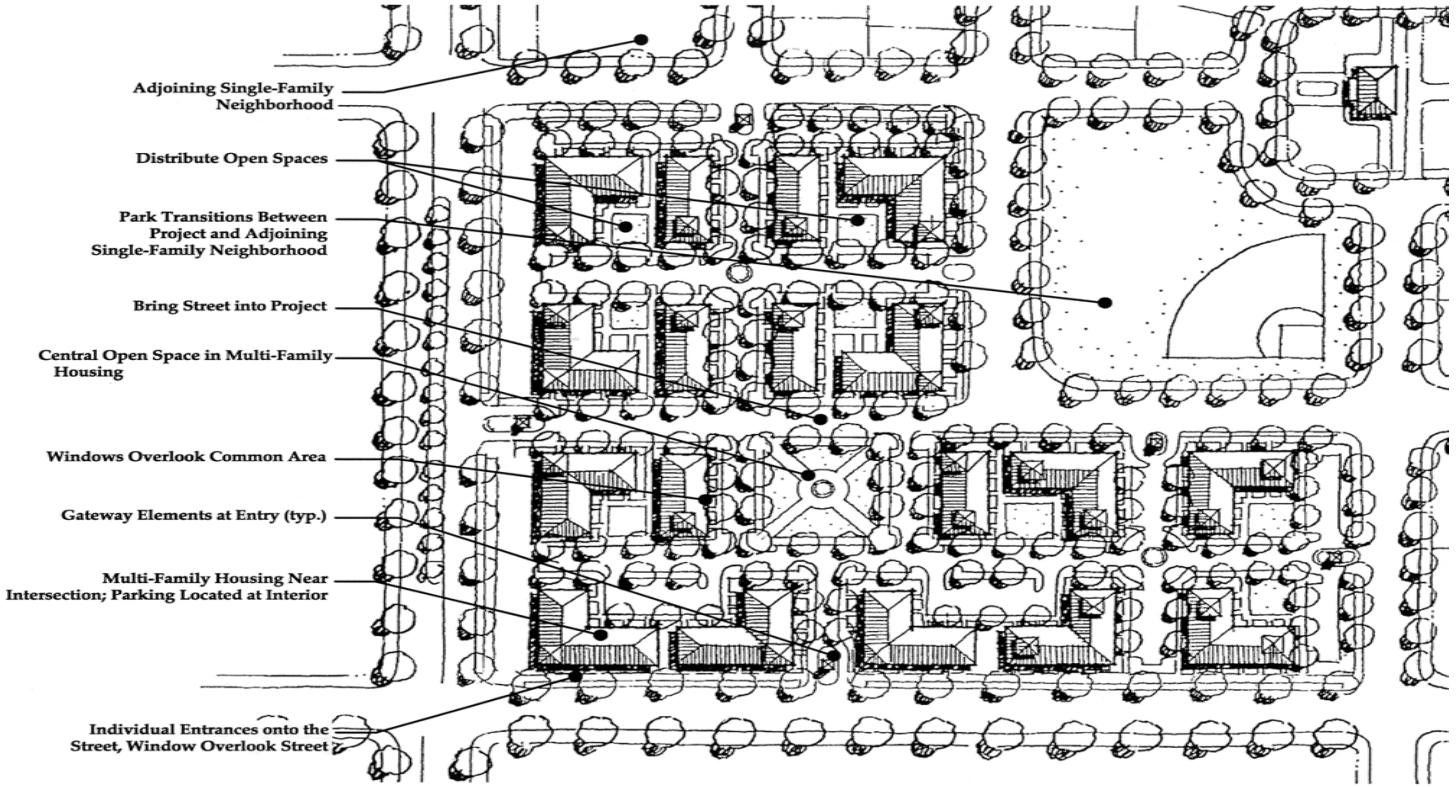
1. Use variations in building height. For example, vary building heights between two and three story buildings.
2. Break large building into smaller structures.

3. Use bay windows, balconies, towers, awnings, pop-outs, and changes in roof planes to reduce apparent mass and create more interesting buildings.

B. ENTRANCES - Provide individual entries for units. Where abutting a street or main pedestrian spine, consider individual porches to add visual interest to the streetscape.

C FACADE DESIGN

1. Buildings shall have windows and doors facing onto the public street and common open space areas.




# MULTI-FAMILY DEVELOPMENT PROTOTYPE

***These townhouses have individual entrances and porches.***

2. Use color and materials to create variations in facades. Facade trim elements shall wrap around facades to the fence line or other logical termination point.

3. All windows and doors shall incorporate trim buildouts.

4. Use railings and porches at building entrances to call attention to the building and unit entries.

5. Use archways and towers at entry points to project courtyards.

6. Avoid balcony railings that are heavy and unproportional. Use open railings wherever possible and appropriate for the architectural style.

7. Rooflines should incorporate overhangs except where the project uses a modern style.

8. All rooftop heating and air conditioning units shall be screened, preferrably in built-in equipment wells.

***Scale should relate to surrounding neighborhoods.***

D. BUILDING STYLE

1. **In existing neighborhoods**

   **a.** Draw upoon the designvocabulary of the surrounding neighborhood. Use materials, colors, and forms to tie the project to surrounding neighborhoods.

   b. Use residential design elements like pitched roofs, archways, balconies, and warmer materials like stucco, stone, lap siding, or brick.

2. **In commercial (mixed-use) districts** - Bolder colors and forms may be appropriate in commercial/mixed use districts.

E. CARPORTS AND GARAGES - Break up carports and garages into modules of six-to-ten units. Incorporate materials, forms, and roofs used in the the main buildings.

# VII. COMMERCIAL DEVELOPMENT

## DOWNTOWN FAIRFIELD

The guidelines in this section apply to Texas Street between Pennsylvania Avenue and Jefferson Street, and the first blocks of Great Jones, Taylor, Madison, Jackson, Webster, and Jefferson Streets.

**Existing Conditions:** Downtown Fairfield is characterized by small commercial buildings, divided property ownership, buildings constructed with minimal setbacks (generally to the edge of sidewalk), mixed land uses, limited parking, and City and County governments and office uses within walking distance.

### Objectives:

- *Maintain and strengthen the existing character.*
- *Encourage mixed-use development.*

### SITE DEVELOPMENT

A. STREET WALL - Street walls help create a more interesting pedestrian environment. All new development fronting on Texas Street shall build to the sidewalk, except for alcoves and small public plazas.

B. PARKING

1. **Location** - Locate parking **behind** buildings.

2. **New Parking Lots** - The City will support no new private parking lots on Texas Street. Any parking lots must be located on side streets and screened with a decorative wall and landscaping.

C. STREETSCAPE IMPROVEMENTS

1. **Street Trees** – Retain existing street trees along Texas Street. For new trees, select smaller trees or trees with higher canopies and open structure to avoid obscuring signs and street lights.

***Trees should enhance the pedestrian environment.***

2. **Street Furniture** – New street furniture should complement existing streetscape improvements. Restaurants and cafes may place tables and chairs next to the building entrance, as long as a four-foot-wide pedestrian walkway is preserved. Other street furniture should be placed inside alcoves or courtyards. With approvals from the City, restaurants may install seating beneath the pergolas next to the street. These installations may include a decorative iron rail, and service facilities. Trash cans should be hidden within a decorative enclosure or placed to the back.

### BUILDING DESIGN

A. FACADE COMPOSITION - Buildings should have a clearly defined "base," middle," and "cap."

1. **Building Base** - Use "heavier" materials like decorative tile, brick, or stone on the base. The base should generally be a darker color than the rest of the building.

***Street funishings should be complementary***

2. **Middle -** Incorporate regularly spaced windows. Tie the facade together through bands (horizontal) and pilasters (vertical).

3. **"Cap" -** Use a clearly defined cornice line, with projecting eaves, raised brick or stone coursework, or stucco build-out trim.

4. **Building Entrances** - Make the entrances the focus of the facade.

B. FACADE RENOVATIONS - Use materials, forms, and colors appropriate for the architectural style. For additions, match existing wall materials, windows and doors, and color. Avoid covering up a building's existing facade elements.

C. CORNER BUILDINGS - Make corner buildings a landmark. Locate an entrance on the corner, and mark it with lighting, special signs, awnings, and/or architectural features like towers or bay windows.

D. RETAIL STOREFRONTS

1. **Walls/Windows -** Provide 50% of the storefront in clear glass windows and doors. Alcoves with window display cases are encouraged. Blank walls shall not exceed 50% of the elevations facing Texas, Madison, Jackson, or Jefferson Streets.

2. **Signs -** Signs should serve both pedestrians and vehicles but should focus on the pedestrian scale.

   a. Under-marquee and blade signs are encouraged.
   b. Neon is permitted and encouraged.
   c. Wall signs shall have coordinated size, shape, and backing.

## SHOPPING CENTERS/COMMERCIAL CORRIDORS

The guidelines in this section apply to shopping centers like Waterman Village and commercial corridors like North Texas Street.

### Objectives:

- *Intensify development at key intersections and freeway interchanges.*
- *Encourage mixed-use development.*
- *Improve the streetscape along commercial arterials.*
- *Provide a more comfortable pedestrian environment.*
- *Reduce conflicts between commercial and residential neighborhoods.*

### SITE DEVELOPMENT

A. ACCESS AND CIRCULATION - The Shopping Center Prototype shows clear links to the public street and defined pedestrian walkways.

1. **Create "Main Streets"** - Design driveways as "streets," with sidewalks and trees. Anchor stores should be visible or terminate the axis of the "street." Where possible, face stores onto the "street."

2. **Provide clear pedestrian connections -** Use landscaped walkways or sidewalks to connect all storefronts and pad buildings. Provide a clear path between the public sidewalk, neighborhood streets, transit stops and the commercial building entrances.

3 **Public Transportation -** Locate bus stops near main store entrances or provide a pedestrian link between the bus stop and store.

4. **Vehicle circulation**

   a. **Access to anchors -** Provide a clear travel path between the street and the main anchor store(s).

   b. **Visible exits -** Clearly mark all entries and exits through signs, landscaping, and pavement treatments.

   c. **Loaded Drive Aisles-** Main traffic lanes shall not be loaded with parking. Limited parking may be permitted in front of pad buildings.

5. **Driveway/Curb Cuts** - It is City policy to limit curb cuts. The City may require cross-access easements and combined driveways in congested areas.

   a. **Pad Sites -** Pad buildings shall share driveway access with primary tenants.

   b. **Corner properties** - Access corner properties from the side street, not the main arterial.

6. **Drive-Through Lanes -** Drive through lanes should be to the side or rear of the property. Place a minimum five foot deep planter between the drive-through lane and adjacent parking or drive aisles.

**B. BUILDING PLACEMENT - Placement of buildings should frame the street, creating attractive outdoor "rooms."**

1. **Place buildings next to the street.**

2. **Anchors -** Anchor stores shall be visible from the public street. Locate next to the sidewalk or accessible via a direct, highly visible, and attractive pedestrian pathway.

***Pedestrian-friendly design: A clear link between the sidewalk and this supermarket***

3. **Public spaces** - Group buildings to create sheltered public plazas. Plazas should be visible while providing protection from wind and traffic noise. Where a plaza is impossible, use widened walkways.

4. **Corner buildings** - Corner buildings should be oriented to intersections. Place a public plaza, primary store display windows, special landscaping, and/or the major building entrance at the corner location.

***This drugstore has a tower, sign, and main building entrance at the corner. It also visually anchors the intersection by directly abutting the sidewalk.***

## C. PARKING LOTS

1. **Large parking lots -** Break up parking lots with pad buildings, landscaping, cobblestones, pavers or bricks used as raised pedestrian walkways, internal streets or driveways.

2. **Location -** Wherever possible, locate parking to the side or rear of buildings. Limit front parking to that needed for convenience.

3. **Auto Repair -** All auto repair establishments shall provide either indoor storage for customer vehicles or a rear parking lot completely screened from view. Non-operative or partially disassembled vehicles shall not be visible from the street. Service doors should face the rear or side, not the street.

***Large, unlandscaped parking fields are prohibited.***

**D. LANDSCAPING -** Landscaping can help tie commercial development to the neighborhood, as well as creating a more attractive commercial district.

1. **Shopping Center Entrances -** Landscaping at major project entrances should help define the center and provide a sense of arrival:

   a. **Median islands -** Landscape medians with ornamental trees, annuals and/or flowering shrubs.

   b. **Special Pavement -** Incorporate pavers, brick, or colored/stamped concrete at main project entry(ies).

   c. **Decorative Fencing and Walls -** Incorporate decorative fencing, walls, or other elements to help define the space.

   d. **Signage -** Use monument signage at shopping center entrances to help create an entry statement for the shopping center.

***Ornamental ironwork at the Raley's Center provides an attractive entrance to the center***

***Integrate pedestrian walkways with plazas and landscaping***

2. **Frontage Landscaping -** The City has adopted specific standards for North Texas Street. Refer to the North Texas Streetscape Plan for guidance.

   a. **Zoning Requirements -** Provide the following minimum landscaped area along the street frontage:

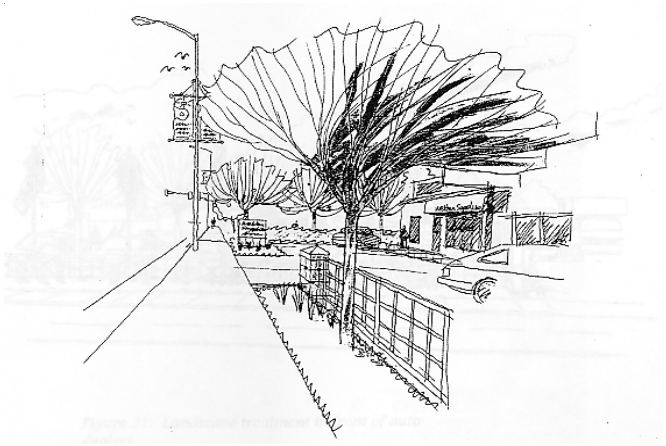
| Zoning District | Landscape Width |
|---|---|
| CN (Neighborhood Commercial): | 15 feet |
| CT (Commercial Thoroughfare): | 10 feet |
| CC (Community Commercial): | 15 feet |
| CR (Regional Commercial) | 15 feet |

   b **Landscaping -** Plant street trees every thirty feet, and incorporate live ground cover beneath the trees. If there is parking adjacent to the sidewalk, provide a screening hedge, berm, or decorative wall to reduce the impact of parking.

   c. **Corner Treatments** - Incorporate ornamental landscaping at major intersection.

***Corner landscaping at Dickson Hill Road***

d. **Shallow setbacks -** Properties with shallow setbacks may not have space for conventional landscaping. In such cases, use decorative iron fences, low walls, and berms to define the property. Provide street trees wherever there is at least a five foot setback next to the street.



***Shallow Setbacks: Example***

3. **Property Boundaries -** Provide landscaping along all interior property lines. Landscaping shall be at least five feet wide and shall incorporate live ground cover and shade trees.

4. **Screening Walls -** Where commercial properties abut residential land uses, provide a solid masonry wall at least eight feet tall along the property line. The foot of this wall shall be set in a landscaped strip at least five feet wide.

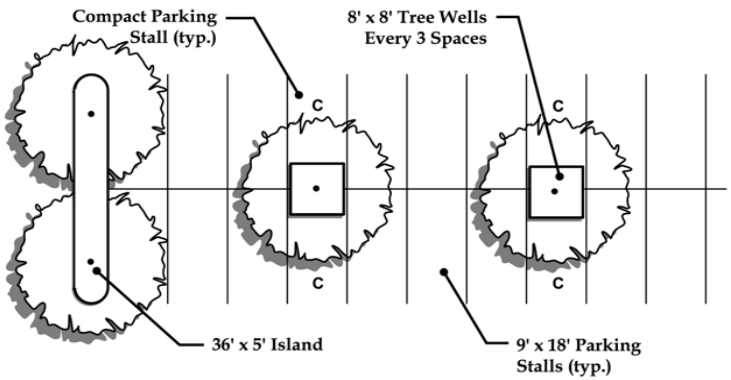
5. **Facade Landscaping** - Provide a five-foot-wide landscape strip with shrubs and live ground cover along building walls visible from the public right-of-way. This landscape strip may be reduced in areas where pedestrian plazas are present.

6. **Parking Lot Landscaping -** Landscaping in parking areas should soften the appearance of the parking lot and substantially shade the area. Tree planting should create an "orchard effect."

   a. **Minimum Width -** All landscape areas in parking lots shall be at least five feet wide.

   b. **Perimeter Landscaping** - Provide landscaping between parking lots and all property lines.

   c. **Planter Islands -** Shade trees shall be provided **every ten spaces** along parking lot perimeters. Within the parking lot's interior, one tree shall be provided every eight spaces. Trees shall be planted in finger islands and tree wells with live groundcover or shrubs.




## E LOADING AND OUTDOOR STORAGE

1. Locate outdoor storage and loading areas to the rear of buildings.

2. Use masonry walls to screen views of loading areas and outdoor storage.

## ARCHITECTURAL GUIDELINES

A. GENERAL GUIDELINES -

1. **Create a central focus -** Call attention to the main anchor store and gathering places through color, bold forms, and signage.

2. **Entrances -** Use archways and towers to call attention to shopping center entrances and main driveways.

***Towers create a memorable image for this shopping center***

3. **Provide defined and varied storefronts**

   a. Provide store entrances and storefront windows next to sidewalks and pedestrian routes wherever possible.

   b. Where the floorplan makes actual storefronts impossible, use decorative features like awnings, planters, vine-covered pergolas, and false storefronts, particularly next to walkways.

***Awnings, arches, and variations in materials create interesting storefronts at Waterman Village***

4. **Enhance the design of large stores.** - Large stores of more than 25,000 square feet can still contribute to an interesting streetscape.

   a. Long blank walls of more than 100 feet are prohibited next to walkways, main drive aisles, and public streets.

   b. Ground floor facades that face public streets shall incorporate arcades, display windows, entry areas, awnings, or other such elements for at least half of the facade width.

   c. Emphasize the customer entrance through the use of canopies or porticos, recesses or projections, arcades, outdoor patios, arches, or towers.

   d. Use vendor carts and smaller tenants offering specialty goods like coffee, flowers, or food to provide interest.

1. **Building scale should reflect neighborhood character -** For neighborhood shopping centers, use architecture that reflects the scale and architectural character of the neighborhood, with smaller buildings and "residential" forms and materials, such as gabled roofs, stucco and wood siding. Tie smaller buildings together with arcades and pedestrian walkways.

***The Village is a small center suitable for a residential area***

**B. MAJOR INTERSECTIONS - Buildings located at major intersections shall be architectural landmarks.**

1. **Address the corner.** Bold forms and colors are particularly important at corners. Place the building near the sidewalk. Limit setbacks at corners to ten feet. Provide building entrances, prominent signage, and well-lit windows.

2. **Public Art.** Incorporate public art into building and site design, particularly at major intersections along North Texas and Texas Streets. Public art should be large scale, colorful, and visible to passing motorists as well as pedestrians and users of the property.

***Corner buildings should be unique and have interesting design.***

**C. SIGNS - Make signs a central part of the design of the shopping center, not an afterthought.**

1. **Signs should help create project identity.** Shopping centers should have a prominent main sign to provide identity for the shopping center.

2. **Signs can be artistic and unique -** Consider clocks, sign towers, arches, flower beds, rock walls, and other unique architectural sign elements.

3. **Wall Signs -** Integrate wall signs into the design of the facade. Provide enough space for attractive, usable tenant signs.

**D. PUBLIC PLAZAS - Public plazas are the heart of a center.** Major neighborhood and all community shopping centers shall include gathering places and plazas tied to the pedestrian circulation network.

1. **Public plazas shall be centrally located. -** As shown in the Shopping Center Prototype, locate plazas so they are visible to passersby, while protected from traffic noise and fumes.

***Provide centrally located public plazas.***

2. **Provide well-defined plazas. -** Plazas should be clearly bounded but visible to traffic.

   a. **Use building architecture to define plazas and walkways-** Use buildings, low walls, pergolas, and archways to separate and define plaza areas.

   b. **Wind. -** Consider prevailing winds in locating plaza areas. Provide wind screens in drafty areas.

   c. **Use buffer landscaping -** Use five foot wide planter strips and large (25-50 gallon) potted plants to define plazas and buffer seating from parking and circulation areas.

3. **Public plazas shall be well-landscaped and incorporate design elements and details that make the spaces inviting, interesting, attractive, and usable.**

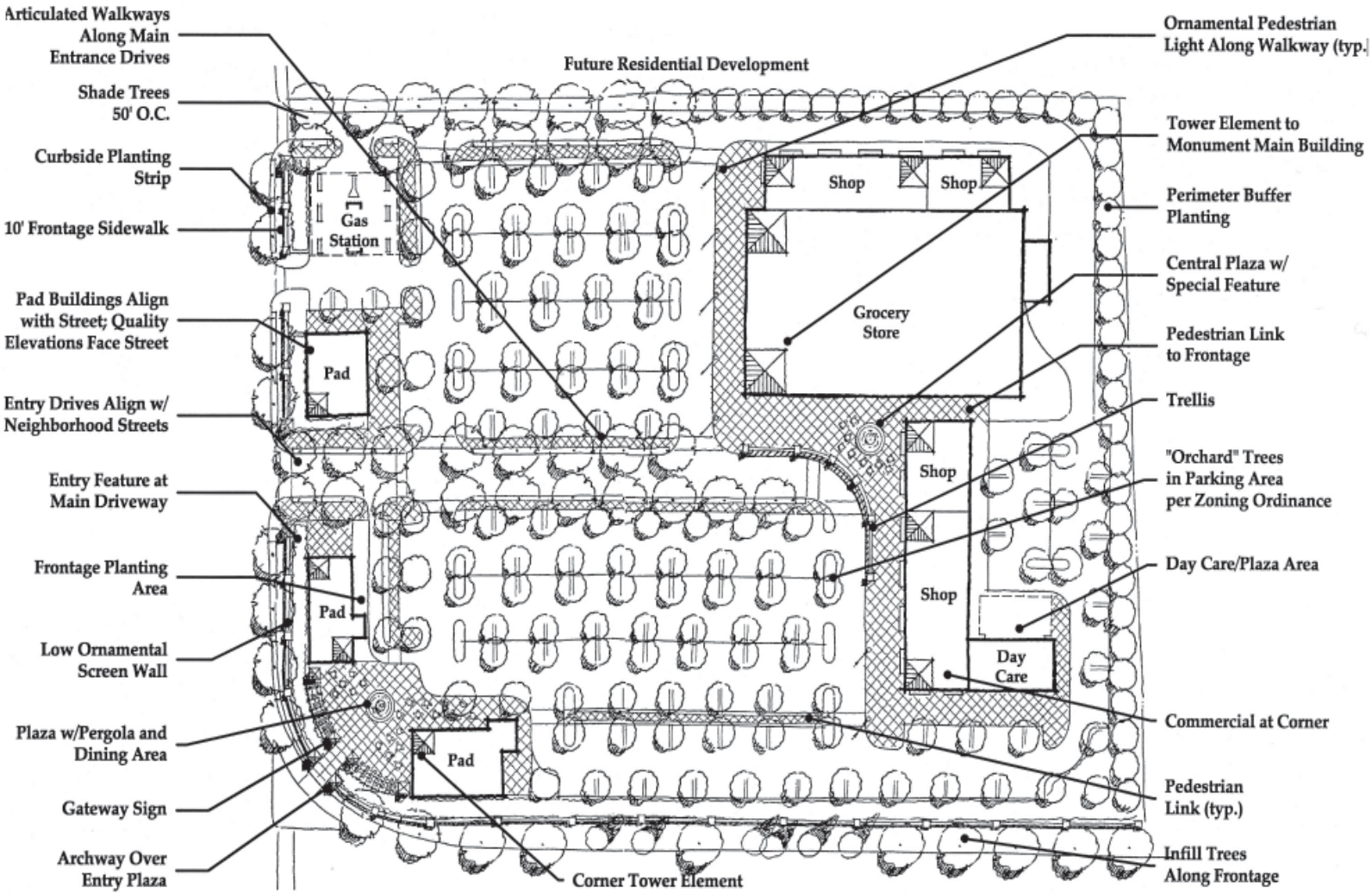
   a. **Shade -** Shade seating areas and walkways with trees, pergolas, and/or arcades.

   b. **Hardscape -** Use pavers, integrally colored concrete and brick to create decorative "floors" for public plazas and walkways.

   c. **Public Art -** Incorporate public art into the plaza area. Fountains and water sculptures are encouraged.

***Water wall, public seating, and chairs at Green Valley Crossing***

4. **Program plazas with active uses -** Group active land uses like restaurants, markets, vendor carts, and cafes around the plaza. Provide a variety of comfortable seating and tables.




# SHOPPING CENTER PROTOTYPE

## MIXED USE DEVELOPMENT

**Objective:** *Encourage attractive, innovative mixed-use projects.*

**What is Mixed Use Development?** Mixed Use includes two types of projects: 1. Projects where different land uses are mingled on a single parcel but in different buildings; and/or 2. Projects where residential, commercial, and/or office uses are intermingled in a single building. Category 2 is what many people consider to be mixed use - it is the classic "apartment above the store" pattern so common in older cities and towns.

The General Plan recognizes that mixed- use development will become more important in the future. "Mixed-Use Development" is not currently a separate land use district in the Zoning Ordinance. However, several districts permit the mixing of commercial and residential land uses:

* Commercial Downtown (CD)
* Commercial Mixed (Near Downtown) (CM)
* North and West Texas Streets (CT)
* High Density Residential (RH)

This chapter looks at potential guidelines for mixed use development in several locations. Downtown may be suitable for traditional mixed use development. Jefferson Street, adjacent to the proposed County Government Center, was zoned in 2002 to permit higher density housing. The City's commercial corridors benefit from larger parcels suitable for innovative redevelopment. RH areas could incorporate limited office uses.

***Apartments located above a branch library (left, in Portland, Oregon) and a restaurant (right, in Midtown Sacramento) are examples of mixed use development***

## DOWNTOWN

A. BUILDING DESIGN

1. **Building Height -** Mixed use development on Texas Street shall be at least two, and preferrably three or more floors.

2. **Building Placement -** Place buildings next to the sidewalk.

***The Berkeleyan, Berkeley, California***
***Mixed Use in a five-story building***

3. **Retail on the first floor -** Place retail or office space on the first floor of buildings fronting Texas Street. Configure such space to provide for businesses that will be used by residents.

4. **Open Space** - Provide courtyards, commons, or rooftop decks. Consider improving rear parking lots as gardens.

5. **Live-work -** Provide upper floors in unfinished ("loft") type space suitable for architects, artists, writers, and others interested in non-traditional live-work environment. For such units, large windows, industrial architectural details, and bold and colors may be appropriate.

B. PARKING

1. **P-1 Overlay-** New projects may participate in the City's P-1 Parking Overlay program, which reduces the amount of parking that must be provided.

2. **Shared Parking -** Parking may be shared among commercial and residential tenants.

3. **Residential Parking -** At least one parking space shall be provided for each residential unit. This parking may be located off-site within 200 feet (one block) of the residential unit.

C. LANDSCAPING - Front landscaping shall be coordinated with the City's existing downtown streetscape. Interior courtyards and rear yard landscaping should be designed to preserve usable, attractive common open space.

**DOWNTOWN SOUTH-** South of Texas Street is a largely residential/small scale office neighborhood zoned for Commercial Mixed (CM) and Medium Density Residential (RM) development. Downtown South is an appropriate area for mixed-use live-work units. An objective for this area is to maintain and improve the residential character while providing for new office space and limited neighborhood-serving retail.

A. BUILDING DESIGN -

1. **Scale** – Buildings should generally be two-story structures with less than 5,000 square feet. Larger projects should be divided into smaller pavilions.
2. **Differentiation -** Use window design, color, materials, and trim to distinguish residential and commercial/office space.
3. **Roofs** –Use pitched roofs on residential blocks. Flat roofs are acceptable on commercial or loft buildings.
4. **Residential Entrance -** Entrances to residential units shall open directly onto the sidewalk or the shared courtyard.
5. **Signage -** Avoid illuminated signs in the CM, RM, and RH Zoning Districts. Consider wall-mounted signs.

B. SITE LAYOUT - Site design should recognize the residential/mixed use character of the neighborhood.

1. **Placement of Buildings -** Place buildings at the front setback line. Locate residential units on rear alleys or side streets.

2. **Parking** -Locate parking behind the building, or, where not possible, to the side of the building. No parking should be located between the sidewalk and building front. Garages should be accessed via the mid-block alleys.

3. **Private Open Space** -Provide private open space in the form of balconies, courtyards, or yards for residential units.

4. **Common Open Space -** Provide common open space for the project, such as a courtyard, garden, or roof deck.

5. **Landscaping -** Preserve the planter strips south of downtown. Plant street trees every thirty feet, with turf or ground cover.

***A Suisun City live/work unit***

**JEFFERSON STREET CORRIDOR-** South of Texas Street, Jefferson Street abuts the Solano County Government Center, a 200,000-square foot office building and parking complex. A new public square will be located at the corner of Texas and Jefferson Streets. Jefferson Street will be influenced by both the government center and the existing smaller scale residential/office fabric to the west.

The Jefferson Street Corridor has been rezoned for high density residential development. This zoning also permits some office development - which could take advantage of proximity to the new Government Center.

A. SITE PLANNING

1. **Between Texas Street and Delaware**, locate buildings within ten feet of the sidewalk, except where there is a conflict with existing utilities.

2. **South of Delaware Street**, use deeper setbacks, with front lawns or courtyards.

3. **Parking** - Locate parking behind the building, or, where not possible, to the side of the building. No parking should be located between the sidewalk and building front. Garages should be accessed via existing rear alleys.

4. **Landscaping -** Landscaping in the Jefferson Street Corridor should be simple and formal, appropriate for an urban street.

   a. Plant street trees every 25 feet o.c., with turf or ground cover.

   b. Provide landscaped courtyards for mixed-use projects.

B. BUILDING DESIGN

1. In the first two blocks of Jefferson Street, new mixed use and commercial buildings shall be at least two, and preferrably three or more floors. Residential uses should be provided on the upper floor(s), with office and retail establishments on the first floor.

***Midtown Sacramento: Mixed-use townhouses that could be appropriate for Jefferson Street south of Delaware.***

2. In the southern blocks of Jefferson Street, the focus of redevelopment should be residential units. New infill development shall be at least two stories in height. Locate any commercial and office uses at street and alley intersections.

3. Roof forms, building materials, and building scale should reflect a residential environment, with pitched roofs, smaller buildings, and low key facade materials (stone, stucco, wood siding)and signs (avoid illuminated signs).

**COMMERCIAL CORRIDORS -** The General Plan identifies several parcels on Texas Street and North Texas Street for mixed-use development. Development on these sites can occur in a variety of ways. Sites near downtown Fairfield could see traditional "apartment over the store" development-like anticipated for downtown itself. Larger sites like Mission Village could see distribution of different land uses in distinct pods on one site.

## A. SITE PLANNING

1. **Locate commercial uses in front -** Shield residential units from the impacts of traffic noise and air pollution by placing the housing to the rear of the site. Use window locations and design, setbacks, landscaping, street trees, berms, and low walls to reduce noise concerns.

2. **Develop multistory buildings at major intersections -** Anchor major corners with three story buildings. Place residential units on the second and third floors, using window placement and insulation to reduce noise.

3. **Provide common open space -** Provide a plaza or commons area near the street that can be shared by residents and commercial tenants. Markets, dry cleaners, and restaurants can be grouped near the plaza.

   In projects with a large number of residential units, provide additional common areas specifically designed for use by the residents (see Multifamily Design Guidelines).

4. **Access** - Projects can share entrance drives, but access to residential areas shall be clearly defined.

5. **Parking**

   a. **Tuck parking behind buildings.** See the guidelines under *Shopping Centers and Commercial Corridors.* A single row of parking may be needed for convenience retail.

   b. **Sharing parking -** Parking may be shared between commercial and residential users. At least one parking space shall be reserved for residential tenants.

   c. **Garages** - Consider the use of individual garages.

***Landscaped Walkway in Sacramento***

***Varied forms at City Center in Redwood City***

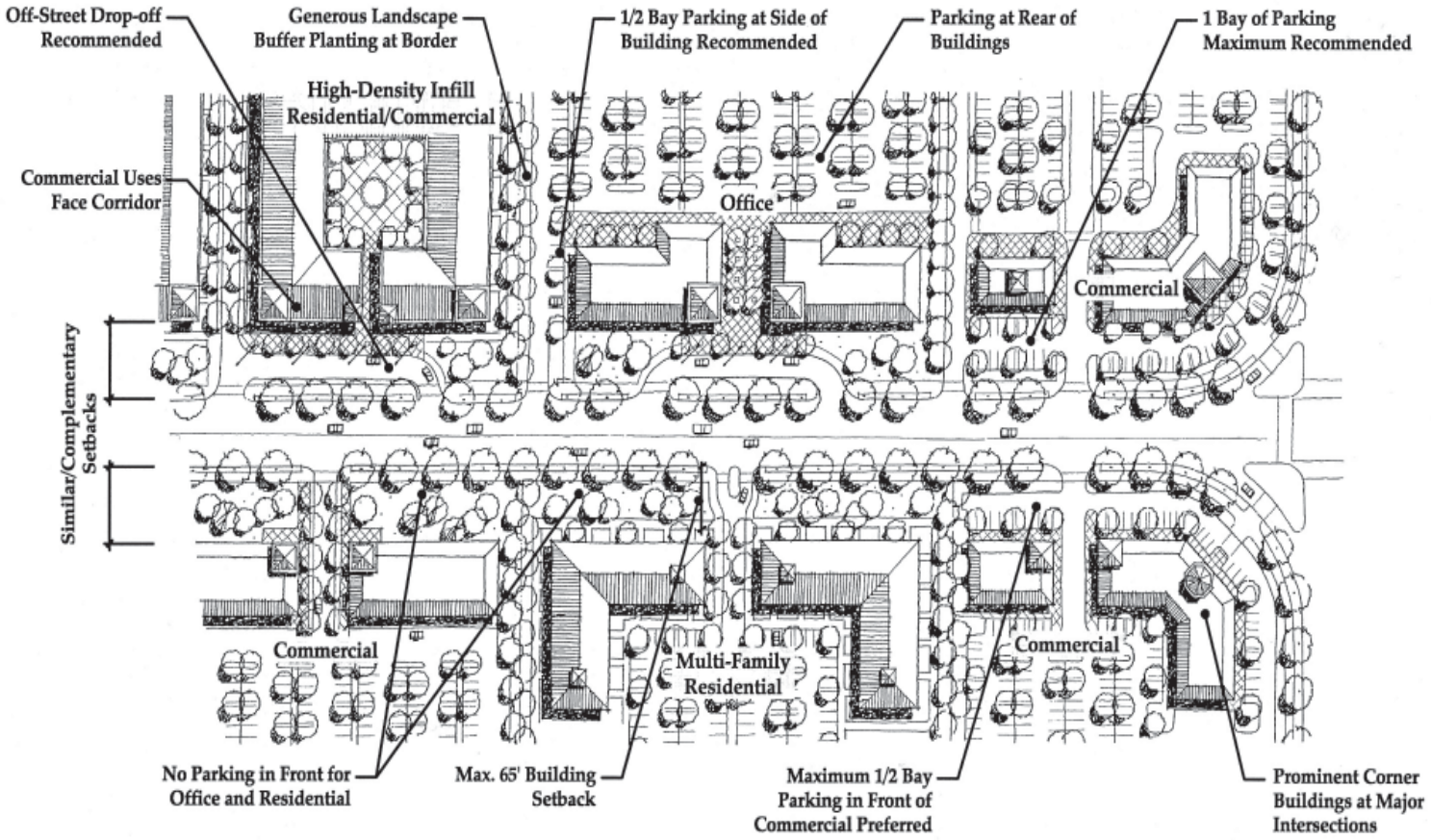
B. BUILDING DESIGN

1. **Use bold colors and forms-** Make the project stand out through brighter colors, bolder forms, and attention-getting signs. Incorporate towers, arches, neon lighting, and glass arcades.

2. **Mixed-use buildings should have two, if not three, stories.** On major arterials like North Texas Street, taller buildings can create focal points and centers of activity. Use variations in rooflines, building mass, color, and materials to create interesting streetscapes.

3. **Windows and Doors.** In mixed use buildings on commercial corridors like North Texas Street, provide a choice of residential units, with some offering windows and doors opening onto the street and others onto private courtyards.

***Shattuck Avenue Lofts in Berkeley, a mixed use project with bolder architecture more suitable for commercial corridors***




# MIXED-USE CORRIDOR DEVELOPMENT

## OFFICE BUILDINGS

**Objective:** *Encourage attractive office environments which emphasize quality building and landscape design.*

### SITE DEVELOPMENT

A. PARKING PLACEMENT - Office buildings shall be placed at the front setback line, with parking located to the side or rear. The Office Park Prototype illustrates the City's objectives. Any visible parking or drive aisles shall be screened with low hedges and street trees.

B. ENTRY DRIVES - Enhance primary driveways with columns/colonnades, double rows of trees, flower beds, special landscape treatments, decorative walls, and integrated signage. Entrance drive designs shall consider sight distance issues.

***Employee parking should be located to the rear of buildings.***

***Entrance drive landscaping and gateway element***

***Open plazas can provide flexible outdoor space for employees.***

C. LANDSCAPING - Comply with the landscaping requirements in the Zoning Ordinance; follow the design guidelines for commercial buildings discussed above.

D. LOADING/STORAGE AREAS - Place loading and storage areas at the rear of buildings, screened from view.

E. OPEN SPACE/PLAZA - Provide a public plaza/outdoor space for employees, customers, and visitors.

F. PEDESTRIAN CIRCULATION - Provide a clearly defined pedestrian circulation network.

## BUILDING DESIGN

A. WALL SURFACE MATERIALS – Use natural materials like stucco, brick, or wood. Foam trim can be used if integrated into the design of the building. Quality veneers should be used where visible.

B. FACADE COMPOSITION - Building design should clearly reflect a base, middle, and cap. The base should generally be a darker color, with heavier materials. The cap should incorporate a clearly defined cornice line, projecting eaves, raised brick or stone coursework, or trim.

C. ENTRANCES - Entrances should be the focal point of the building. Use signage and changes in color, pop-outs, and towers to monument the entrance.

D. WINDOWS - Provide regularly spaced windows that break up wall planes and allow people, where privacy permits, to see the interior spaces of office buildings.

E. CORNER BUILDINGS - Corner buildings should be "landmark" structures that wrap around the corner.

***Large windows give this building an open apperance.***

# INDUSTRIAL BUILDINGS

This section addresses design of industrial buildings and complexes. Such buildings are concentrated in Solano Business Park, Cordelia, and Tolenas Industrial Park. Guidelines for business parks layout and landscaping are provided in the following section.

**Objective:** *Encourage development of flexible, attractive industrial space that meets the needs of anticipated economic growth.*

## SITE DEVELOPMENT

A. PARKING - Locate parking to the side or rear of buildings where possible. Screen parking visible from the street with a low hedge.

B. EQUIPMENT, LOADING AND STORAGE AREAS

1. **Location/Screening -** Locate loading bays and storage yards to the rear. Screen from off-site view using a solid wall at least six feet in height. A chain link fence with slats is permitted where more than 250 feet from public right-of-way or adjacent residential use. Screen walls shall be architecturally integrated with the building.

2. **Painting -** Outdoor facilities that cannot be screened (tank farms, cooling towers, etc.) shall be painted to match buildings.

3. **Rooflines** – Screen rooftop mechanical equipment from view. Screens shall be designed as an integral part of the building. Service wells are encouraged.

## BUILDING DESIGN

A. WALL SURFACE MATERIALS – Use face-quality materials and detailing on facades visible from off-site.

B. FACADE COMPOSITION - Blank boxes are prohibited. Incorporate regularly spaced windows and doors, tower elements, pop-outs, changes in materials and texture, variations in color, score patterns, and/or turrets into building facades.

C. BUILDING ENTRANCES - Provide clearly visible building entrances. Use changes in color, pop-outs, and towers to monument the entrance.

D. EXPANSIONS, REHABILITATIONS AND CONVERSIONS - Additions should complement the existing building, taking into account scale, materials, design details, and proportions of the original structure.

***Variation in building height and trim elements create a more interesting facade.***

## BUSINESS AND OFFICE PARKS

These guidelines address development of industrial, business and office parks like Solano Business Park, Busch Corporate Center, Fairfield Corporate Commons, and Green Valley Corporate Center. The focus of the guidelines is site development and amenities. Architecture is addressed above.

**Objective:** *Encourage high quality office and industrial development that attracts quality employers and tenants.*

### SITE DEVELOPMENT

A. LANDSCAPING - Business and Office Parks should use landscaping as a way of tying the park together.

1. **Street Trees -** Plant all frontages with street trees every 30 feet.

2. **Common Landscape Themes** - Use shrub and ground cover choices and tree selection to tie business park development together.

B. PROJECT GATEWAYS - Create distinctive landscaped gateways at the entrance to business parks.

1. **Street Trees -** Use double colonnades, flowering trees, and specimen plantings to create distinctive entrances.

2. **Signage -** Use monument signs at project entries.

3. **Public Art and Water Features -** Incorporate water features, public art, and decorative walls at project entries.

4. **Paving -**Incorporate special pavers at entries and major intersections within the park.

***Monumental signage adds to the Solano Business Park entry.***

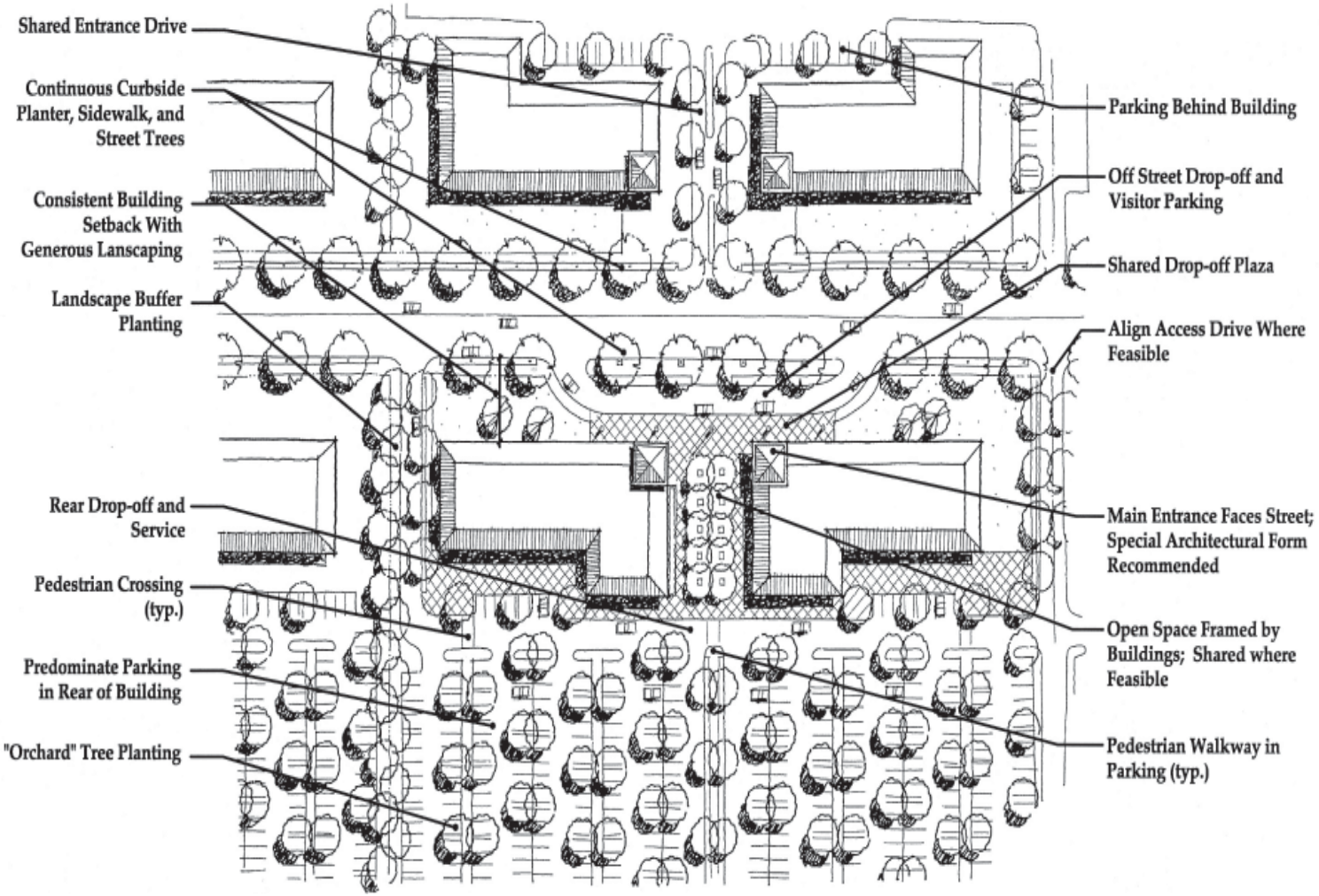
C. NATURAL FEATURES - When adjoining a natural amenity, business parks should incorporate common areas and private parks near the amenity (e.g., creeks, oak woodlands, and hillsides). Incorporate natural amenities into the design of the business park. Fairfield Corporate Commons, for example, has constructed lakes with fountains near an existing naturalized canal (Dan Wilson Creek).

D. PEDESTRIAN CIRCULATION - Provide for safe pedestrian circulation within business parks.

1. **Parking to Building** - Provide clear and safe pedestrian circulation between parking lots and building entrances.

2. **Walking Trails** - Provide walking trails in common areas, through open space buffers, and along major streets.

3. **Adjacent to Residential Areas**- Where business parks abut residential areas, provide pedestrian connections (sidewalks) between the neighborhoods and the business park.




# OFFICE PARK PROTOTYPE

**Xinia Gamero**

**From:** Joe McGrath <joe.mcgrath65@gmail.com>
**Sent:** Thursday, October 27, 2022 11:00 AM
**To:** Public Comment; Maya DeRosa; Aaron Hecock
**Subject:** [External] Additional Comment/Input re; Draft Zoning Code

Hi Maya:

I would like to add one additional input to my comments last night.

I would advocate that the new Zoning Code clearly articulate the requirements for a complete Design Review Application for all application types. I believe the City has been overzealous in what is expected to submit for Design Review. This is the highest point of uncertainty in a project application and spending lots of $ before DR approval is high risk.

When I submitted the 632 McCorkle app, we had spent nearly $30-40K in civil engineering docs alone pre Design Review. The City had outsourced its plan check for civil and we received requests as mundane as articulating curbs heights in the design. This is a degree of technical review that should be in the Building Permit process, not in Design Review. I understand a need to demonstrate adequate space for things like bioretention and fire turnarounds etc, but these items should be limited. There are many other examples.

Thanks for listening.

Joe

CITY OF ST. HELENA
ZONING CODE UPDATE

## Zoning Code Update
## Joint PC/CC Study Session #1:

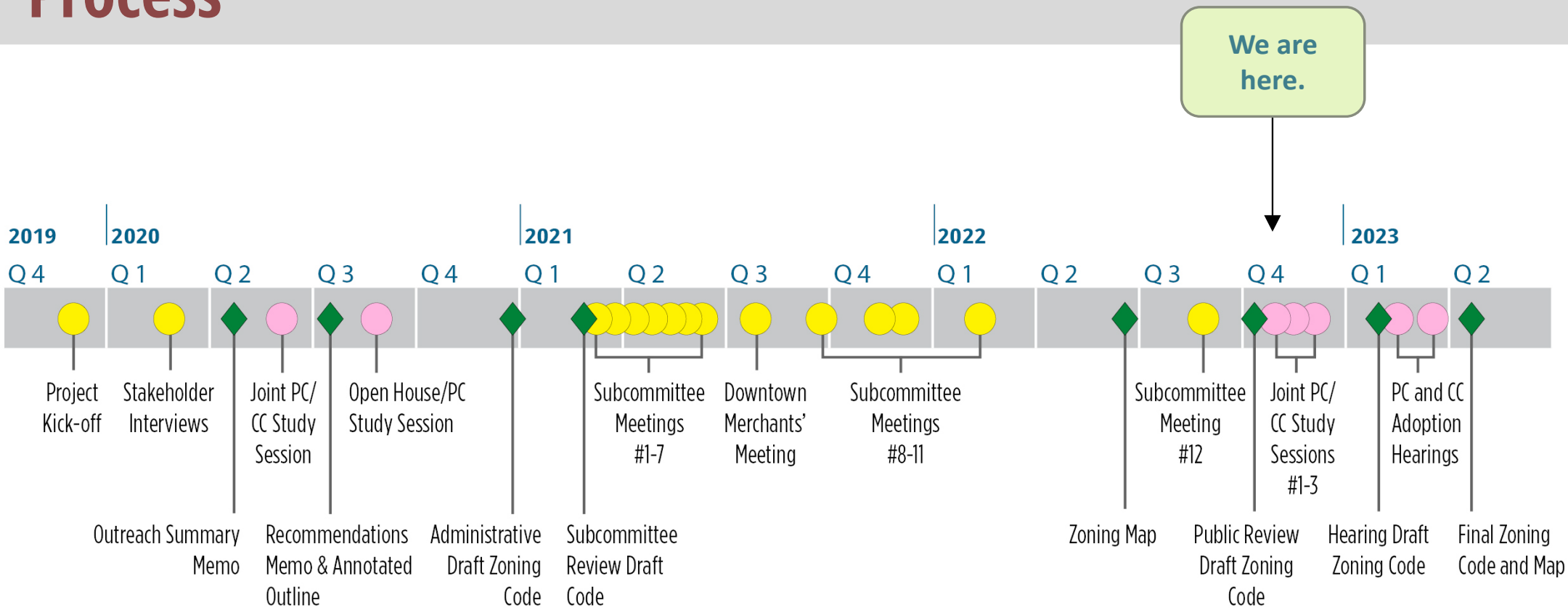
**October 26, 2022**
**5:00 – 7:00 PM**

LWC

# Today's Agenda

1. **Zoning Code Update Process and Objectives**
2. **Table of Contents**
3. **Review of Projects**
    - Review Authorities
    - Major and Minor Design Review
4. **Residential Development**
    - Uses
    - Development Standards
    - Design Standards, including Small Lot
- **Next Steps/Questions and Discussion**

# Process


We are here.
2019
2020
2021
2022
2023
Q 4
Q 1
Q 2
Q 3
Q 4
Q 1
Q 2
Q 3
Q 4
Q 1
Q 2
Q 3
Q 4
Q 1
Q 2
Project Kick-off
Stakeholder Interviews
Joint PC/ CC Study Session
Open House/PC Study Session
Subcommittee Meetings #1-7
Downtown Merchants' Meeting
Subcommittee Meetings #8-11
Subcommittee Meeting #12
Joint PC/ CC Study Sessions #1-3
PC and CC Adoption Hearings
Outreach Summary Memo
Recommendations Memo & Annotated Outline
Administrative Draft Zoning Code
Subcommittee Review Draft Code
Zoning Map
Public Review Draft Zoning Code
Hearing Draft Zoning Code
Final Zoning Code and Map

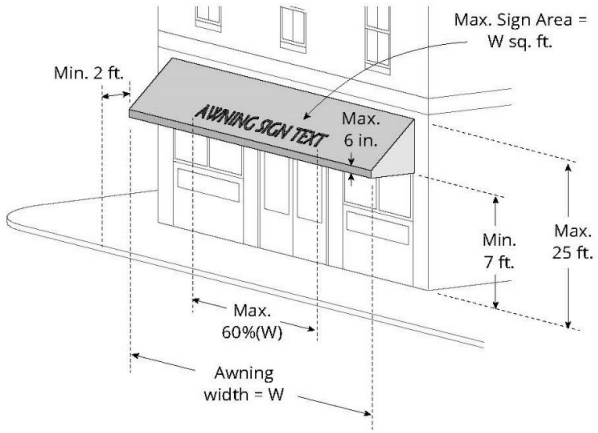
# Zoning Overview

## Zoning can:

- Specify which uses are allowed where
- Establish development and form standards - height, landscaping, and more
- Address “performance” issues - noise, odor, and other concerns
- Offer predictability to existing residents and developers

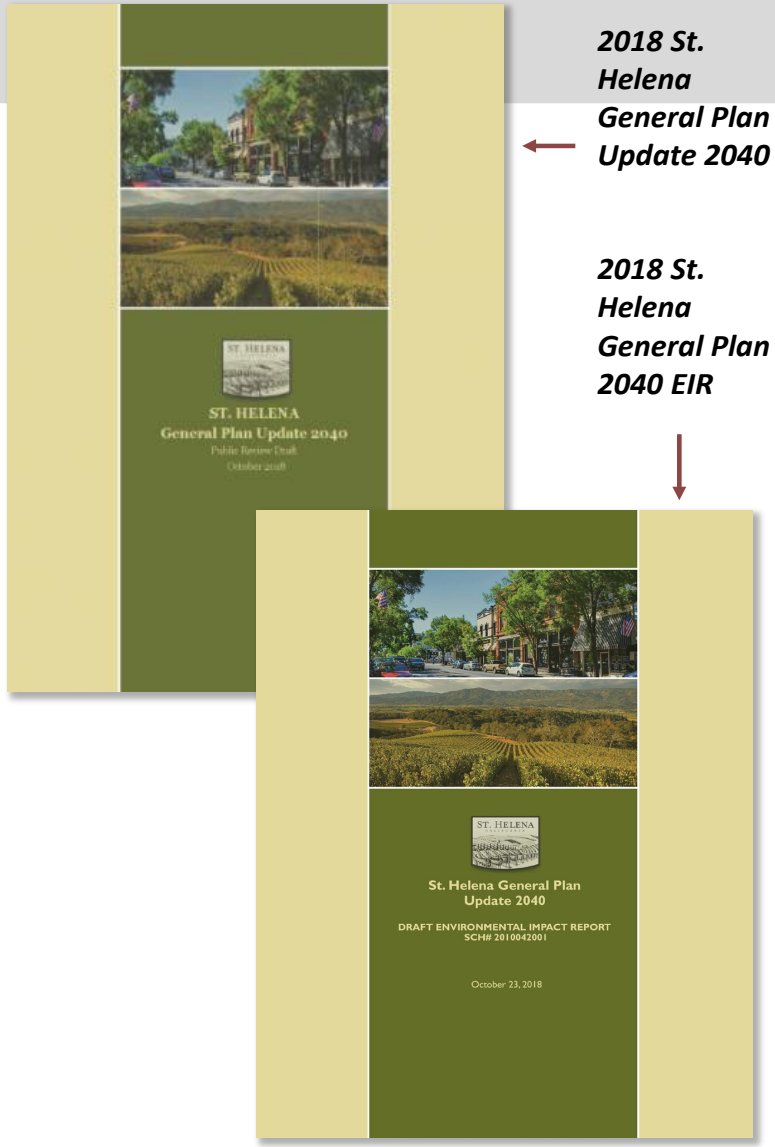
## Zoning does not:

- Dictate architectural style
- Regulate the free market
- Establish land use policy



# Project Objectives

- **Reflect the Shared Vision**
- **Implement** the City's General Plan and EIR
- **Reflect** community character
- **Facilitate** reinvestment in the community and development of housing for all segments
- Create a **legally adequate** regulatory document
  - Ensure **compliance with SB 330 (effective Jan. 2020)**
- Be **user-friendly**




***2018 St. Helena General Plan Update 2040***

***2018 St. Helena General Plan 2040 EIR***

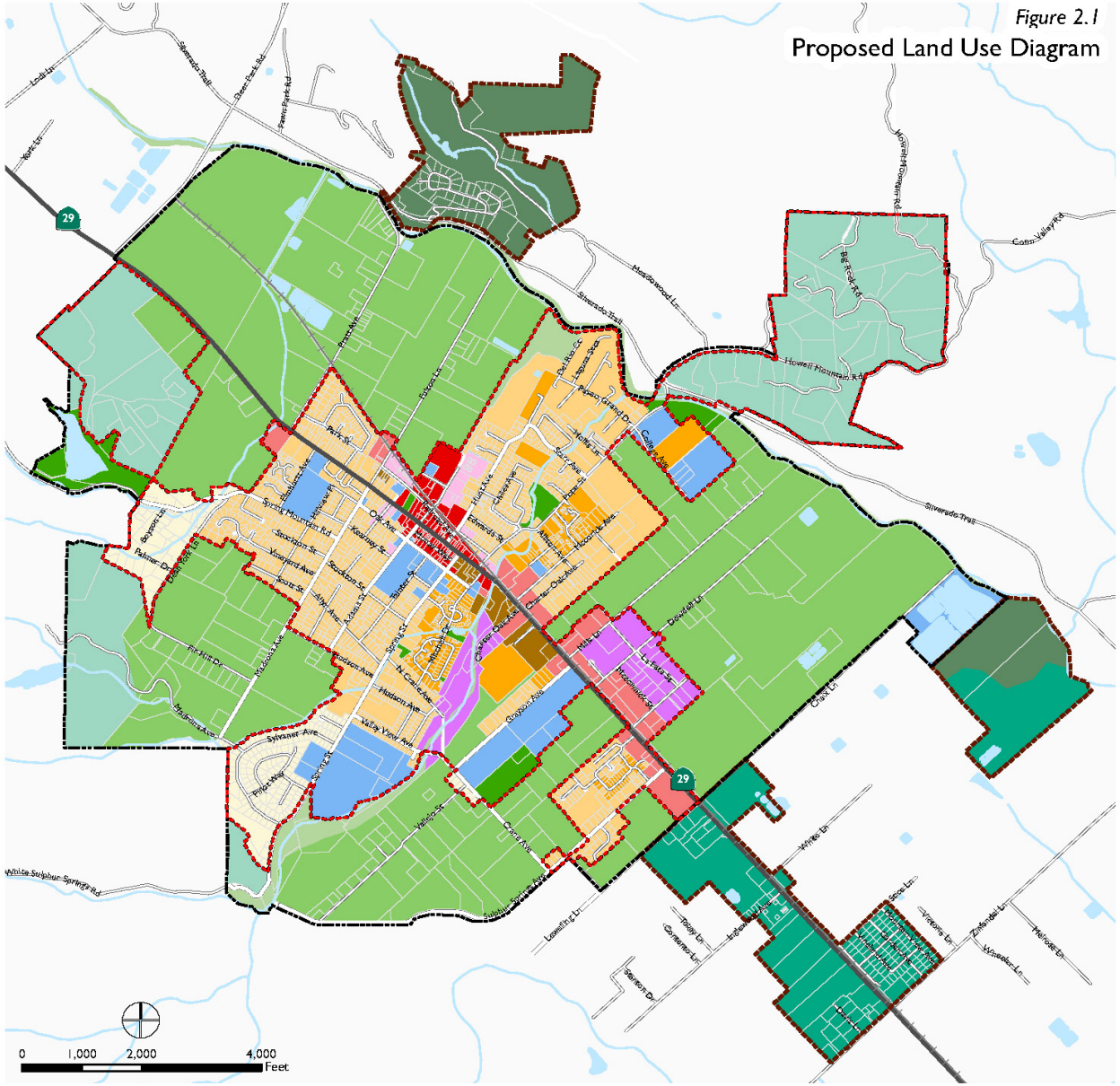
# General Plan Land Use Map

**St. Helena General Plan**

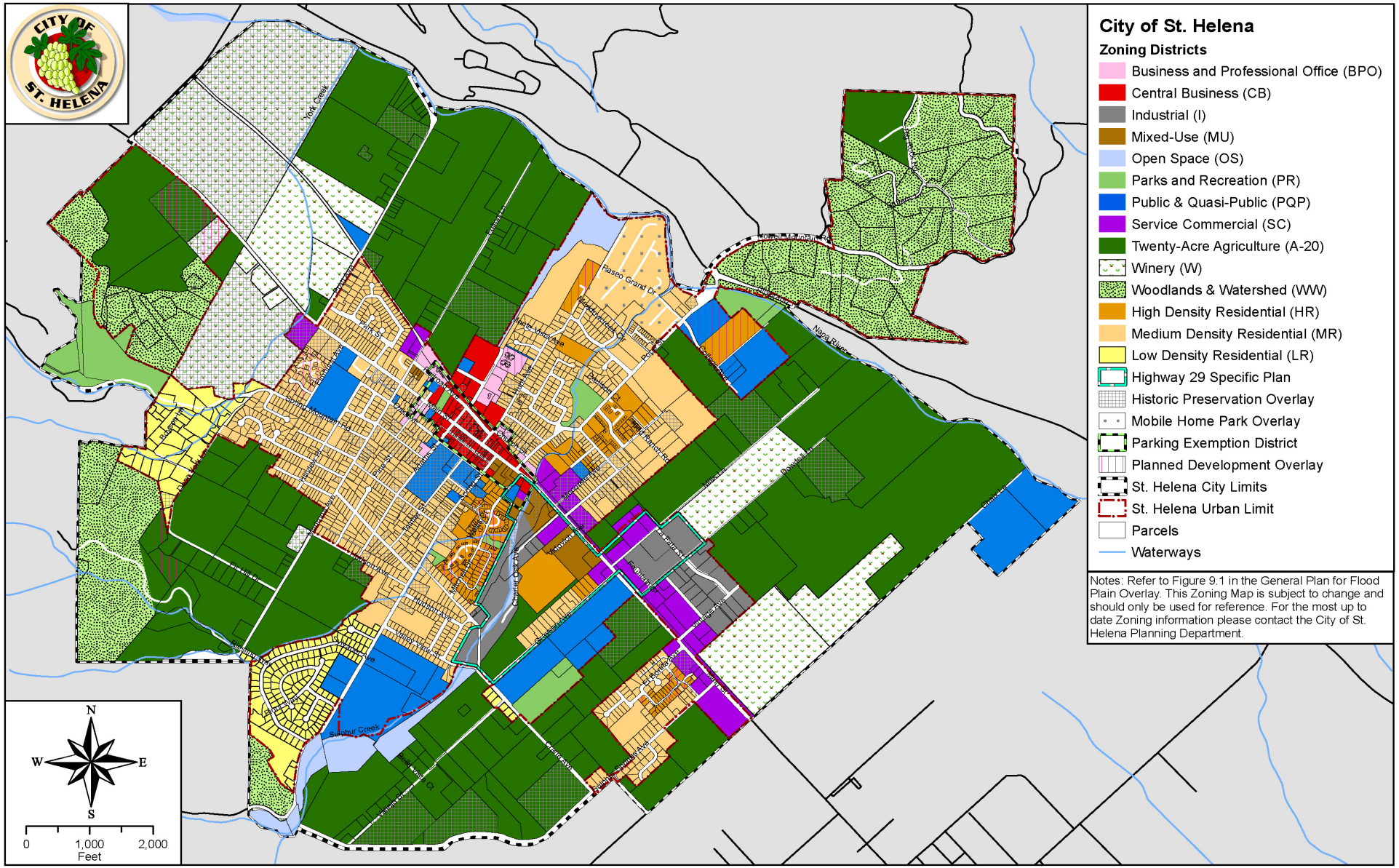
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Central Business
- Service Commercial
- Mixed-Use
- Office
- Industrial
- Public and Quasi-Public
- Parks and Recreation
- Agriculture
- Open Space
- Woodlands and Watershed

**Napa County General Plan**

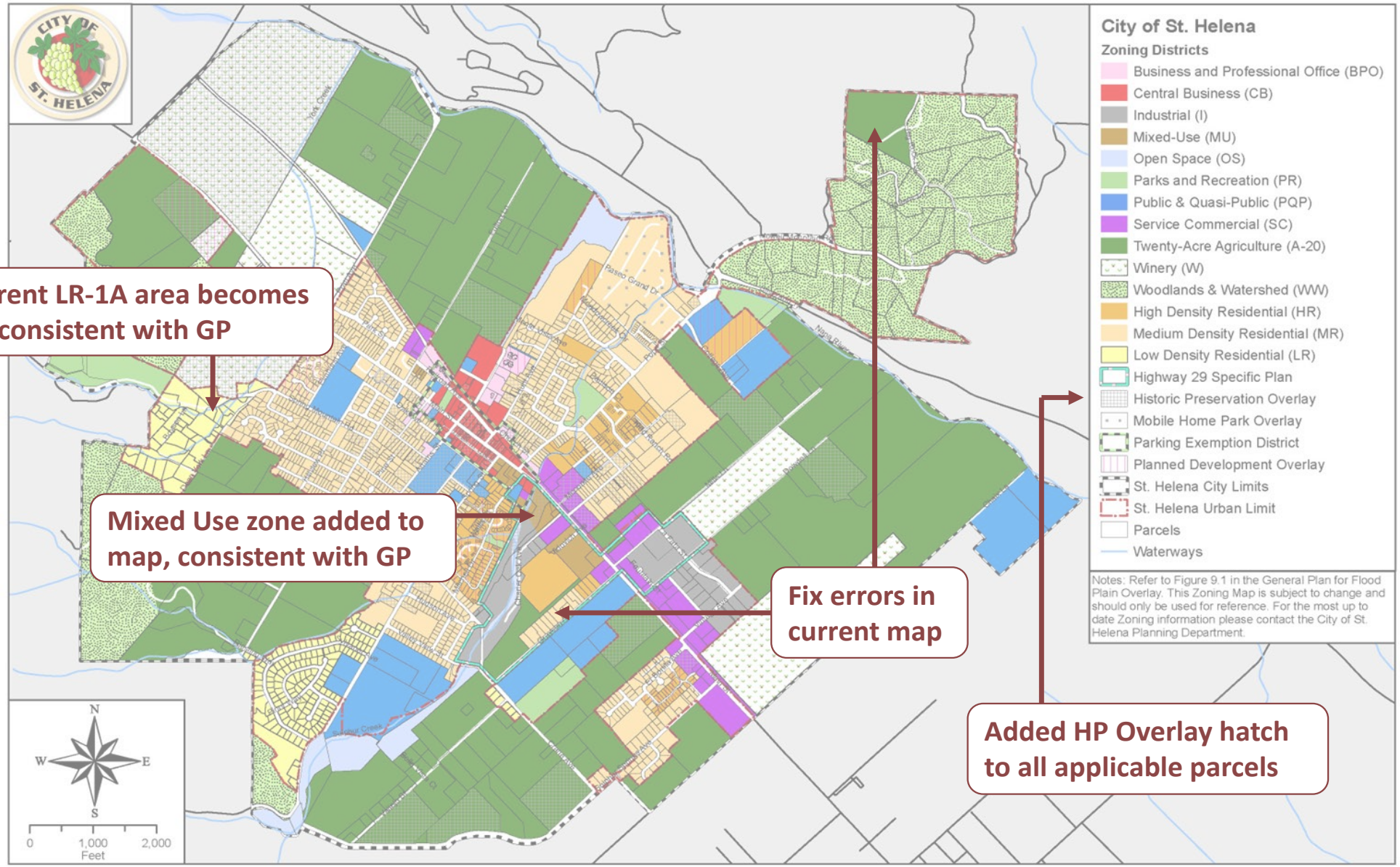
- Agricultural Resource
- Agriculture, Watershed and Open
- Railroad
- Water Features
- Urban Limit Line
- Study Areas
- City of St. Helena



# Updated Zoning Map



# Changes


Current LR-1A area becomes LR, consistent with GP
Mixed Use zone added to map, consistent with GP
Fix errors in current map
Added HP Overlay hatch to all applicable parcels
City of St. Helena
Zoning Districts
Business and Professional Office (BPO)
Central Business (CB)
Industrial (I)
Mixed-Use (MU)
Open Space (OS)
Parks and Recreation (PR)
Public & Quasi-Public (PQP)
Service Commercial (SC)
Twenty-Acre Agriculture (A-20)
Winery (W)
Woodlands & Watershed (WW)
High Density Residential (HR)
Medium Density Residential (MR)
Low Density Residential (LR)
Highway 29 Specific Plan
Historic Preservation Overlay
Mobile Home Park Overlay
Parking Exemption District
Planned Development Overlay
St. Helena City Limits
St. Helena Urban Limit
Parcels
Waterways
Notes: Refer to Figure 9.1 in the General Plan for Flood Plain Overlay. This Zoning Map is subject to change and should only be used for reference. For the most up to date Zoning information please contact the City of St. Helena Planning Department.
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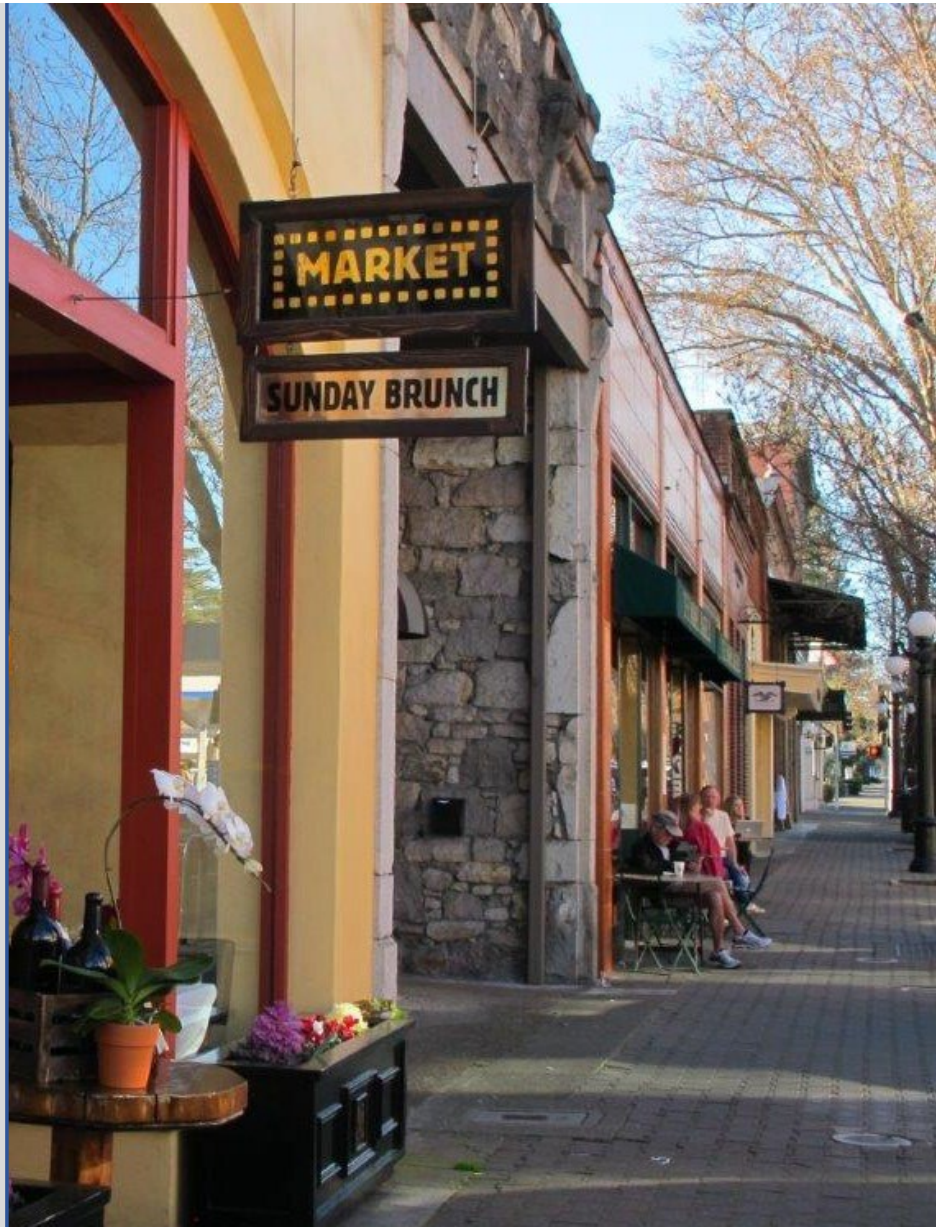

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- 17.02 Reserved

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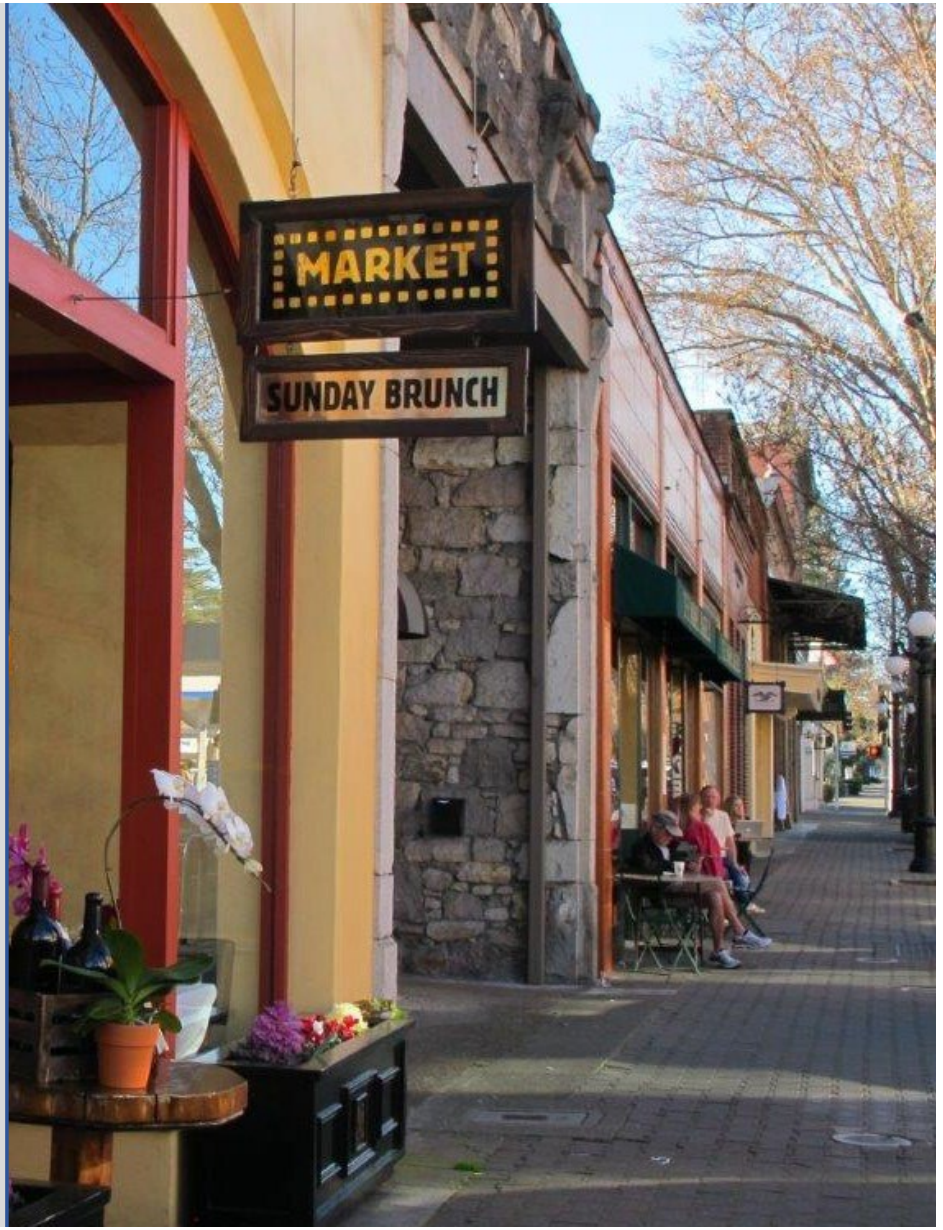
# Review of Projects



# Review Authority

- **Home Occupation Permit**
- **Minor Design Review**
- **Minor Sign Permit**
- **Minor Use Permit**
- **Short Term Rental Renewal**
- **Temporary Use Permit**
- **Minor Modifications**

# Review Authority

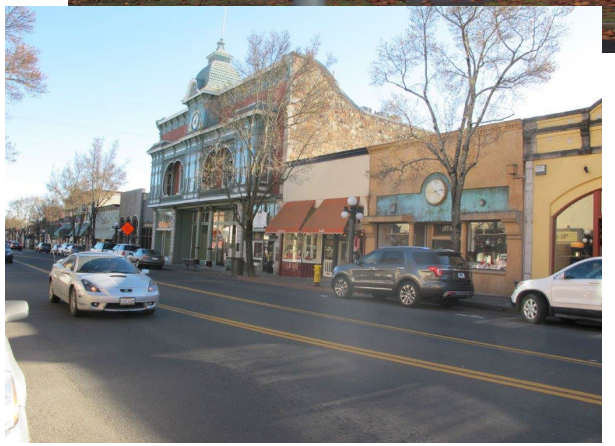
- **Conditional Use Permit**
- **Demolition Permit**
- **Historic Demolition Permit**
- **Major Design Review**
- **Major Sign Permit**
- **Short-Term Rental Permit**
- **Pre-zoning for Annexation**
- **Specific Plans**
- **Reestablishment of an Abandoned Non-conforming Use**
- **Variance**

# Review Authority

- **Development Agreement**
- **General Plan Amendments**
- **Zoning Map Amendments**
- **Zoning Text Amendments**

# Major Design Review

- **Planning Commission Approval; Appeal to City Council**
- **Applicability:**
  - **Commercial, industrial, or agricultural building ≥500 sq ft and visible from a public street or alley** (new or exterior modification).
  - **Public facilities** (new or modification to existing).
  - Structures in the **Historic Preservation Overlay district not consistent with the standards of the Historic Preservation chapter**.
  - Structures in the **Planned Development Overlay district**.
  - **Where a CUP is required** (new or modification to existing) **excluding multi-family residential** projects.
  - **New single-family homes.**
  - **Additions to a single-family home that create a new second or third floor**, story, or living space
  - **Addition to an existing second or third story** in a single-family home.
  - **Any residential and residential mixed-use buildings that do not comply with the applicable design standards.**

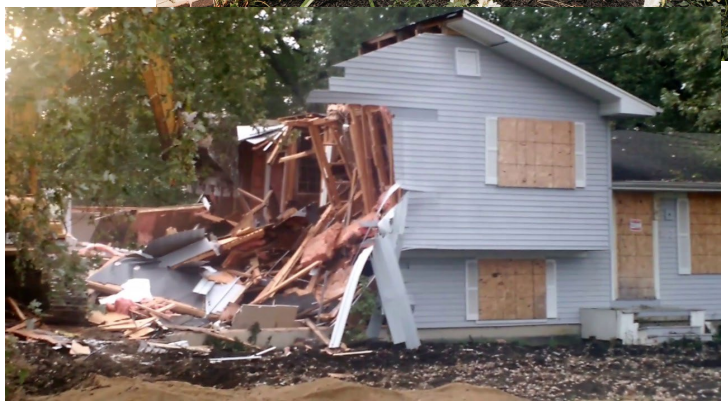


# Major Design Review

- **Planning Commission Approval; Appeal to City Council**
- **Findings, Nonresidential Projects:**
  - Conformance with the General Plan and Zoning Code;
  - Siting, form, and architectural style appropriate for the site and surroundings;
  - In the CB district, façade composition encourages connection to the street;
  - Roof design, building massing, and articulation on all sides of the building create visually engaging structure;
  - Materials and colors create a visually cohesive design;
  - Building design and landscaping support public safety and security with a visual connection between the building frontages and the right-of-way, common open spaces, and other buildings on the site; and
  - In a National Register Historic District, complies with the Secretary of the Interior's standards and guidelines.
- **Findings, New Single-Family and New Additions of 2nd or 3rd Stories:**
  - Consistent and compatible with the General Plan *(existing finding)*
  - Materials, textures, colors and details of construction are an appropriate expression of its design concept and function and compatible with the adjacent and neighboring structures and functions *(existing finding)*

# Minor Design Review

- **Director Approval; Appeal to PC**
- **Applicability:**
  - **Replacement of materials in like kind and form**
  - **Repair or maintenance in areas not visible** to the public from the public right-of-way or areas accessible to the public.
  - **Any work on an existing residential structure not requiring Major DR.**
  - **New accessory structures.**
  - **Minor changes to the exterior of existing non-historic nonresidential buildings** requiring a building permit.
  - **Minor changes to a nonresidential site** not involving change of use.
  - **Intentional destruction and removal of less than 50% of finished floor within the exterior walls of a non-historic structure** in conjunction with a remodel or addition.

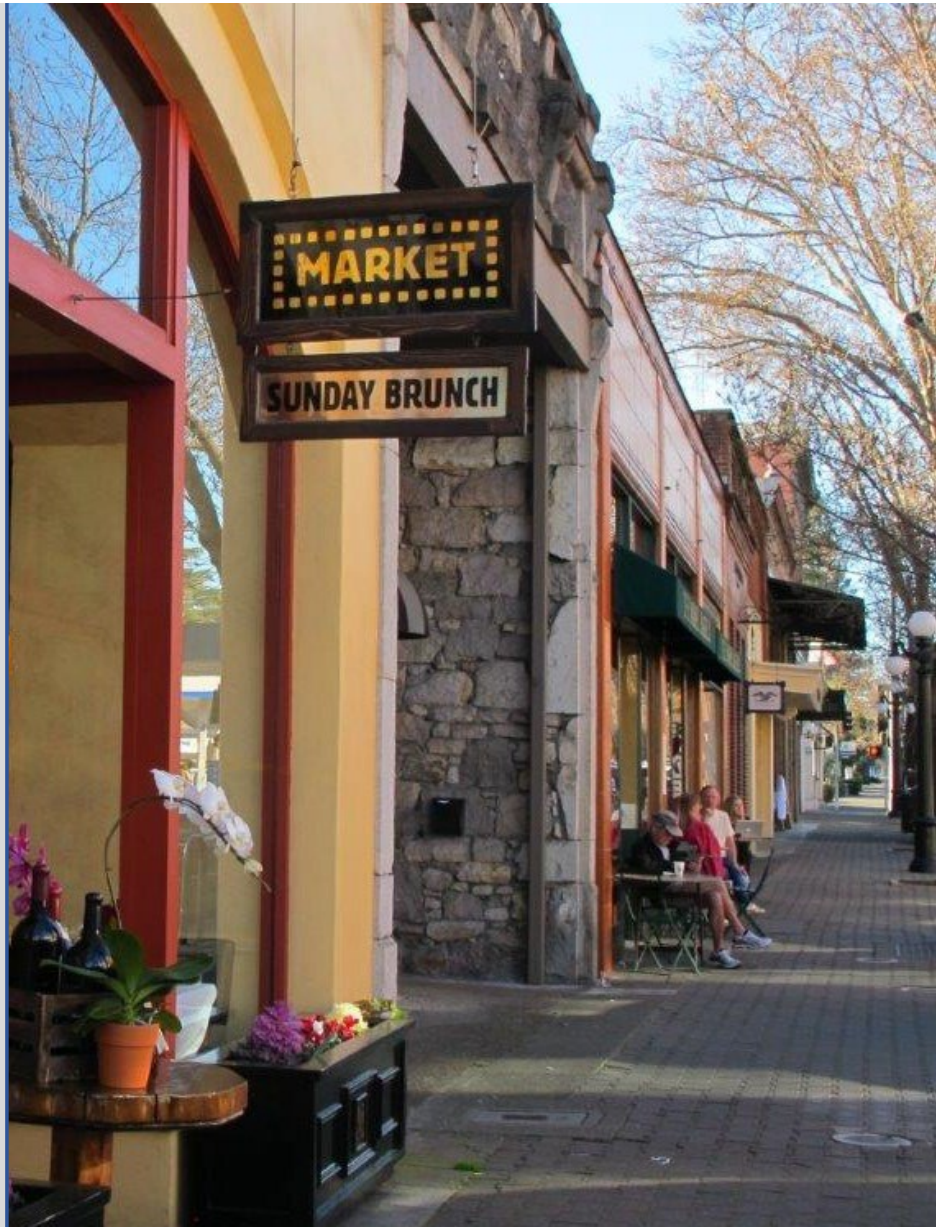


# Minor Design Review

- **Director Approval; Appeal to PC**
- **Findings:**
  - Conformance with General Plan and Zoning Code;
  - Conformance with applicable design and development standards;
  - Operating characteristics minimize potential negative impacts and land use conflicts;
  - Adequate utilities, access roads, drainage, sanitation, and other necessary facilities;
  - Categorically exempt under CEQA or other applicable environmental documents have been certified as complete and adequate; and
  - Not detrimental to the public health, safety and general welfare.

# Residential Development

## (Part III District Regulations)



# Uses in the Residential Districts

## Residential Uses:

**LR: Low Density Residential**

- Single-family dwellings
- Mobile homes (CUP)

**MR: Medium Density Residential**

- Single-family dwellings
- Multi-family dwellings
- New small low development (CUP)
- Mobile homes (CUP)

**HR: High Density Residential**

- Multi-family dwellings
- Single-room occupancy
- New small low development (CUP)
- Mobile homes

# Uses in the Residential Districts

## Commercial Uses

- Lodging
  - Bed & Breakfast Inn
  - Boarding house
  - Short-term rental
- Model home sales office

## Agricultural/Public Uses

- Child day care facilities (small and large)
- Community garden
- Public services (minor and major)
- Solar energy system

## Accessory Uses

- ADU
- Accessory structure (e.g., garage, carport, patio cover, etc.)
- Animal keeping
- Beekeeping
- Cottage food operations
- Family day care facility (small and large)
- Home occupation
- Swimming pool

# Residential Development Standards

## Concerns/Issues to Address:

- **Control home size** in the A-20, LR, and MR districts while allowing larger homes in the WW district
- **Achieve permitted densities** in the MR and HR
- **Facilitate duplexes, triplexes** in MR and HR
- **Small lot** development standards that lead to **desired configurations of more affordable infill housing**
- Achieve **consistency with existing context** in terms of size/FAR, particularly in older areas

# A-20 District: Development Standards

**Twenty-Acre Agricultural District**

| | Lots < 2 ac | | Lots ≥ 2 ac | |
|---|---|---|---|---|
| | **A-20 Existing** | **A-20 Proposed** | **A-20 Existing** | **A-20 Proposed** |
| Density | Max. 1 unit/acre | Max. 1 unit/acre | Max. 1 unit/5 acres | Max. 1 unit/5 acres |
| FAR | Sliding scale | **None** | - | - |
| Min. Lot Area / Width | 1 acre / 70 ft | 1 acre / 70 ft | 20 acres / none | 20 acres / none |
| Max. Lot Coverage | 35% | 35% | 0.5 acre non-agric. | 0.5 acre non-agric. |
| Max. Primary Building Ground Level Floor Area | - | **4,500 sq ft** | - | **4,500 sq ft** |
| Max. Second Story Floor Area | - | - | - | **35% of ground floor area** |
| Max. Building Height | 30 ft | **30 ft / 2 stores** | 30 ft | 30 ft |
| Min. Front, Street Side Setback | 20 ft (≤ 25 ft in height); 30 ft (25-30 ft in height) | 20 ft (≤ 25 ft in height); 30 ft (25-30 ft in height) | 50 ft from centerline of abutting street | 50 ft from centerline of abutting street |
| Min. Interior Side Setback | 10 ft (≤ 25 ft in height); 15 ft (25-30 ft in height) | 10 ft (≤ 25 ft in height); 15 ft (25-30 ft in height) | 20 ft | 20 ft |
| Min. Rear Setback | 20 ft (≤ 25 ft in height); 30 ft (25-30 ft in height) | 20 ft (≤ 25 ft in height); 30 ft (25-30 ft in height) | 20 ft | 20 ft |

# LR District: Development Standards

**Low Density Residential District**

| | LR Existing | LR Proposed |
|---|---|---|
| Density | 1-5 units per acre | 1-5 units/acre |
| FAR | Sliding scale | **None** |
| Min. Lot Area / Width | 7,000 sq ft / 70 ft | 7,000 sq ft, **3,000 sq ft (small lot)** / 70 ft |
| Max. Lot Coverage | 35% | 35% |
| Max. Primary Building Footprint | - | **2,400 sq ft (lots ≤15,000 sq ft); 4,800 sq ft (lots >15,000 sq ft); 1,400 sq ft (small lot)** |
| Max. Building Frontage | 60% of lot width | 60% of lot width |
| Max. Building Height | 30 ft | **30 ft/2 stories** |
| Front, Street Side Setback | 20 ft (≤ 25 ft in height); 30 ft (25-30 ft in height) | 20 ft (≤ 25 ft in height); 30 ft (25-30 ft in height) |
| Interior Side Setback | 10 ft (≤ 25 ft in height); 15 ft (25-30 ft in height) | 10 ft (≤ 25 ft in height); 15 ft (25-30 ft in height) |
| Rear Setback | 20 ft (≤ 25 ft in height); 30 ft (25-30 ft in height) | 20 ft (≤ 25 ft in height); 30 ft (25-30 ft in height) |

# LR District: Development Standards

**Low Density Residential District**

| LOT SIZE-square feet | MAX Footprint of Primary Structure |
|---|---|
| ≥7000-7999 | 2,400 square feet |
| ≥8000-8999 | 2,700 square feet |
| ≥9000-9999 | 2,950 square feet |
| ≥10,000-10,999 | 3,300 square feet |
| ≥11,000-11,999 | 3,650 square feet |
| ≥12,000-12,999 | 4,000 square feet |
| ≥13,000-13,999 | 4,350 square feet |
| ≥14,000-14,999 | 4,700 square feet |
| >15,000 | 4,800 v |

# MR District: Development Standards

**Medium Density Residential District**

| | MR Existing | MR Proposed |
|---|---|---|
| Density | 5.1 – 16 units per acre | 5.1 – 16 units per acre |
| FAR | Sliding scale | **None** |
| Min. Lot Area / Width | 7,000 sq ft / 70 ft | **6,000 sq ft, 3,000 sq ft (small lot) / 45 ft, 32 (small lot)** |
| Max. Lot Coverage | 45% | **35% (lot width ≤45 ft); 40% (lot width >45 ft)** |
| Max. Primary Building Footprint | - | **1,800 sf (lot width ≤45 ft); 2,000 sf (lot width >45 ft); 1,400 sf (small lot dev.)** |
| Max. Building Frontage | 60% of lot width | **25 ft (lot width ≤45 ft); 36 ft (lot width >45 ft)** |
| Max. Building Height | 30 ft | **30 ft/2 stories** |
| Front Setback | 20 ft (≤25 ft in height); 30 ft (25-30 ft in height) | **20 ft; 12 ft (small lot)** |
| Street Side Setback | 20 ft (≤25 ft in height); 30 ft (25-30 ft in height) | **15 ft (≤25 ft in height); 20 ft (25-30 ft in height)** |
| Interior Side Setback, Ground Floor | 10 ft (≤25 ft in height); 15 ft (25-30 ft in height) | **5 ft; Combined 15 ft (≤ 25 ft in height); Combined 20 ft (25-30 ft in height)** |
| Interior Side Setback, Upper Floors | 10 ft (≤25 ft in height); 15 ft (25-30 ft in height) | **10 ft when adjacent to LR or MR** |
| Rear Setback | 20 ft (≤25 ft in height); 30 ft (25-30 ft in height) | 20 ft (≤25 ft in height); 30 ft (25-30 ft in height) |

# HR District: Development Standards

**High Density Residential District**

| | HR Existing | HR Proposed |
|---|---|---|
| Density | 16.1 – 28 units per acre | 16.1 – 28 units per acre |
| FAR | Sliding scale | **None** |
| Max. Lot Area / Width | 7,000 sq ft / 70 ft | 7,000 sq ft, **3,000 sq ft (small lot) / 45 ft, 32 ft (small lot)** |
| Max. Lot Coverage | 45% | **55%** |
| Max. Primary Building Footprint | - | None; **1,400 sq ft for small lot** |
| Max. Building Height | 30 ft if ≤4 units, 35 ft if >4 units | **42 ft/3 stories; 30 ft/2 stories (small lot dev.)** |
| Front Setback | 20 ft | **15 ft; 25 ft (3rd floor and above); 10 ft (small lot dev.)** |
| Street Side Setback | 20 ft | **15 ft** |
| Interior Side Setback | 10 ft | 10 ft |
| Rear Setback | 20 ft | **10 ft** |

# Residential Design Standards

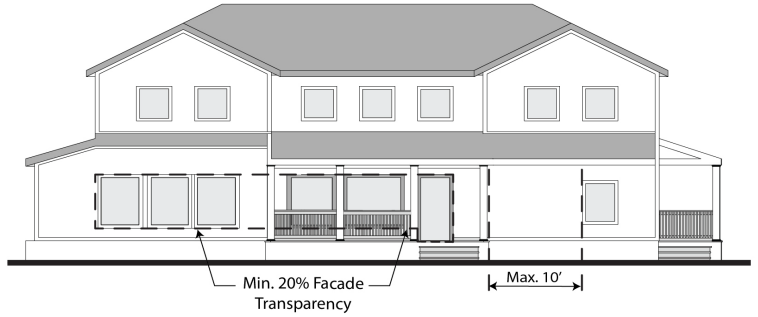
## Concerns/Issues to Address:

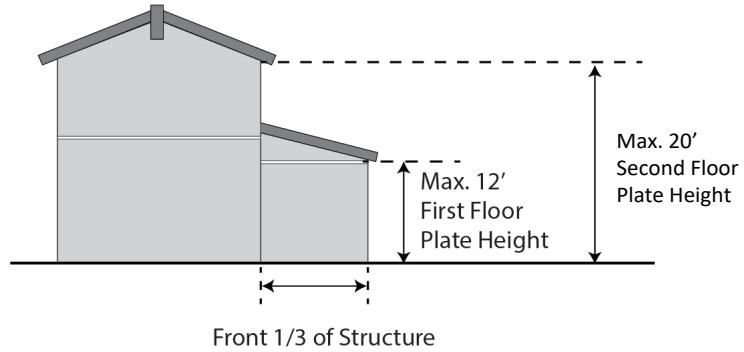
- Reduce scale and massing by **varying roof lines and articulating building facades**.
- Ensure that new residential designs contribute positively to existing neighborhoods by **complementing character and incorporating design features, such as front porches, façade articulation,** and **upper-story step-backs**.
- Promote the application of **sustainable building practices**
- Encourage **innovative housing types and designs.**
- Consider the development of **cottage housing/pocket neighborhood** standards as a means to increase moderately priced housing types
- Encourage **higher density developments** [and restrict construction of large single-family units], including current floor area ratios and yard and setback requirements.

# Residential Design Standards

**A. Design Standards for All Residential Development Types.**

1. **General Standards.** *See Part IV, Citywide Standards.*
2. **Required Second Story Step-backs in the LR and MR districts.** *10 feet from the ground floor front façade, 5 feet from the ground floor interior side and rear facades.*
3. **Building Orientation.** *Towards public ROW or internal walkways; window/balcony/deck placement must be at least 12 horizontal ft from window areas of facing residences.*
4. **Building Transparency.** *At least 20 percent of the area of each street-facing facade; Max. 10 ft blank wall.*
5. **Roofline and Roof Design.**
   - ***Roof:*** *Flat or pitched (at least 5:12);*
   - ***Ground floor street-facing plate:*** *Max. 12 ft on front 1/3 of building;*
   - ***Second story plate:*** *Max. 20 ft;*
   - ***Shingle roof:*** *Min. dimension is 6 ft.*
6. **Exterior Building Materials and Colors.** *Quality materials, limited use of bright colors, all sides of building.*



# Residential Design Standards

**A. Design Standards for All Residential Development Types.**

7. **Landscaping.** *See Section 17.25, Landscaping. Front and street side setback setbacks must be landscaped.*

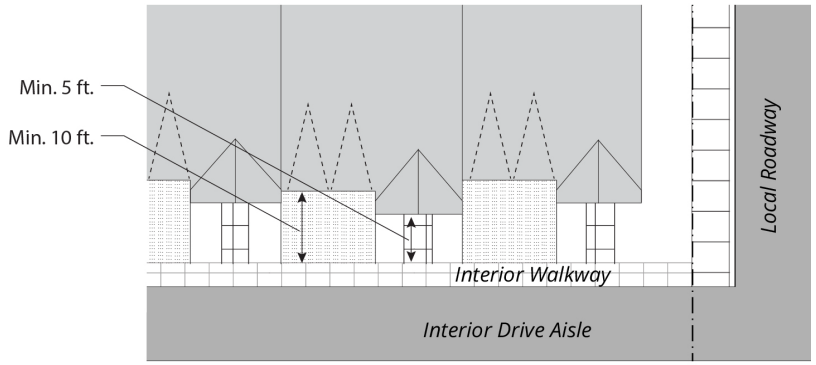
8. **Site Circulation/Access.** *Pedestrian network visibility, continuity, and accessibility; min. 10 ft (garage door) or 5 ft (living area) from sidewalk of interior drive aisle.*

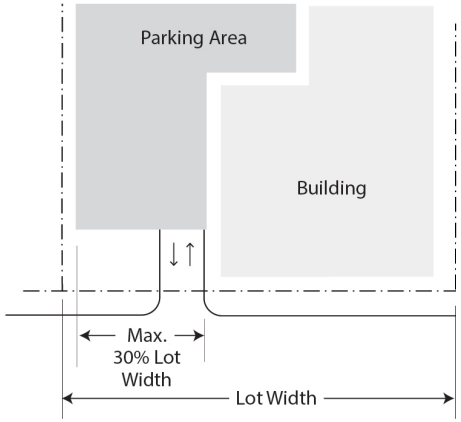
9. **Parking Frontage.** *Max. 30 percent of any street frontage.*

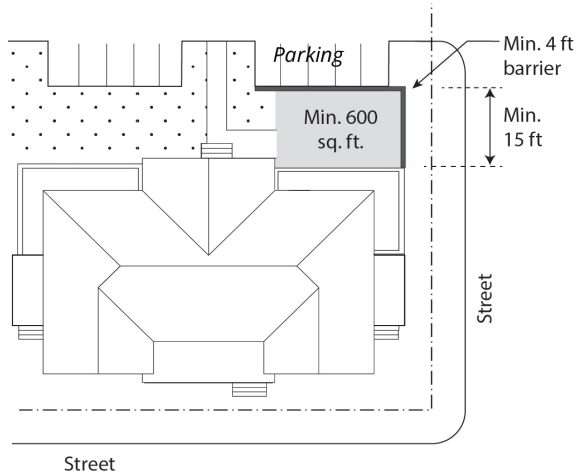
10. **Private Outdoor Open Space.** *Balconies, porches, decks, and private ground floor open space (for ground floor units).*

11. **Required Play Areas.** *Must be included for 15 or more dwelling units, min. dimension 15 ft and min. area of 600 sq ft; visible and protected.*

12. **Sustainability and Energy Efficiency**. *Landscaping to passively cool, energy-efficient HVAC and lighting, blend in aesthetically, drought-tolerant.*



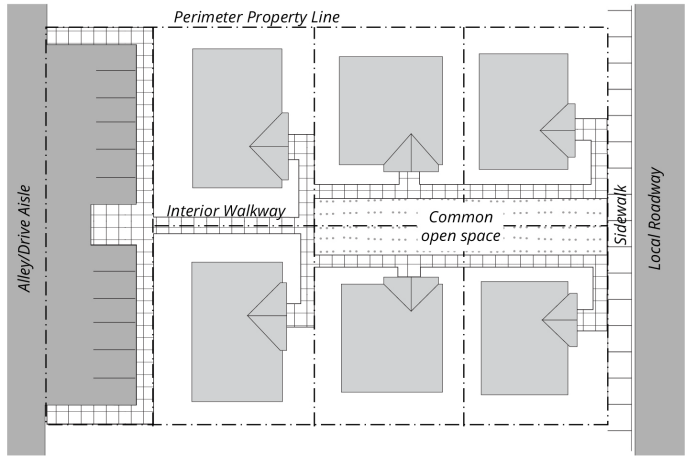
# Residential Design Standards

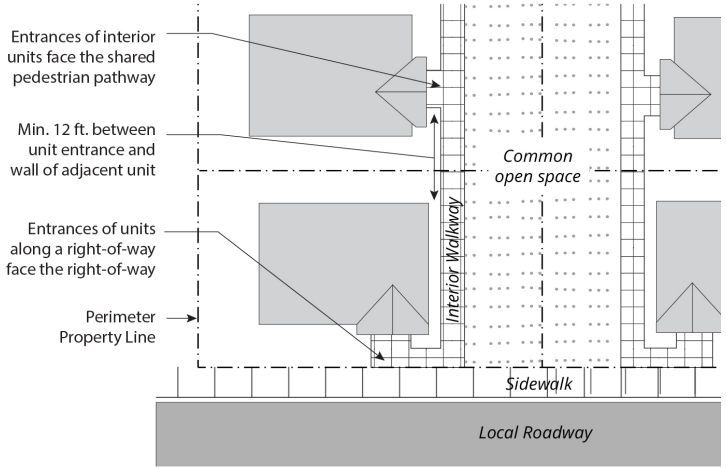
**B. Design Standards Specific to Small-Lot Development.**

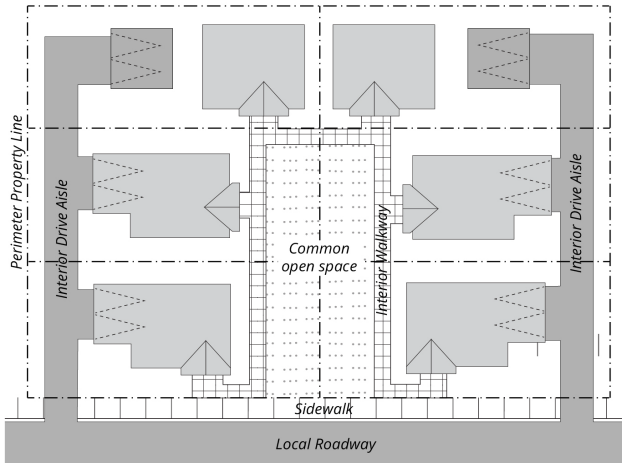
1. **Small Lot Size.** *Detached or attached single-unit residential development permitted on smaller lot sizes.*

2. **Small Lot Configurations.** *Garden courts, bungalow courts, and townhouses. Interior lot line placement not regulated.*

3. **Small Lot Entrances.** *Oriented towards and visible from pedestrian pathway connected to right-of-way or private street; min. 12 ft between entryway and building wall of adjacent unit.*



# Residential Design Standards

**B. Design Standards Specific to Small-Lot Development.**

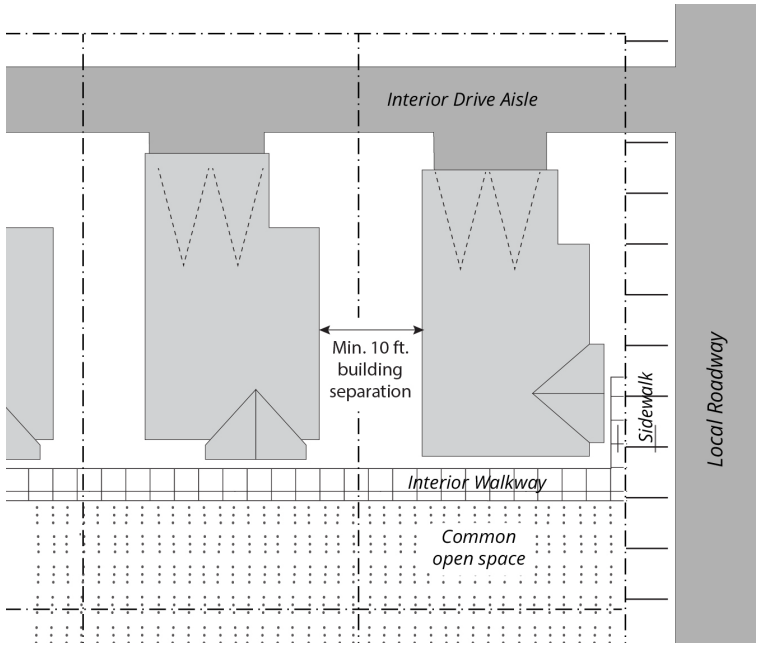
4. **Small Lot Perimeter Setbacks.** *Minimum setbacks for primary structure from the property line are same as the underlying zone setbacks.*

5. **Small Lot Interior Setbacks for Detached Units.** *Min. 10 ft building separation for detached units.*

6. **Small Lot Parking Access.** *Parking and garage location and access and pedestrian network continuity and accessibility.*

7. **Small Lot Landscaping.** *Min. 25% of site must be landscaped; min. 5 ft of landscaping between entrance and interior walkway for lots with units facing common open space.*

8. **Small Lot Private Open Space.** *Minimum 200 sq. ft. per unit (e.g., porch, deck, patio, or garden); 6 ft min. dimension.*



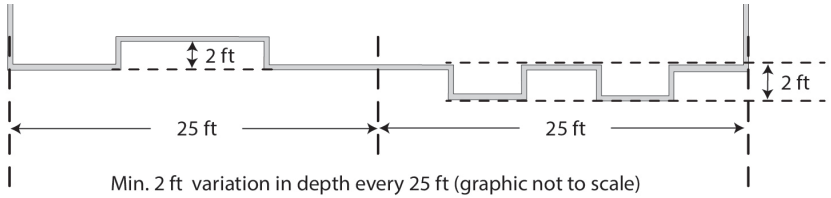
# Residential Design Standards

## C. Design Standards Specific to Multi-Family Development.

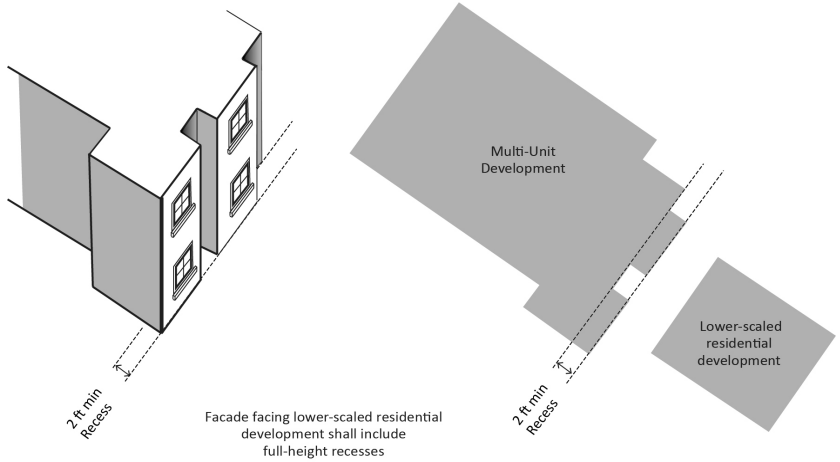
### 1. Building Design.

- *Varying building height through changes in pitch, plane, and orientation. Articulating façades trough offsets, recesses, or projections.*
- *Min. 18 in. roofline offset for attached single unit and multi-unit development.*
- *Building details (e.g., window and door trim, cornices, window recesses), min. two features (e.g., balconies, cantilevers, dormers).*
- *Ground floor elevation must be distinguished from upper stories if building is over two stories.*
- *Min. two windows for units facing common open space.*
- *Min. two materials on frontage, a unified palette of materials with min. two complementary colors on all sides of buildings.*
- *At least one full-height recess (min. two ft in depth) on façade of new multifamily development facing existing lower-scaled residential development.*

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




Min. 2 ft variation in depth every 25 ft (graphic not to scale)




Facade facing lower-scaled residential development shall include full-height recesses

# Residential Design Standards

## C. Design Standards Specific to Multi-Family Development.

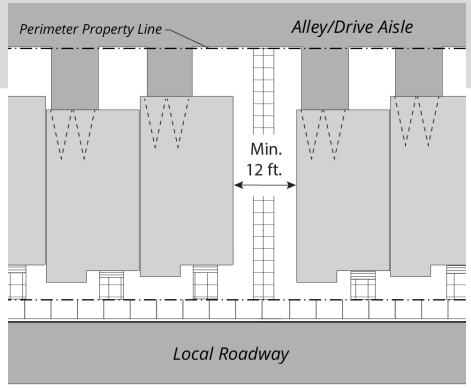
### 1. Building Design.

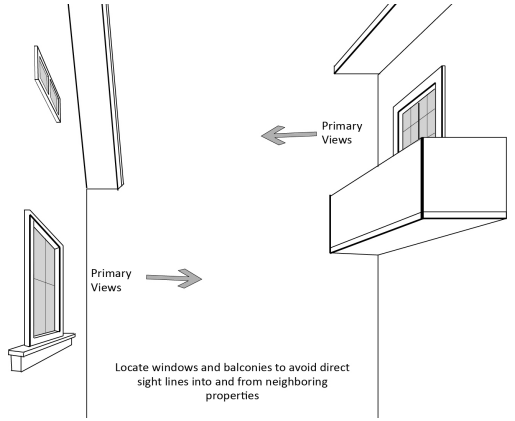
- *Min. 200 ft³ private storage (min. horizontal dimension: 4 ft) for each unit.*
- *Exterior materials and details of affordable units must be indistinguishable from those of market-rate units.*

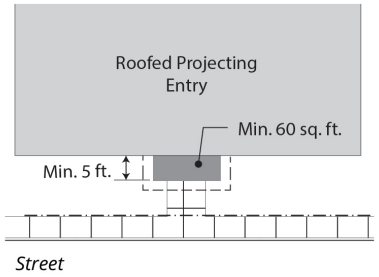
### 2. Rowhouse Design. *3-8 units per block of rowhouses; min. 12 ft of separation between units.*

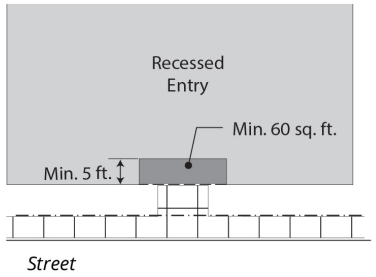
### 3. Entry Design.

- *Visibility and accessibility of shared or individual ground floor and exterior entrances.*
- *Individual or shared exterior entrances to multi-family developments.*
- *Roofed projection or recess for multi-unit entrances: min. 60 sq ft, min. five ft in depth.*
- *Roofed projection or recess for single-unit entrances: min. 25 sq ft, min. five ft in depth.*



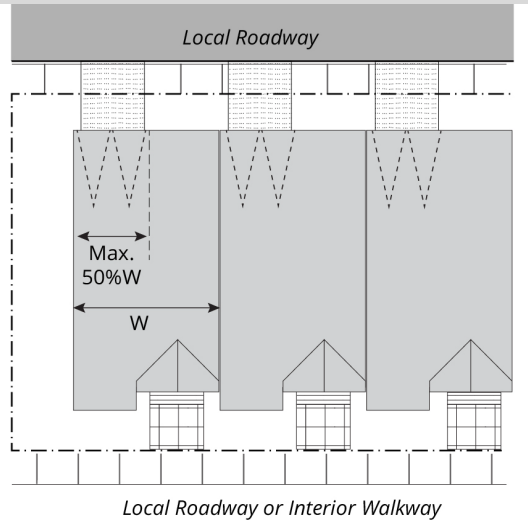
# Residential Design Standards

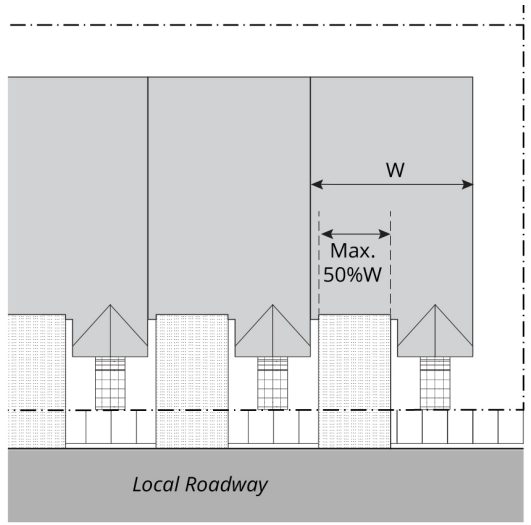
**C. Design Standards Specific to Multi-Family Development.**

4. **Common Outdoor Recreation Space.** *Passive and active recreation space use, visibility, and accessibility; max. 10% slope for common outdoor recreational space.*

5. **Parking Location.** *Off-street parking design, access, and location. Attached garages for rowhouses or townhouses occupy max. 50% of the street-facing building façade.*

6. **Universal Design.** *Universal Design principles apply to 10% of the units for residential projects with min. 10 dwelling units.*



# Upcoming Study Sessions

## Study Session #2, November 16th

- **Commercial and Mixed-Use Discussion**
  - *Uses in the CB, SC and MU districts*
  - *MU Development Standards*
  - *Standards specific to Live/work*
  - *Standards specific to Formula Business*
  - *Standards specific to Short-Term Rentals*

## Study Session #3, December 7th

- **Citywide Standards**
  - *Parking*
  - *Signage*
  - *Affordable Housing*
- **Overlay Zones**
  - *Parking Exemption*
  - *Historic Preservation*
  - *Planned Development*

# Feedback

1. Council and Commission Feedback
2. Public Feedback
3. Additional feedback to:

Maya DeRosa, AICP
Community Development Director
mderosa@cityofsthelena.org

CITY OF ST. HELENA
ZONING CODE UPDATE

**Thank you!**

LWC