1.04.170 Successor provisions.

References to local, state, or federal codes, statutes, or regulations include successor provisions.

17.02.050 - Advisory agency.

"Advisory agency" means:

A. The administrator in the case of the following procedures:
   1. Merger of substandard parcels;
   2. Summary reversions to acreage pursuant to Section 17.50.070;
   3. Extensions of the life of a tentative map;
   4. Minor changes to approved tentative maps pursuant to subsection (B) of Section 17.26.040;
   5. Modifications to or Elimination of Slope Easements. A slope easement may be modified administratively if findings are made that the revised easement provides an equivalent or greater similar level of protection and will not decrease the county's ability to maintain the existing roadway or drainage-way; and in addition, a slope easement may be eliminated administratively provided a finding is made that the easement was erroneously designated on the lot and is not needed; and
   6. All other procedures not set forth in subsection (B) or (C) of this section.

B. The commission in the case of the following procedures:
   1. Approval of tentative maps for which a parcel or final map is required; and
   2. Waiver of parcel maps pursuant to Section 17.06.040 of this title.

C. The director of planning~~, building and environmental services~~ in the case of the following procedures:
   1. Issuance of certificates of correction pursuant to Section 17.26.050 of this title;
   2. Issuance of notices of violation of the Subdivision Map Act or this title; and
   3. Issuance of ministerial urban lot splits pursuant to Chapter 17.17 and other maps requiring ministerial approval by state law.

D. The county surveyor in the case of the following procedures:
   1. Issuance of Certificates or Conditional Certificates under Chapter 17.52 of this title.

17.04.030 - Exemptions to Title 17 regulations.

Title 17 of this code shall not apply to the following:

A. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, trailer parks or recreational vehicle parks;

B. Mineral, oil or gas leases;

C. Land dedicated for cemetery purposes under the Health and Safety Code of the state;

D. Lot line adjustments; provided, however, that Sections 17.46.020 through 17.46.050, which establish a procedure for processing lot line adjustments, are applicable;

E. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party;

F. Any separate assessment pursuant to Section 2188.7 of the Revenue and Taxation Code;

G. Unless a parcel or final map was approved by the county, the conversion of a community apartment project or stock cooperative to a condominium, if the requirements set forth in Section 66412 subparagraph (g) in the case of a community apartment project or Section 66412 subparagraph (h) in the case of a stock cooperative, are met;

H. The leasing of or the granting of an easement to a parcel of land, or any portion or portions thereof in conjunction with the financing and erection, and subsequent sale or lease, of a wind-powered electrical generation device on the land, if the project must secure a use permit or other discretionary permit from the county prior to becoming operational;

I. The financing or leasing of any parcel of land, or any portion thereof in conjunction with the construction of commercial or industrial buildings on a single parcel unless the project will not be subject to review by any other county ordinance regulating design and improvement;

J. The financing or leasing of existing separate commercial or industrial buildings on a single parcel;

K. The construction, financing or leasing of dwelling units pursuant to Section 65852.1 or ~~second~~accessory dwelling units pursuant to ~~Section 65852.2~~ Article 2 (commencing with Section 66314) of Chapter 13 of Division 1 of the Government Code. This title shall, however, apply to the sale or transfer of such units;

L. Leases of land for agricultural purposes. As used in this subsection, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock; and

M. Any other land division expressly exempted from the Map Act by state law.

17.06.010 - Map filing requirements.

A. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums or townhouse units, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:

1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the advisory agency; or
2. Each parcel created by the division has a gross area of twenty acres or more and has access approved by the director of planning to a maintained public street or highway; or
3. Each parcel created by the division has a gross area of not less than forty acres or is not less than a quarter of a quarter section;
4. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which meets the road standards as to alignment and width.

B. A tentative and a parcel map shall be required for all subdivisions creating not more than four parcels, not more than four condominium units, not more than four townhouse units, community apartment projects containing four or less parcels or for the conversion of a dwelling to a stock cooperative containing not

more than four dwelling units; and for those subdivisions described in subsections (A)(1) through (A)(4) of this section

C. A parcel map shall be required for all urban lot splits conforming to the provisions of Chapter 17.17.

17.14.040 - Acceptance and processing.

A. After an application has been deemed complete, one or more public hearings on the map shall be scheduled before the advisory agency, except for ministerial urban lot splits conforming to the provisions of Chapter 17.17, which shall not require a public hearing, and other subdivisions subject to ministerial approval by state law.

B. After closing the final public hearing, the advisory agency shall, in a manner consistent with this title, approve, approve with conditions, or disapprove the tentative map and mail a copy thereof to the subdivider and ~~his~~ their authorized agent within ten days.

C. The advisory agency shall approve, conditionally approve, or disapprove the tentative map within fifty days after the certification of the environmental impact report, adoption of a negative declaration, or determination that the application is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 and following).

D. The decision of the advisory agency shall be final unless appealed in the manner prescribed in Section 17.14.280.

E. Amendments to approvals granted pursuant to this chapter, whether for change of project, conditions, expiration date or time limits, shall be processed in accordance with Chapter 17.26 of this title.

17.14.060 - ~~Denial of~~ Aapproval of map—Conditions.

A. The advisory agency, or on appeal the board, shall deny approval of a tentative map if it makes any of the following findings:

1. The proposed map is ~~not~~ consistent with applicable general and specific plans. A proposed subdivision shall be deemed consistent with the Napa County general plan and any applicable specific plan the county has officially adopted for the area where the land is located if the proposed subdivision or related land uses are compatible with objectives, policies, general land uses and programs specified by such plan or plans;
2. The design or improvement of the proposed subdivision is ~~not~~ consistent with applicable general and specific plans;
3. The site is ~~not~~ physically suitable for the type of development;
4. The site is ~~not~~ physically suitable for the proposed density of development:
5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. The design of the subdivision or the type of improvements is not likely to cause serious public health or safety problems;
7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or the use of property within, the proposed subdivision. ~~Notwithstanding the~~

~~preceding sentence, t~~The advisory agency, or on appeal the board, may approve the map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and the approving officer or body shall not use this subdivision (7) to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

B. Notwithstanding subsection (A)(5) of this section, a tentative map may be approved even though an environmental impact report was prepared with respect to the project that identified significant adverse environmental effects if a finding is made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

C. Pursuant to Government Code Section 66411.7, ministerial urban lot splits conforming to the requirements of Chapter 17.17 shall be approved if they conform to all applicable requirements of the Subdivision Map Act, unless the finding required by Section 17.17.040 is made by the Building Official. Other subdivisions subject to ministerial approval by state law shall be approved if they conform to all applicable requirements of state law and applicable provisions of the County Code.

CHAPTER 17.17 URBAN LOT SPLITS

17.17.010 - Purpose.

The purpose of this chapter is to provide objective standards for urban lot splits within single-family residential zones to implement the provisions of Government Code Section 66411.7, to facilitate the development of new residential housing units consistent with the County's Housing Element, and to ensure public health and safety.

17.17.020 - Approval of map.

As provided by Government Code Section 66411.7 and this section, urban lot splits that meet the qualifying criteria for ministerial approval under this section shall be processed in accordance with Title 17 and approved by the director of planning without a hearing. Within the time required by the Subdivision Map Act and Title 17, the director of planning shall determine if a parcel map for the urban lot split meets all the following requirements:

A. The parcel being subdivided meets the location requirements specified in Section 18.104.440.B.

B. Both resulting parcels are no smaller than 1,200 square feet.

C. Neither resulting parcel shall be smaller than 40 percent of the lot area of the parcel proposed for the subdivision.

D. The proposed lot split would not require demolition or alteration of any of the following types of housing:

1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families 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. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

4. Housing that has been occupied by a tenant in the last three years.

E. The parcel is not located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a Napa County landmark or historic property or historic district pursuant to a Napa County ordinance.

F. The parcel being subdivided was not created by an urban lot split as provided in this chapter.

G. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided in this section.

H. The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located, and all applicable objective Napa County ordinances; provided, however, that:

1. The application of such standards shall be modified if the standards would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.

2. Notwithstanding subsection (H)(1) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.

I. Each resulting parcel shall have access to, provide access to, or adjoin the public right-of-way.

J. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. The proposed dwelling units shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.

K. Parking. One parking space shall be required per unit constructed on a parcel created pursuant to the procedures in this section, except that no parking may be required where:

1. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or

2. There is a designated parking area for one or more car-share vehicles within one block of the parcel.

L. Compliance with Subdivision Map Act. The urban lot split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with

Government Code Section 66410)), except as otherwise expressly provided in Government Code Section 66411.7. Notwithstanding Government Code Section 66411.1, no dedications of rights-of-way or the construction of offsite improvements may be required as a condition of approval for an urban lot split, although easements may be required for the provision of public services and facilities.

M. The correction of nonconforming zoning conditions may not be required as a condition of approval.

N. Parcels created by an urban lot split may be used for residential uses only and may not be used for rentals of less than 30 days. No more than two dwelling units may be located on any lot created through an urban lot split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a two-unit development.

O. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300.5 *et seq*.

17.17.030 – Application and Map Requirements

A. A parcel map complying with the requirements of Title 17, including but not limited to the applicable provisions of Sections 17.08.030 and 17.08.040, -and the Subdivision Map Act shall be submitted for approval of an urban lot split.

B. Owner-Occupancy Affidavit. The applicant for an urban lot split shall sign an affidavit, in the form approved by county counsel, stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the urban lot split. This subsection shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

C. Additional Affidavit. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an urban lot split shall sign an affidavit, in the form approved by county counsel, stating that none of the conditions listed in Section 17.17.020.D exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished). The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an urban lot split.

D. Recorded Covenant. Prior to the recordation of the parcel map, the applicant shall record a restrictive covenant in the form prescribed by county counsel, which shall run with the land and provide for the following:

1. A prohibition against further subdivision of the parcel using the urban lot split procedures as provided for in this section; and
2. A prohibition on non-residential uses of any units developed or constructed on either resulting parcel, including a prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.

E. Terms used in this Chapter 17.17 are defined as in Section 18.104.440.A.

17.17.040 Specific Adverse Impact

In addition to the criteria listed in this chapter, a proposed urban lot split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A “specific adverse impact” is 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. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

17.17.050 Enforcement

County counsel shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the county from any other remedy or relief to which it otherwise would be entitled under law or equity.

18.08.015 - Accessory dwelling unit.

"Accessory dwelling unit" means a 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 single-family or multifamily primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated, as set forth in Government Code section 66313 or successor provision. The accessory dwelling unit may be attached or detached or located within a primary residence or accessory building, as described below. An accessory dwelling unit may consist of an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.

A. “Attached accessory dwelling unit,” means an accessory dwelling unit that is added and attached to a proposed or existing primary dwelling unit.

B. “Detached accessory dwelling unit" means an accessory dwelling unit that is not attached to or located within a proposed or existing primary dwelling unit or accessory building.

C. “Interior accessory dwelling unit,” means an accessory dwelling unit located entirely within a proposed or existing primary dwelling unit or within an existing accessory building.

18.08.332 - Junior accessory dwelling unit.

The term "junior accessory dwelling unit" means a unit as set forth in Government Code section ~~65852.22(h)(1)~~66313(d) or successor provision and means a unit that is no more than five hundred square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

18.08.353 - Low barrier navigation center

"Low barrier navigation center" means a facility as defined in Government Code Section 65660(a) that meets all of the requirements of Government Code Sections 65660 et seq.

18.08.380 – Multiple-family dwelling unit.

"Multiple-family dwelling unit" means ~~a development of two or more~~ dwelling units contained in a building designed to house two or more families living independently of each other, but not including a single-family dwelling unit that includes an accessory dwelling unit or junior accessory dwelling unit and not including two-unit developments pursuant to Section 18.104.440. ~~A multiple-family dwelling unit may consist of one building or a group of detached dwelling units.~~

18.08.550 – ~~Second unit.~~(Reserved)

~~The term "second unit" means "accessory dwelling unit" as set forth in Government Code section 65852.2(j)(1) or successor provision and means a residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as a primary dwelling unit is situated. The second unit may be attached or detached, as described below. A second unit may consist of an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.~~

~~A. "Second unit, attached" means a second unit that is attached to or located within a proposed or existing primary dwelling unit, including building additions and conversion of attached garages and storage areas.~~

~~B. "Second unit, detached" means a second unit that is not attached to or located within a proposed or existing primary dwelling unit, including a second unit attached to, or located within, a detached garage, outbuilding, or other accessory structure.~~

18.08.601~~2~~ – Solid waste transfer station.

"Solid waste transfer station" means a facility either owned by, operated by, or on behalf of a governmental agency, or through a joint powers agreement (Government Code Section 6500 et seq.), which receives solid wastes, temporarily stores, separates, converts, or otherwise processes the materials in the solid wastes, or transfer the solid wastes directly from smaller to larger vehicles for transport. This does not include a facility whose principal function is to process wastes which have already been separated for reuse and are not intended for disposal.

18.08.602 – Supportive housing.

"Supportive 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, or as otherwise defined in Government Code Section 65582(g). The "target population" is as defined in Government Code Section 65582(i).

18.08.603 – Supportive housing, permanent.

"Supportive housing, permanent" means housing as defined in Government Code Section 65650(a) serving the target population as defined in Government Code Section 65650(c) that meets all of the requirements of Government Code Sections 65650 et seq.

18.08.624 – Transitional housing.

"Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance, or as otherwise defined in Government Code Section 65582(j).

18.10.020 Duties—Specific subjects.

The zoning administrator shall hear and decide all applications for the following unless, in the zoning administrator's sole discretion, the zoning administrator determines that the matter (1) is of a size, importance, or unique nature such that it is judged not to be a routine matter; (2) involves potentially significant environmental impacts; or (3) is such that the public interest would be furthered by having a particular application heard and decided by the planning commission:

A. Permits and modifications thereof for the following:
   1. Farmworker housing as defined by Section 18.08.294 of this code;
   2. Cottage food operations;
   3. Kennels and veterinary facilities;
   4. (Reserved);
   5. Following a public hearing noticed in accordance with Section 18.136.040, use permits for Micro-wineries as defined by Section 18.08.377 of this code. No application for a new micro-winery use permit or modification of a micro-winery use permit, whether minor or major, shall be considered beginning three years after May 5, 2022 (the effective date of this Ordinance), unless the provisions in this code pertaining to micro-wineries are extended, re-adopted or amended by the board of supervisors. Applications that are accepted by the dDirector as complete prior to the deadline shall be allowed to complete their processing. In the event that the provisions in this code pertaining to micro- wineries are not extended, readopted or amended by the board of supervisors, use permits for micro-wineries that have been issued under these provisions shall remain valid unless allowed to expire pursuant to Section 18.124.080 or revoked pursuant to 18.124.120;
   6. Undergrounding of gas, electric, telephone, or cable television lines;
   7. Noncommercial wind energy and conversion systems;
   8. Child day care centers;
   9. Residential care facilities (medium) and (large);
   10. Following a public hearing noticed in accordance with Section 18.136.040, use permits for small wineries as defined by Section 18.08.600 of this code that were issued a certificate of exemption prior to February 22, 1990, recognizing the extent of existing legal entitlements or allowing the following uses provided the application meets all of the following qualifications:
      a. Has an annual maximum of 20,000 gallons or less of wine production;

b. Generates no more than 40 Average Daily Trips (ADT) (20 round trips) by tasting room visitors, all winery employees including seasonal employees, and deliveries to the winery. The use permit will not trigger application of the Napa County Road and Street Standards unless the total ADT from all uses exceeds 40 ADT or the inspection authority determines that improvements are required to comply with the State Fire Code, State Responsibility Area Regulations, or adopted left-turn warrants required for all projects;

c. Has a maximum of 10,000 square feet of occupied space, including buildings, caves, and cut and cover caves, but excluding unenclosed space, such as covered crush pads;

d. Conducts a maximum of 11 marketing events per year. Ten such events may allow attendees up to a total amount of vehicle trips that does not exceed 24 ADT (12 daily round trips) and one such event may allow attendees up to a total amount of vehicle trips that does not exceed 40 ADT (20 daily round trips). The ADT for all winery uses, including deliveries, tours and tastings, and employees, on days when a marketing event occurs shall not exceed 40 ADT; and

e. Following approval of a use permit under this subsection, no subsequent application for an increase in production of wine, tasting room visitation, or marketing events shall be considered within two years after approval;

11. (Reserved);
12. (Reserved);
13. Modifications of use permits under subsection (E) of Section 18.124.130;
14. Farmworker centers as defined by Section 18.08.293 of this code;
15. (Reserved);
16. (Reserved);

B. (Reserved);

C. Merger of substandard parcels, but only if the parcels meet the requirements set forth in Section 17.48.040;

D. (Reserved);

E. Summary revisions to acreage, but only after making the findings required by Section 17.50.070;

F. (Reserved);

G. Licenses for Category 3 temporary events as defined in Section 5.36.015 if a hearing is requested, and Category 4 temporary events as defined in Section 5.36.015 if not referred to the board;

H. Certificates of present extent of legal nonconformity, in accordance with the procedure set forth in Section 18.132.050;

I. Minor amendments of tentative, parcel and final maps in accordance with the procedure set forth in Sections 17.26.030 through 17.26.050 and Section 17.26.060 for modifications to or elimination of slope easements, and for this purpose the zoning administrator shall be deemed an "advisory agency" as defined in Chapter 17.02;

J. Variances, pursuant to Chapter 18.128 of this code (commencing with Section 18.128.010) and excepting therefrom any variances from the terms of the Conservation Regulations as set forth in Chapter 18.108;

K. (Reserved);

L. Applications for extensions of the life of a tentative map;

M. Minor modifications to use permits as described in Section 18.124.130 (B) and modifications to winery use permits as described in Section 18.124.130(C)(1) through (7) of Section 18.124.130, after making the findings required by Section 18.124.130;

N. Variances from the standards for mobile home parks in accordance with Section 15.40.310, or any successor amendment thereof;

O. (Reserved); and

P. Applications for exceptions to the county's adopted road and street standards in connection with all permits and modifications listed in subsection A through O above, a building permit clearance for a single-family residence or other ministerial permit clearance.

18.16.020 - Uses allowed without a use permit.

The following uses shall be allowed in all AP districts without use permits:

A. Agriculture;

B. One single-family dwelling unit per legal lot;

C. Residential care facilities (small);

D. Family day care homes (small);

E. Family day care homes (large), subject to Section 18.104.070;

F. ~~One guest cottage, provided that all of the conditions set forth in Section 18.104.080 are met~~ Accessory dwelling units, and one junior accessory dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;

G. Wineries and related accessory uses and structures which legally existed prior to July 31, 1974 without the requirement that a use permit be issued, and which have not been abandoned; provided, that the extent of such uses and structures have been determined in accordance with the procedure set forth in Section 18.132.050. No expansion beyond those which existed prior to July 31, 1974 may occur unless specifically authorized by use permit, issued in conformance with the applicable provisions of this title;

H. Small wineries which were issued a certificate of exemption prior to the date of adoption of the ordinance codified in this section, and used the certificate in the manner set forth in Section 18.124.080 before the effective date of the ordinance codified in this section in conformance with the applicable certificate of exemption, Section 18.08.600 of this code, and any resolution adopted pursuant thereto;

I. Wineries and related accessory uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided, that no expansion of uses or structures beyond those which were authorized by a use permit or modification of a use permit issued prior to the effective date of the ordinance codified in this section shall be permitted except as may be authorized by a subsequent use permit issued pursuant to this title;

J. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;

K. Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or ~~his/her~~their designee has issued a site plan approval pursuant to Chapter 18.140;

L. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty-six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and

M. Supportive housing and transitional housing. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the AP zone.

18.16.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all AP districts, but only upon grant of a use permit pursuant to Section 18.124.010:

A. Farmworker housing and seasonal farmworker centers conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (M) of Section 18.16.020;

B. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;

C. Kennels and veterinary facilities

D. Feed lots;

E. Noncommercial wind energy and conversion systems;

F. Wineries, as defined in Section 18.08.640;

G. The following uses in connection with a winery:

1. Crushing of grapes outside or within a structure,
2. On-site aboveground disposal of wastewater generated by the winery,
3. Aging, processing and storage of wine in bulk,
4. Bottling and storage of bottled wine and shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,
5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:
   a. Office and laboratory uses,
   b. Marketing of wine as defined in Section 18.08.370,
   c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;

H. The following uses, when accessory to a winery:

1. Tours and tastings, as defined in Section 18.08.620,
2. Display, but not sale, of art,
3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,
4. Sale of wine-related products,
5. Child day care centers limited to caring for children of employees of the winery;

I. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;

J. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;

K. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility;

L. Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040; and.

M. Residential care facilities (medium and large).

18.20.020 - Uses allowed without a use permit.

The following uses shall be allowed in all AW districts without use permits:

A. Agriculture;

B. One single-family dwelling unit per legal lot;

C. A second unitAccessory dwelling units, and one junior accessory dwelling unit, either attached to or detached from an existing legal residential dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;

D. Residential care facilities (small);

E. Family day care homes (small);

F. Family day care homes (large), subject to Section 18.104.070;

G. One guest cottage, provided that all of the conditions set forth in Section 18.104.080 are met;

H. Wineries and related accessory uses and structures which legally existed prior to July 31, 1974 without the requirement that a use permit be issued, and which have not been abandoned; provided, that the extent of such uses and structures have been determined in accordance with the procedure set forth in Section 18.132.050. No expansion beyond those which existed prior to July 31, 1974 may occur unless specifically authorized by use permit, issued in conformance with the applicable provisions of this title;

I. Small wineries which were issued a certificate of exemption prior to the date of adoption of the ordinance codified in this chapter, and used the certificate in the manner set forth in Section 18.124.080 before the effective date of the ordinance codified in this chapter, in conformance with the applicable certificate of exemption, Section 18.08.600, and any resolution adopted pursuant thereto;

J. Wineries and related accessory uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided, that no expansion of uses or structures beyond those which were authorized by a use permit or modification of a use permit issued prior to the effective date of the ordinance codified in this chapter shall be permitted except as may be authorized by a subsequent use permit issued pursuant to this title;

K. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;

L. Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to

issuance of any building permit, or the commencement of the use if no building permit is required, the director or ~~his/her~~their designee has issued a site plan approval pursuant to Chapter 18.140;

M. Hunting clubs (small) as defined in Chapter 18.08;

N. Overnight lodging in public parks or in structures, at the density and intensity of use (number of units) lawfully developed for such purpose prior to October 13, 1977, provided that such use has a currently-valid certificate of the extent of legal nonconformity pursuant to Section 18.132.050;

O. Any recreational vehicle park or campground and their accessory and related uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided that no expansion of uses or structures beyond those which were specifically authorized by a use permit or modification of a use permit issued prior to May 10, 1996, shall be permitted except as may be authorized by a subsequent permit issued pursuant to this title;

P. Floating dock which complies with all of the following:

1. Is accessory to a residential or agricultural use otherwise permitted by this chapter without a use permit,
2. Any portion located on a navigable waterway is determined by the Napa County Flood Control and Water Conservation District engineer to not obstruct seasonal flood flows, and
3. In operation is located adjacent and parallel to, and does not exceed in length the water frontage of the legal parcel or contiguous legal parcels owned by the owner of the floating dock;

Q. Maintenance and emergency repairs of legally-created levees, subject to compliance with Chapter 16.04 of this code;

R. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and

S. Quasi-private recreation uses and facilities, as defined in Section 18.08.494, conforming to the standards in Section 18.104.350, and provided that they do not adversely impact adjacent agriculture.

T. Grading and paving contractors, including offices, equipment storage and repair, and materials storage, so long as the following conditions are met:

1. The grading and paving business has been conducted in the same location since July 1, 1968 or earlier;
2. The number of buildings used for the grading and paving business, and the total square footage of the building used for the grading and paving business, does not exceed that in existence as of January 1, 2015;
3. The days and hours of operation of the grading and paving business do not exceed the average of the years 2013 through 2015;
4. The grading and paving business is located within one mile of the city limits of an incorporated city;
5. The grading and paving business is located on a parcel no smaller than five acres and no larger than ten acres;
6. Uncovered storage areas shall be screened from pre-existing residences on adjacent parcels. Screening shall generally consist of evergreen landscape buffers and fences;

7. All exterior lighting, including landscape lighting, shall be shielded and directed downward, located as low to the ground as possible, and the minimum necessary for security, safety, or operations.

U. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the AW zone.

18.20.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all AW districts, but only upon grant of a use permit pursuant to Section 18.124.010:

A. Parks and rural recreation uses and facilities as defined in Chapter 18.08, conforming to the standards in Chapter 18.104;

B. Farmworker housing and seasonal farmworker centers conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (R) of Section 18.20.020;

C. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;

D. Kennels, horse boarding and/or training stables, veterinary facilities, and wildlife rescue centers;

E. Feed lots;

F. Sanitary landfill sites;

G. Noncommercial wind energy and conversion systems;

H. Wineries, as defined in Section 18.08.640;

I. The following uses in connection with a winery:

1. Crushing of grapes outside or within a structure,
2 On-site, aboveground disposal of wastewater generated by the winery,
3. Aging, processing and storage of wine in bulk,
4. Bottling and storage of bottled wine; shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,
5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:
   a. Office and laboratory uses,
   b. Marketing of wine as defined in Section 18.08.370,
   c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;

J. The following uses, when accessory to a winery:

1. Tours and tastings, as defined in Section 18.08.620,
2. Display, but not sale, of art,
3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,
4. Sale of wine-related products,
5. Child day care centers limited to caring for children of employees of the winery;

K. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;

L. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;

M. Campgrounds on public lands conforming to the standards in Chapter 18.104;

N. Hunting clubs (large) as defined in Chapter 18.08 and subject to the standards in Chapter 18.104;

O. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility; ~~and~~

P. Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040; and~~.~~

Q. Residential care facilities (medium and large).

18.48.020 - Uses allowed without a use permit.

The following uses shall be allowed in all PD districts without a use permit:

A. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;

B. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or ~~his/her~~their designee has issued a site plan approval pursuant to Chapter 18.140;

C. Agriculture, provided that the lot is one acre in size or greater.

D. Low barrier navigation centers. Low barrier navigation centers shall be reviewed consistent with the provisions of Chapter 18.109 of this Code and Government Code Sections 65660 et. Seq;

E. Permanent supportive housing, with 50 or fewer units. Permanent supportive housing shall be reviewed consistent with the provisions of Chapter 18.109 of this Code and Government Code Sections 65650 et. Seq;

F. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the PD zone;

G. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty-six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable;

H. One single-family dwelling unit per legal lot;

I. Accessory dwelling units, and one junior accessory dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met; and

J.. Residential care facilities, small and medium.

18.52.020 - Uses allowed without a use permit.

The following uses may be allowed in all RS districts without a use permit:

A. One single-family dwelling unit per legal lot;

B. Accessory dwelling ~~second~~ units and one junior accessory dwelling unit, ~~either attached to or detached from an existing legal residential dwelling unit,~~ providing that all of the conditions set forth in Section 18.104.180 are met;

C. Family day care homes (small);

D. Family day care homes (large) subject to Section 18.104.070;

E. Residential care facilities (small and medium);

F. Private schools (home instruction) subject to compliance with criteria specified in Section 18.104.160;

G. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;

H. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or ~~his/her~~their designee has issued a site plan approval pursuant to Chapter 18.140;

I. Floating dock which complies with all of the following:

1. Is accessory to a residential use otherwise permitted by this chapter without a use permit,
2. Any portion located on a navigable waterway is determined by the Napa County Flood Control and Water Conservation District engineer to not obstruct seasonal flood flows, and
3. In operation is located adjacent and parallel to, and does not exceed in length the water frontage of the legal parcel or contiguous legal parcels owned by the owner of the floating dock;

J. Maintenance and emergency repairs of legally-created levees, subject to compliance with Chapter 16.04 of this code;

K. Farmworker housing providing accommodations for six or fewer employees and otherwise consistent with Health and Safety Code Section 17021.5 or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and

L. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the RS zone.

M. Two-unit developments pursuant to Section 18.104.440 and urban lot splits pursuant to Chapter 17.17.

18.52.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all RS districts but only upon grant of a use permit pursuant to Section 18.124.010:

A. Outdoor parks and recreation facilities compatible with agriculture and residences;

B. Residential care facilities (medium) subject to Section 18.104.170;

C. Residential care facilities (large) subject to Section 18.104.170;

D. Child day care centers;

E. Private schools (institutional) subject to compliance criteria specified in Section 18.104.160;

F. Telecommunication facilities, other than allowed under subsection (H) of Section 18.52.020, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), residential multiple (RM), residential country (RC), or planned development (PD) zoning district; and.

G. Residential care facilities, large.

18.60.020 - Uses allowed without a use permit.

The following uses may be allowed in all RM districts without a use permit:

A. One single-family dwelling unit per legal lot;

B. Family day care homes (small);

C. Family day care homes (large) subject to Section 18.104.070;

D. Residential care facilities (small and medium);

E. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;

F. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or ~~his/her~~their designee has issued a site plan approval pursuant to Chapter 18.140;

G. Farmworker housing providing accommodations for six or fewer employees and otherwise consistent with Health and Safety Code Section 17021.5 or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable;

H. Multiple-family dwelling units and single room occupancy units; ~~providing twenty percent of their total dwelling units at an affordable sales price or affordable rent to low income households; and~~

I. Accessory dwelling ~~second~~units, and one junior accessory dwelling unit, ~~either attached to or detached from an existing legal residential dwelling unit,~~ providing that all of the conditions set forth in Section 18.104.180 are met;.

J. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the RM zone; and

K. Permanent supportive housing, with 50 or fewer units, shall be reviewed consistent with the provisions of Chapter 18.109 of this Code and Government Code Sections 65650 et. seq.

18.60.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all RM zoning districts but only upon grant of a use permit pursuant to Section 18.124.010:

A. ~~Multiple-family dwelling units and single room occupancy units providing at least fifteen percent, but less than twenty percent, of their total dwelling units at an affordable sales price or affordable rent to low-income households;~~(Reserved);

B. Outdoor parks and recreation facilities compatible with agriculture and residences;

C. ~~Residential care facilities (medium) subject to Section 18.104.170~~ (Reserved);

D. Residential care facilities (large) subject to Section 18.104.170;
E. Child day care centers; and
F. Telecommunication facilities, other than those allowed under subsection (F) of Section 18.60.020, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), residential multiple (RM), residential country (RC), or planned development (PD) zoning district.

18.60.040 – Applications—Requirements.

A. Projects proposing multiple-family dwelling units and single room occupancy units ~~meeting the affordability requirements of Section 18.60.020.H~~must provide twenty percent of their total dwelling units at an affordable sales price or affordable rent to lower income households. These projects shall require approval of a building permit, which shall be reviewed ministerially by the building official and director, without a discretionary permit or review that would constitute a "project" under the California Environmental Quality Act. Any subdivision of the sites shall be subject to all laws, including, but not limited to, Title 17 implementing the Subdivision Map Act. For projects that require approval of a tentative or parcel map under the provisions of Title 17, an application, including designated fees, shall be made to the department, and the project must receive approval of the map as specified in Title 17.

B. Projects proposing multiple-family dwelling units and single room occupancy units meeting the affordability requirements of Section ~~18.60.020.H~~18.60.040.A shall submit an affordable housing plan and enter into agreements with the county consistent with the provisions of Section 18.107.130 and Section 18.107.140. Replacement housing shall be provided as required by Government Code Sections 66300.5 *et seq.* or successor provisions.

C. Within the RM district, application for a use permit under Section 18.124.030 shall be accompanied by a development plan as defined in Section 18.08.230. A use permit approved for an RM development shall comply with Section 18.104.060(A).

D. Owners and developer shall sign the application.

18.64.020 - Uses allowed without a use permit.

The following uses shall be allowed in all RC districts without a use permit:

A. One single-family dwelling unit per legal lot;
B. Agriculture;
C. Public stables;
D. Accessory dwelling ~~second~~ units and one junior accessory dwelling unit, ~~either attached to or detached from an existing legal residential dwelling unit,~~ providing that all of the conditions set forth in Section 18.104.180 are met;
E. Family day care homes (small);
F. Family day care homes (large) subject to Section 18.104.070;
G. Residential care facilities (small and medium);
H. One guest cottage provided that all of the conditions set forth in Section 18.104.080 are met;
I. Private schools (home instruction) subject to compliance with criteria specified in Section 18.104.160;

J. Temporary off-site parking for events in a nonagricultural area which have been authorized by the county, subject to compliance with criteria specified in Section 18.104.130;

K. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;

L. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or ~~his/her~~their designee has issued a site plan approval pursuant to Chapter 18.140;

M. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty-six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and

N. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the RC zone.

O. Two-unit developments pursuant to Section 18.104.440 and urban lot splits pursuant to Chapter 17.17.

18.64.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all RC zoning districts but only upon grant of a use permit pursuant to Section 18.124.010:

A. Public kennels and veterinary facilities;

B. Parks and recreation uses and facilities, conforming to the standards in Chapter 18.104;

C. Private schools (institutional) subject to compliance with criteria specified in Section 18.104.160;

D. Telecommunication facilities, other than those allowed under subsection (F) of Section 18.60.020, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), residential multiple (RM), residential country (RC), or planned development (PD) zoning district; ~~and~~

E. Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040;~~,~~ and

F. Residential care facilities, large, subject to Section 18.104.170.~~,~~

18.72.050 - Other regulations applicable.

A. The regulations of the principal zoning district with which the :B zoning district is combined, as shown in the schedule of zoning district regulations, Section 18.104.010, shall apply to each structure and to each use of land within the :B combination zoning district, except as a different regulation may be shown therein for the :B combination zoning district, in which case the latter shall govern.

B. Notwithstanding subsection A above, urban lot splits conforming to the requirements of Chapter 17.17 shall not be subject to the :B combination zoning district minimum parcel size.

18.82.030 – Affordability requirements.

A. Residential ownership projects within the :AH Combination District shall include housing units available at an affordable sales price and sold to moderate-income households, as required by Section 18.107.080, and shall remain at those affordability levels for a minimum of forty years. Residential projects on 2023 Specified Priority Housing Development Sites shall include ~~fifteen~~twenty percent of their dwelling units in the project at an affordable sales price or affordable rent to low-income households and shall remain at those affordability levels for a minimum of forty years.

B. All affordable units shall be constructed at a rate consistent with the construction of market rate units and shall be mixed throughout the development. Project phasing must be done in a manner that is proportionate to the overall mix of affordability levels.

C. The applicant shall submit an affordable housing plan and enter into agreements with the county consistent with the provisions of Section 18.107.130 and Section 18.107.140. Replacement housing shall be provided as required by Government Code Sections 66300.5 *et seq.* or successor provisions.

18.82.040 - Development standards.

A. Where an applicant or developer of Specified Priority Housing Development Sites(s) elects to utilize the :AH Combination District over the underlying zoning, the development standards listed in Tables 1 and 2 below, where applicable, shall apply. These development standards shall apply for all projects. ~~, whether or not they require use permit approval.~~ Where use permit approval is required, Chapter 18.124 shall apply in addition to this chapter. ~~Where use permit approval is required, the development standards may be modified if deemed appropriate by the commission.~~ In addition, the proposed development shall comply with the remaining provisions of this chapter, including but not limited to, the site density requirements set forth in Section 18.82.050, the required development allocation set forth in Section 18.82.060, and the mitigation measures ~~and design criteria~~ set forth in Section~~s~~ 18.82.070 ~~and 18.82.080~~.

B. Table 1 sets forth the development standards for single-family development, which is defined as any residential development with two or fewer units on a single lot.

Table 1: Development Standards for Single-Family Construction within the :AH Affordable Housing Combination District

Subject	**Standard**
Site area (min)	3,500 square feet
Building site coverage (combined max)	50%

Table 1: Development Standards for Single-Family Construction within the :AH Affordable Housing Combination District	
Subject	**Standard**
Front setback (min)	20 feet
Rear setback (min)	20 feet
Side setback (min)	6 feet + 3 feet for a second story.
Road setback	Per Chapter 18.112
Height limit (max)	35 feet
Parking requirements (min)	2 + 1 for each second dwelling unit.

Single-family residential construction shall be subject to the development standards set forth in Table 1.

C.

Table 2 sets forth development standards for multi-family development, which is defined as any residential development with three or more units on a single lot.

Table 2: Development Standards for Multi-Family Construction within the :AH Affordable Housing Combination District	
Subject	**Standard**
Site area (min)	.9 acre
Building site coverage (max)	40%
Front setback (min)	20 feet
Rear setback (min)	20 feet
Side setback (min)	6 feet + 3 feet for every story above the first.
Road setback	Per Chapter 18.112
Distance between buildings (min)	20 feet for two stories, 25 feet for three stories.
Height limit (max)	35 feet

Table 2: Development Standards for Multi-Family Construction within the :AH Affordable Housing Combination District	
Subject	**Standard**
Parking requirements (min)	~~2 per dwelling unit + 1 for every 2 dwelling units for guest parking.~~ One parking space per studio unit; 1.25 parking spaces per one-bedroom unit and larger unit; and 0.25 parking spaces per unit for guests regardless of unit size.

Multi-family residential construction shall be subject to the development standards set forth in Table 2.

18.82.050 - Site density.

Only the Specified Priority Housing Development Sites are eligible for the :AH Combination District classification. Any development of the parcels identified in the :AH Combination District classification shall comply with the following applicable site densities and timelines for construction:

A. A maximum number of units may be constructed within this combination district in each of the three areas identified below (Angwin, Moskowite Corner, and Spanish Flat) that are 2009 Specified Priority Housing Development Sites. The right to develop from the available pool of units shall be granted when a building permit is issued.

B. Construction shall commence within one year of the issuance of a building permit or within any allowed extension on the 2009 Specified Priority Housing Development Sites; otherwise, the units reserved by the permit shall be returned to the potential pool of housing development for that area. Once building permits totaling the allowed number of units within the area have been issued, the combination district shall be considered exhausted for that particular area. Notwithstanding the foregoing, applications for proposed projects may be submitted and shall be processed on a first come, first served basis in the event that permits already issued have not been used within the time frames specified herein.

C. Site density for the 2009 Specified Priority Housing Development Sites shall be as listed below:

1. Angwin: ~~Density allowed without use permit approval on Parcels A and B for the Angwin location shall be twelve units per acre.~~ Up to twenty-five dwelling units per acre may be allowed ~~upon use permit approval~~. The maximum combined number of units constructed on Parcels A and B shall not exceed a total of one hundred ninety-one dwelling units.
2. Moskowite Corner: ~~Density allowed without use permit approval on Parcels A, B, C, and D for the Moskowite Corner location is four dwelling units per acre.~~ Up to ten dwelling units per acre may be allowed ~~upon use permit approval~~. The maximum combined number of units constructed on Parcels A, B, C, and D shall not exceed a total of one hundred dwelling units.
3. Spanish Flat: ~~Density allowed without use permit approval on Parcels A, B, C, D, E, and F for the Spanish Flat location is four dwelling units per~~

~~acre.~~ Up to twenty-five dwelling units per acre may be allowed ~~upon use permit approval~~. The maximum combined number of units constructed on Parcels A, B, C, D, E, and F shall not exceed a total of one hundred ten dwelling units.

D. Site density for the 2023 Specified Priority Housing Development Sites shall be a minimum of twenty dwellings units per acre and shall not exceed twenty-five dwelling units per acre for all residential development, regardless of whether the AH: overlay is utilized.

18.82.080 - ~~Design criteria~~ (Reserved)

~~The following design guidelines shall be applicable to all projects within requiring a use permit. The design guidelines will be enforced through review and approval by the planning commission.~~

~~A. General. The following shall apply to all development:~~

~~1. Buildings shall be designed to frame views of hills, vineyards and other landscape features.~~

~~2. Natural landscape features such as creeks, wetlands and landmark trees shall be incorporated into the site design. All development shall be subject to the county's Conservation Regulations (Chapter 18.108).~~

~~3. Site planning shall minimize the need for grading of steep slopes or hillsides. Grading shall be contoured to blend with adjacent open space.~~

~~4. Development shall be clustered on each site so as to minimize development footprints, preserve undeveloped land, and avoid areas with natural or visual resources.~~

~~5. Building materials and architectural design concepts including colors, textures and details of construction shall be compatible with adjacent and neighboring residential properties.~~

~~6. Painted surfaces shall use colors that reinforce architectural concepts and are compatible with natural materials such as brick or stone.~~

~~7. Roof forms, materials, doors, windows and other architectural features of historic or traditional houses near the project shall be referenced in the design of the new development. Buildings shall use materials and design components that are indigenous to the Napa Valley including, but not limited to, exposed heavy timbers for structural supports, trellis features, gable roof elements, stone foundations, wood or split stone masonry siding.~~

~~8. A detailed landscaping plan, including parking details, shall be submitted for review and approval prior to the issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. Plant materials shall be purchased locally when practical. The Napa County agricultural commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of the county.~~

~~9. The design of fences and screening shall reflect the county's predominantly rural character.~~

~~10. All exterior lighting, including landscape lighting, shall be shielded and directed downward and shall be located as low to the ground as possible. Low-level lighting shall be utilized in parking areas at multi-family sites rather than high-intensity light standards.~~

11. In compliance with county scenic highway regulations, any new housing units shall be designed so as not to be visible from county or state designated scenic routes. Where this is not possible, visual impacts from designated scenic routes shall be minimized through landscaping, grading, berms, appropriately designed fences and other screening devices.

12. All new housing units shall be designed so as minimize their visual impacts. Visual impacts shall be minimized through landscaping, grading, berms, appropriately designed fences and other screening devices. New housing shall be subject to the county's Viewshed Protection Program (Chapter 18.106), if applicable.

B. In addition to the criteria listed in subsection (A) of Section 18.82.080, the following shall apply to single family residential developments:

1. Entrances and windows, not garages, shall be dominant elements of front facades.

2. Garages shall not exceed fifty percent of the width of the house.

3. The use of shared driveways and alleyways with detached garages shall be utilized whenever feasible.

4. Larger wall and roof planes shall include three-dimensional design features such as chimneys, balconies, bay windows or dormers.

5. The design shall promote harmonious transition in scale and character in areas between different designated land uses.

6. Play spaces for children are strongly encouraged and shall be secure and visible.

C. In addition to the criteria listed in subsection (A) of Section 18.82.080, the following shall apply to multi-family residential developments:

1. Building forms shall use varying roof heights, setbacks and wall planes to break up perceived bulk of buildings. Long unbroken volumes and large unarticulated wall and roof planes are not permitted.

2. Smaller multi-family projects shall follow the guidelines for single-family residences as set forth in subsection (B) above.

3. Architectural design concepts shall provide for a transition in scale between multi-family and any neighboring single-family residential development.

4. Trash enclosures, storage and other accessory elements shall be designed as integral parts of the architecture.

5. Parking lots shall be screened by shade trees, landscaping or buildings. Parking shall be unobtrusive and not disrupt the quality of open spaces and pedestrian environments. Access to the property and circulation systems shall be safe and convenient for pedestrians, cyclists and vehicles.

6. Parking shall be enclosed in garages where feasible. Outdoor parking and garage doors shall be located so as to be minimally visible from public streets and project open spaces.

7. Multi-family developments shall provide both common and private open space.

8. Multi-family projects shall provide common spaces that are physically defined and socially integrated into the site plan as a gathering place.

9. New projects will be required to provide, as part of the common space, the installation of a play structure and necessary safety equipment.

18.82.090 - Approval process.

~~A.~~ Projects proposed on Specified Priority Housing Development Sites ~~where twenty percent of the proposed dwelling units are affordable to low income households~~ and that meet: (a) the affordability standards set forth in Section 18.82.030; (b) the development standards set forth in Section 18.82.040; (c~~b~~) the applicable density requirements identified in Section 18.82.050; and (d~~c~~) the mitigation measures identified in Section 18.82.070, and all other applicable sections of this chapter, except as those requirements may be modified under provisions of State Density Bonus Laws,~~.~~ require approval of a building permit, which shall be reviewed ministerially by the building official and director, without a discretionary permit or review that would constitute a "project" under the California Environmental Quality Act. Any subdivision of the sites shall be subject to all laws, including, but not limited to, Title 17 of the Napa County Code implementing the Subdivision Map Act. For projects that require approval of a tentative or parcel map under the provisions of Title 17, an application, including designated fees, shall be made to the department, and the project must receive approval of the map as specified in Title 17.

~~B. For projects that require a parcel map or use permit, the affordability standards of Section 18.02.030.A shall apply. Applications shall be processed pursuant to Section 18.124, and, an application and designated fees shall be made to the department and must receive planning commission approval before the project can proceed. Applications under use permit processing procedures shall comply with the development standards set forth in Section 18.82.040, the applicable density requirements identified in Section 18.82.050, the mitigation measures identified in Section 18.82.070, and all other applicable sections of this chapter, except as those requirements may be modified under provisions of State Density Bonus Laws.~~

18.104.010 - Schedule of zoning district regulations

A. The table presented in this section lists zoning districts in the first vertical column. Regulations are shown horizontally across the top of the table. The second and each succeeding vertical column shows the indicated minimum or maximum standard allowed for each listed regulation in the zoning district specified in the first vertical column.

B. Notwithstanding subsection (A) of this section, the side yard setbacks for legal parcels that are two acres in size or less and are located in the agricultural preserve, agricultural watershed or residential country zoning districts shall be the side yard setbacks applicable within the residential single zoning district.

C. Notwithstanding subsection (A) of this section, the side yard setback for a dwelling unit or accessory structure proposed on any lot with a lot width of less than sixty feet measured at the front yard setback line shall be five feet.

D. Notwithstanding subsection (A) of this section, and except as provided in Section 18.104.295, the minimum parcel size in the AP and AW zoning districts shall be two acres for farmworker centers established pursuant to Section 18.104.305 ~~and the minimum parcel size in the AW zoning district shall be two acres for farmworker centers established pursuant to Section 18.104.305~~. Further division within any parcel created and maintained for farmworker centers is allowed to facilitate individual home ownership for farmworkers. The minimum parcel size

for individual farmworker homes allowed under this section shall be 1,200 square feet.

E. Notwithstanding subsection (A) of this section, the front yard setbacks for all parcels within the Berryessa Highlands Subdivision, Units I and II, shall be ten feet from the front property line.

Table 18.104.010
SCHEDULE OF ZONING DISTRICT REGULATIONS

Zoning District	Minimum Lot Area		Minimum Lot Width (Feet)	Minimum Yard Feet			Maximum Main Building Coverage	Maximum Building Height
	(Acres)	(Square Feet)		Front	Side	Rear		
AP	40	—	—	20	20	20	—	35
AW	160	—	—	20	20	20	—	35
AV	—	—	—	—	—	—	—	—
CL	1E	—	—	—	—	—	—	35
CN	1	—	—	—	—	—	—	35
MC	———varies——		75	20	20	20	40%	35
I	—	20,000	100	20	20	20	35%	35
GI	———varies——		100	———varies———			35%—50%D	35
IP	———varies——		125	——varies——		10	35%—50%D	35
PD	—	—	—	—	—	—	—	35
PL	10G	—	—	—varies—20		20	—	35
RS	—	8,000	60	20	6C	20	50%	35
RM	—	8,000	60	20	6C	20	40%	35
RC	10	—	60	20	20	20	—	35
TP	160	—	—	—	—	—	—	35

A. ~~(Reserved.)~~ Notwithstanding Table 18.104.010, urban lot splits conforming to the requirements of Chapter 17.17 shall not be subject to minimum lot area requirements prescribed in this section.
B. Plus two thousand square feet per unit.
C. Three feet shall be added to each side yard for each story above the first story of any building. Minimum yard on the street side of a corner lot shall be ten feet.
D. Up to fifty percent for certain uses.
E. One-half acre if public water and sewer is available.
F. Twenty thousand square feet if public water and sewer is available.
G. In areas with general plan designations agricultural resource or agriculture, watershed and open space.

18.104.065 - Emergency shelters—Development standards and design criteria

A. Emergency shelters are allowed as a permitted use in the Industrial Zone and as a conditional use in the General Industrial Zone. The development standards listed in Table 1 below shall apply to emergency shelters in the Industrial and General Industrial zones. These development standards shall apply for all projects whether or not they require use permit approval. Where use permit approval is required in the General Industrial zone, Chapter 18.124 shall apply in addition to this section. Where use permit approval is required, the development standards may be modified if deemed appropriate by the commission.

Subject	**Standard**
Site area (min)	20,000 square feet
Building site coverage (max)	35%
Front setback (min)	20 feet
Rear setback (min)	20 feet
Side setback (min)	5 feet
Height limit (max)	35 feet
Parking requirements	1 space for each employee, based on the greatest number of employees on duty at any one time ~~1 space for each employee and 1 space for every four beds~~

B. The following design guidelines shall apply to development of emergency shelters in the Industrial and General Industrial zoning districts. The design guidelines will be enforced through review and approval by the director, or the director's designee, in the cases where a use permit is not required, or by the commission in the event a use permit is required.
1. Use must meet density requirements for similar uses as stated in the Airport Land Use Compatibility Plan, and an overflight easement must be recorded.
2. ~~The site must be mitigated for hazardous materials before the site can be occupied.~~A Phase I hazardous materials report shall be provided with the application, all recommendation of the report shall be implemented, and, if hazardous materials are found, either the State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency must have determined that the site is suitable for residential use.

3. Signage must meet standards for the applicable zoning district in which the emergency shelter is located.
4. Laundry facilities shall be provided. ~~to meet the needs of the residents.~~
5. Temporary shelter shall be provided for no more than three hundred thirty days per calendar year for each resident~~.~~, and no more than one hundred eighty consecutive days.
~~6. Staff and services shall be provided to assist residents to obtain permanent shelter and income.~~
6~~7~~. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security of indoor and outdoor facilities and parking, screening of residents to insure compatibility with services provided at the facility and for training, counseling and treatment programs for residents, and assistance to residents to obtain permanent shelter and income.
7~~8~~. The number of beds at any facility shall not exceed sixty.
9~~8~~. Projects ~~should~~ shall connect to municipal providers for water and sewer services or demonstrate that they can comply with groundwater/wastewater requirements contained in Napa County Code Title 13.
10~~9~~. All exterior lighting, including landscape lighting, shall be shielded and directed downward and shall be located as low to the ground as possible, ~~and shall be the minimum necessary for security, safety or operations~~ and shall incorporate the use of motion detection sensors ~~to the greatest extent practical~~. No flood lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.
11~~10~~. ~~Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.~~
12~~10~~. ~~All development~~The shelter shall be subject to the county's Conservation Regulations (Chapter 18.108).

18.104.130 – Off-street parking.

A. Adequate off-street parking shall be provided for vehicles in connection with any use in any zoning district, but the stricter parking standards set forth in ~~Chapter 18.16 or~~ succeeding subsections of this section shall prevail where applicable.
B. In any zoning district, two off-street parking spaces shall be provided for each dwelling unit, except where lesser standards are allowed by the County Code or state law, including but not limited to Sections 18.104.065 (Emergency Shelters), 18.104.170 (Residential Care Facilities), 18.104.180 (Accessory Dwelling Units), 18.104.440 (Two-Unit Developments), and 18.110.030 (Multi-Family Projects) and Chapter 17.17 (Urban Lot Splits).
C. In connection with a use permit for which approval of a development plan is required, the parking requirements of this section may be modified by the commission upon a finding that, because of the type of occupancy or the location of the development, the normal standards will produce either more or fewer parking spaces than will be needed. Requests for reductions in the number of parking spaces for standard residential developments shall be based on information provided by the applicant, which may include but not be limited

to a: parking study, Transportation Demand Management (TDM) plan, demonstration of adequate on-street parking, proximity to transit services, provision of on-site affordable or senior housing, or other evidence. In no event shall such modification increase or decrease the number of required parking spaces by more than forty percent of the stated standard.

D. Notwithstanding any other provision of this code, temporary off-site parking shall be allowed in conjunction with county authorized events provided the off-site parking meets the criteria established in subdivisions 1 through 22 below, and an "off-site parking plan" which complies with the requirements of subsection (E) has been submitted and reviewed by the director, in conjunction with consultation with other departments.

1. Temporary off-site parking is identified as an allowed use in the zoning district where parking will be located, (except in the case of temporary events which must provide for parking in conformance with the Temporary Events Manual) and shall occur only on parcels that have ingress and egress to a state highway, county arterial or collector roads.
2. The area which the event sponsor designates for temporary off-site parking shall accommodate the maximum number of persons attending the authorized event. The area for parking shall be based on three people per vehicle, and shall comply with the layout and dimension requirements of Napa County's off-street parking standards identified in the department of public works road and street standards (as most recently revised). Fire lanes with a minimum clearance of fourteen feet between rows of parked cars and at the end of aisles around the perimeter of the parking lot shall be open at all times for emergency vehicle access.
3. Parking at any off-site location shall occur only on the designated days of the authorized event and at any designated site for a maximum of ten days in one calendar year.
4. Security shall be provided at each off-site parking location for as long as parking continues at that lot.
5. Temporary parking signs and directional signs to parking locations, prepared at the expense of the event sponsor, shall be no larger than thirty-six inches by thirty-six inches, and shall be located to safely identify the parking locations. Such signs shall be placed no earlier than the day before the event and shall be removed no later than the day following the event. Such signs shall not be located on trees or utility poles.
6. Reclaimed water shall be applied to each off-site parking location for dust suppression at a minimum of once on the day prior to the use of the lot for the parking and at least once in the morning each day before vehicles are parked and once in the afternoon of each day when vehicles are parked, or more often as necessary.
7. Off-site parking locations shall be mowed to a maximum height of four inches to reduce fire hazard.
8. "No Smoking" signs shall be readily visible from all points along the access driveway to each parking lot where visitors will be walking to reduce the risk of fire and shall be enforced by the parking attendants.
9. Refuse containers shall be located at each off-site parking lot during the use of the lots, and shall be removed from the parking areas and

surrounding neighborhood no later than five p.m. of the day following the event.

10. Parking shall not be permitted where septic systems, including tanks and leachfields are located. These areas shall be temporarily fenced or flagged.
11. Parked vehicles shall be set back from off-site residences (on adjacent parcels) by a minimum of fifty feet. Setbacks shall be temporarily fenced or flagged.
12. Access driveways to off-site parking lots shall be maintained with a minimum access width of eighteen feet for two-way traffic. Any temporary improvements in the public right-of-way shall be in conformance with the agency with jurisdiction over the right-of-way.
13. Streets shall be posted with "No Parking" signs at the expense of the event sponsor if determined to be necessary by the department of public works, California Highway Patrol, or the Napa County fire department. Event sponsor shall be responsible to provide adequate law enforcement personnel to assure compliance.
14. Shuttle buses shall be provided for off-site parking lots located more than one-third mile from the event entrance, and shall be confined to travel on state highways, Silverado Trail, county arterial and collector roads, as specified in Sections 18.112.070 and 18.112.080 of the code. Shuttle buses shall load and unload passengers on each lot if possible, or shall load on a paved shoulder of the right-of-way, and shall not sit idling while waiting for passengers. Shuttle buses shall unload inside the event entrance, and a turnaround area for shuttles shall be located on the event site.
15. Traffic controls, including circulation to, within and from each off-site parking location shall comply with the county public works department, sheriff's department, fire department, and California Highway Patrol. Temporary crosswalks shall be marked for pedestrian safety.
16. No permanent improvements, including paving, shall be made or permanent lighting installed at off-site parking lots solely to accommodate temporary parking. Any temporary lighting shall be directed downward to prevent glare onto adjacent properties.
17. Parking shall not be allowed on any site which is identified on the county's environmental resource maps as being in an area of hazardous or critical concern, high fire hazard, or environmentally sensitive.
18. A minimum of three parking attendants shall be present at each lot used for temporary off-site parking to assist in parking vehicles as long as the parking lot is in use. Attendants shall be trained in enforcement of no smoking and emergency vehicle access requirements, emergency incident reporting and notification procedures, and the use of fire extinguisher.
19. Public entity costs associated with assistance of the temporary parking and circulation shall be the responsibility of the event sponsor. "Public entity" shall include, but not be limited to, public works department, fire department, sheriff, California Highway Patrol, and Caltrans.
20. Fire extinguisher(s) shall be maintained at each off-site parking lot whenever vehicles are in the lot. There shall be one fire extinguisher for each two hundred and fifty parking spaces (or fraction thereof). Fire

extinguishers shall be foam-water type, two and one-half gallon size (class 3A).

21. A telephone (cellular or wired) for reporting of emergencies shall be maintained at, or within one hundred yards of, a parking lot attendant for each off-site parking lot.
22. One fire engine staffed with three uniformed firefighters shall be retained by the event sponsor for emergency standby at events with more than five hundred off-site parking spaces. This requirement may be modified based on factors such as fire department response time, fire hazard, and available staffing. The amount of on-site fire suppression resources (personnel, equipment, practices) will be increased during periods of extreme fire weather (e.g., National Weather Service "Red Flag Warning").
23. The director may require a report of compliance with the above requirements after any event requiring off-site parking.

E. The off-site parking plan shall be submitted to the conservation, development and planning department by the event sponsor at least ninety days prior to the commencement of the event, and shall be accompanied by a nonrefundable fee in that amount adopted by the board of supervisors, and shall include the following requirements:

1. The type, place and duration (dates and times) of the event;
2. The name and address of the event sponsor;
3. The name and telephone number of the person to contact in case of any problems during the event;
4. The name and address of properties where off-site parking will occur;
5. Maximum number of people attending the event, and a summary indicating that the area proposed for parking can accommodate that number based on three people per vehicle;
6. Number of personnel to assist in parking and traffic control for pedestrians and vehicles, and the methods of operation, including locations of temporary crosswalks for pedestrian safety;
7. Method and rate of water application on lots for dust suppression, including source of reclaimed water;
8. Event communication system and incident reporting and notification procedures to be used by parking lot attendants;
9. Number of shuttle buses proposed for the event, the manner they will be used;
10. A map at the scale of one-inch equals eight hundred feet identifying:
    a. y lot number and name the location of all off-site parking areas, the assessor parcel number and address of the property, and the street name and address of all houses adjoining the parking lot,
    b. Size of each lot, layout of parking rows, row dimensions, and number of vehicles each parking row can accommodate,
    c. Access driveways to off-site parking lots, parking lot aisles, and perimeter fire lanes, with required minimum widths clearly identified,
    d. Streets proposed to be closed to vehicular traffic,
    e. Location of "No Parking" signs, "No Smoking" signs, fire extinguishers, and phones,
    f. Shuttle routes, turnaround areas, and approximate number of trips during the event,

g. Location of any septic systems and leachfields on proposed parking sites,
h. Traffic control points for circulation to and from off-site parking locations,
i. Locations of temporary crosswalks;

11. A list of property owners contiguous to parcels where off-site parking will occur, as shown on the latest equalized assessment roll;
12. All other on-site and remote areas to accommodate parking for the event shall be identified, and the number of vehicles that each area can accommodate shall be identified.

18.104.170 – Residential care facilities

Notwithstanding any other provisions of this title, a residential care facility (medium) or (large) shall meet the following criteria:

A. Minimum Lot Area Standards. The lot on which a residential care facility (medium) or (large) is located shall meet the minimum lot area requirements of that district, and it shall contain not less than two thousand square feet for each person served by the facility.

B. Parking Standards. Residential care facilities (medium) or (large) shall comply with the following parking and loading area requirements:
1. One off-street parking space shall be provided for each two visitors based on the greatest number of visitors at any one time to ~~four persons served by~~ the facility.
2. One additional off-street parking space shall be provided for each full-time or part-time employee of the facility, based on the greatest number of employees on duty at any one time.
3. Off-street loading and delivery areas shall be provided for each facility which has a capacity to serve thirteen or more persons, and an additional off-street loading and delivery area shall be provided for each additional one hundred persons or fraction thereof beyond the first one hundred persons.

C. Large Residential Care Facilities Located in RS (Residential Single) Zoning Districts. The following additional criteria must be met:
1. ~~Location within five miles of a state-licensed general acute care hospital with supplemental emergency service as defined by the Health and Safety Code Section 1250(a)~~ (Reserved).
2. Not less than forty percent of the site shall be reserved for common use space and shall not be covered by buildings or parking improvements, but may be utilized as required setback, yard and septic system areas.
3. Minimum parcel size shall be two acres.
4. Public water and/or sewer services shall be provided to the site.

D. Management Plan. The applicant shall provide a comprehensive management plan, which shall include, at a minimum, the following:
1. Property management policies and operations, including maintenance and repair policies;
2. An explanation of how the facility intends to meet the requirements of subdivision G.5 of Section G below;
3. An explanation of how the facility intends to meet the requirements of subdivision G.6 of Section G below;

4. A copy of the written resident intake procedures, including rental procedures;
5. A copy of the written termination and eviction procedures;
6. A copy of the resident and guest rules; and
7. If applicable, the plan for disposing of medical waste or other bio-waste.

E. Proof of any required licensing from the California Department of Social Services, the California Department of Health and Human Services, the California Department of Health Care Services, or other applicable regulatory agency, along with a license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefore.

F. A list of addresses of all other licensed or unlicensed facilities owned or operated by the applicant(s) within the past five (5) years and whether such facilities have been found by state or local authorities to be operating in violation of state or local law.

G. Additional Criteria: Residential care facilities (large) shall comply with all of the following:

1. Development Standards. Unless otherwise indicated below, the facility shall conform to the development standards for the zoning district in which it is located.
2. Accessory Dwelling Units. The facility shall not be located in an accessory dwelling unit or junior accessory dwelling unit unless the primary dwelling unit is used for the same purpose.
3. Kitchens. The facility must provide either (i) congregate dining facilities or (ii) kitchens in individual units.
4. Common Areas and Open Space. The facility shall include indoor or outdoor common areas or open space, at the discretion of the applicant. The common area(s) or open space shall be furnished. Appropriate furnishings for indoor spaces include, but are not limited to, such items as lounge chairs, couches, tables with chairs, writing desks, and televisions. Outdoor furnishings include but are not limited to such items as outdoor benches, tables with chairs, barbeques, and shade coverings like arbors, patio covers, garden shelters or trellises.
5. Management. The facility shall have either (i) a manager who resides on-site or (ii) a number of persons acting as a manager who are either present at the facility on a 24-hour basis or who will be available twenty-four (24) hours a day, seven (7) days a week to physically respond within forty-five (45) minutes notice and who are responsible for the day-to-day operation of the facility. The provisions of this section shall be superseded by any management requirements imposed on the facility pursuant to state law.
6. Security. A designated area for on-site personnel shall be located near the main entrance to the facility for the purpose of controlling admittance to the facility and providing security. Emergency contact information shall be posted on the exterior of the facility adjacent to the main entrance, as well as on the interior in a location accessible to all residents.
7. Personal Storage. Each resident of the residential care facility shall be provided with at least one private storage area or private closet, with a lock or other security mechanism, in which to store their personal belongings.

HD. Additional Conditions. Additional conditions to those set forth in this section may be imposed by the planning commission when deemed necessary by the commission to protect the public health, safety and welfare.

18.104.180 - ~~Junior a~~Accessory dwelling units and ~~second~~ junior accessory dwelling units.

~~A. Pursuant to the provisions of Government Code Sections 65852.2 and 65852.22, the following requirements apply to all second units and junior accessory dwelling units, as applicable:~~

~~1. The lot is a legal lot as defined by Section 18.08.340 of this title.~~

~~2. The lot is zoned RS, RC, AW, or PD when the lot contains an existing or proposed single family dwelling or existing multifamily unit that is precluded from transient occupancy.~~

~~3. The lot contains at least one legal single-family dwelling or multifamily dwelling, except when an applicant is applying for a permit to build a single-family dwelling and a second unit at the same time.~~

~~4. The total floor space of a junior accessory dwelling unit shall not exceed five hundred square feet as measured from the inside of the exterior walls. The total floor space of a second unit shall not exceed one thousand two hundred 1,200 square feet as measured from the inside of the exterior walls.~~

~~5. Except as modified in this Section 18.104.180, a junior accessory dwelling unit or second unit shall conform to all height, setback, lot coverage and other zoning requirements applicable to a primary (main) dwelling in the zone in which the property is located, unless they are inconsistent with the provisions of this chapter, in which case the standards of this chapter shall apply.~~

~~6. All site plan review requirements, permit and mitigation fees and other charges applicable to primary (main) dwellings in the zone in which the property is located shall apply to a second unit or junior accessory dwelling unit, except:~~

~~a. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit, nor shall a connection fee be charged, for the purposes of providing water, sewer, or power;~~

~~b. Second units shall not be considered new residential uses for the purposes of calculating any county connection fees or capacity charges for utilities; and~~

~~c. No impact fees shall be imposed upon the development of a second unit less than seven hundred fifty square feet. Any impact fees charged for a second unit of seven hundred fifty feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this provision, an "impact fee" includes the fees specified in Sections 66000 and 66477 of the Government Code.~~

~~7. All reviews of junior accessory dwelling units and second units shall be ministerial.~~

~~8. County building code requirements which apply to single-family dwellings shall also apply to junior accessory dwelling units and second units.~~

~~9. Approval by the department must be obtained where either a private or individual sewage disposal system is to be used.~~

10. Fire sprinklers shall not be required for a second unit if they are not required for the primary residence. For the purposes of fire or life safety or protection, a junior accessory dwelling unit shall not be considered a new dwelling unit and no fire and life safety requirements may be applied to residences containing a junior accessory dwelling unit unless they apply uniformly to all single-family residences in the zone regardless of whether or not they contain a junior accessory dwelling unit.
11. No parking is required for a junior accessory dwelling unit. Second units shall have one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway. Off-street parking is permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions. Notwithstanding the foregoing, the parking standards for second units as set forth herein shall not apply in any of the following instances:
    a. The second unit is located within one-half mile of a public transit stop;
    b. The second unit is located within an architecturally and historically significant district;
    c. The second unit is part of the existing primary residence or an existing accessory structure;
    d. On-street parking permits are required but not offered to the occupant of the second unit; or
    e. There is a car share vehicle pick-up location within one block of the second unit.
12. If the construction of a second unit replaces an existing garage, carport, or covered parking structure, no replacement spaces need be provided.
13. At the time of application for a second unit, the property owner shall acknowledge in writing that (a) the second unit may not be sold separately from the existing family dwelling or multi-family dwelling; and (b) neither the second unit nor the single-family dwelling or multi-family dwelling may be used for short-term residential rentals. Prior to the issuance of a building permit for the second unit, the owner shall record a covenant in a form approved by the county to notify future owners of the requirements of this subsection.
14. Limits on lot coverage, floor area ratio, open space, and size must permit or shall be waived to allow an eight hundred square foot detached or attached second unit sixteen feet high with four-foot side and rear yards, if the proposed second unit is in compliance with all other development standards, including but not limited to front yard setbacks.
15. A second unit shall have a separate entrance from the primary dwelling unit.
16. Except as specified below, a second unit shall be required to comply with the setback requirements of the zone in which the unit is to be located.
    a. No setback is required for an existing living area or an existing accessory structure converted to a second unit, or for a new second unit constructed in the same location and built to the same dimensions as an existing structure.
    b. For all other second units, a setback of four feet is required from the rear and side property lines.

17. Where there is an existing multifamily structure on a site, the following types of second units are permitted:
    a. Second units within portions of existing multifamily dwelling structures that are precluded from transient occupancy, provided that those portions of the existing multifamily dwelling are not used as livable space, and provided that each unit complies with state building standards for dwellings. A second unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multifamily structure. At least one and up to twenty-five percent of the number of existing multifamily units in the building that are precluded from transient occupancy shall be allowed.
    b. Up to two detached second units on a lot with an existing multifamily dwelling structure that is precluded from transient occupancy, provided that the height does not exceed sixteen feet and that four-foot side and rear yard setbacks are maintained.
18. A junior accessory dwelling unit complying with subsection (D) of Section 18.104.180 may be developed on the same site as a detached second unit not exceeding eight hundred square feet or more than sixteen feet high, with side and rear yard setbacks of at least four feet, on a lot with an existing or proposed single-family dwelling.

B. The following additional requirements shall apply to all detached second units:
1. A second unit attached to an accessory structure shall not have interior access connecting to the accessory structure.
2. If an individual sewage disposal system is proposed, a separate system serving the second dwelling unit shall be installed unless otherwise approved by the department.
3. The lot must meet the minimum standards of the department in regard to water and sewer requirements.
4. Second units may be separately metered and shall include separate shut-off valves for all utilities.
5. The maximum distance that a detached second unit may be from the nearest portion of the living area of the existing legal single-family dwelling or multi-family dwelling on the same parcel shall be five hundred feet, measured along a level, horizontal straight line, unless a greater distance is required to avoid an agricultural constraint or to meet the standards of the department relating to private water or sewer systems or to avoid an environmentally sensitive area as defined by Section 18.08.270 of this title.

C. Second units, attached, shall additionally comply with the following:
1. The second unit shall be located no more than twenty feet from the living area of the existing dwelling and shall be attached to the existing dwelling in the manner set forth in Section 18.08.070 of this title.
2. The total floor area of an attached second unit shall not exceed fifty percent of the existing primary dwelling or eight hundred square feet, whichever is greater.

D. Junior accessory dwelling units shall additionally comply with the following:
1. Notwithstanding subsection (A)(2) of Section 18.104.180, a junior accessory dwelling unit may be permitted within an existing or proposed single family dwelling within the AP zone.

~~2. The total floor space of a junior accessory dwelling unit shall not exceed five hundred square feet as measured from the inside of the exterior walls.~~

~~3. The junior accessory dwelling unit must be created within the walls of an existing or proposed primary dwelling.~~

~~4. A separate exterior entry shall be provided to serve a junior accessory dwelling unit.~~

~~5. The junior accessory dwelling unit shall include at least an efficiency kitchen which includes cooking appliances, a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.~~

~~6. At the time of application for a junior accessory dwelling unit, the property owner shall acknowledge in writing that (a) the owner must occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, unless the owner is another governmental agency, land trust, or housing organization; (b) the junior accessory dwelling unit shall not be sold separately from the existing single-family dwelling; and (c) neither the junior accessory dwelling unit nor the single-family dwelling shall be used for short-term residential rentals. Prior to the issuance of a building permit for the junior accessory dwelling unit, the owner shall record a covenant in a form approved by the county to notify future owners of the requirements of this subsection and of the restrictions on the use, size and attributes of the junior accessory dwelling unit.~~

~~E. The planning director shall administratively approve ministerial permits for junior accessory dwelling units and second units conforming to the provisions of this section within the time limits specified by Government Code Section 65852.22 or 65852.2, as applicable, or successor provisions.~~

A. Pursuant to the provisions of Government Code Sections 66310 et seq., the following requirements apply to accessory dwelling units and junior accessory dwelling units, as specified:

1. Zoning and Required Uses.

   a. Accessory Dwelling Units. Accessory dwelling units are allowed on a legal lot, as defined by Section 18.08.340 of this title, that is zoned RS, RM, RC, AP, AW or PD, or is developed under the provisions of the :AH overlay zone, and that contains an existing or proposed single family dwelling or an existing or proposed multifamily unit that is precluded from transient occupancy.

   b. Junior Accessory Dwelling Units. Only one junior accessory dwelling unit is permitted on a legal lot, as defined by Section 18.08.340 of this title, that is zoned RS, RM, RC, AP, AW or PD, or is developed under the provisioins of the :AH overlay zone, and that contains an existing or proposed single family dwelling.

   c. Urban Lot Splits. No accessory dwelling unit or junior accessory dwelling unit shall be permitted if the lot was created by an urban lot split pursuant to Chapter 17.17, and the approval of the accessory dwelling unit or junior accessory dwelling unit would result in more than two dwelling units on the lot.

2. Types of Accessory Dwelling Units. Accessory dwelling units may be attached to an existing or proposed primary structure or accessory structure (attached accessory dwelling unit), detached from an existing or

proposed primary structure (detached accessory dwelling unit), or located within an existing primary structure or existing accessory building (interior accessory dwelling unit).

3. Junior Accessory Dwelling Units. Junior accessory dwelling units must be created within the walls of an existing or proposed primary dwelling. An attached garage is part of the single-family dwelling unit for purposes of this Section 18.104.180. Junior accessory dwelling units are only permitted on a legal lot with no more than one existing or proposed single-family dwelling.

4. Exempt Accessory Dwelling Units. The following are exempt from certain development and design standards, as specified in subsections B and C below, and are referred to as "exempt accessory dwelling units":

   a. One accessory dwelling unit on a legal lot with up to one junior accessory dwelling unit and a proposed or existing single-family dwelling if the accessory dwelling unit and junior accessory dwelling unit comply with the following:

      i. The accessory dwelling unit is within the proposed or existing space of a single-family dwelling or existing space of an accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

      ii. The accessory dwelling unit has separate exterior access from the proposed or existing single-family dwelling.

      iii. The side and rear setbacks are sufficient for fire and safety.

      iv. The junior accessory dwelling unit complies with the requirements of this subsection A and subsection D below.

   b. One detached, new construction accessory dwelling unit on a legal lot with a proposed or existing single-family dwelling if the accessory dwelling unit provides four-foot side and rear yard setbacks; does not exceed 800 square feet in floor area, and does not exceed the height described in subsection A.4.b.i or ii, as applicable.

      i. 18 feet on a legal lot with an existing or proposed single-family dwelling if the lot is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155. An additional two feet in height may be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the single-family dwelling;

      ii. 16 feet on all other legal lots with an existing or proposed single-family dwelling unit.

   c. Up to two detached accessory dwelling units on a legal lot with a proposed or existing multifamily dwelling if the accessory dwelling units provide at least four-foot side and rear yard setbacks. If the existing multifamily dwelling has a rear or side setback of less than four feet, no modification of the existing

multifamily dwelling shall be required as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subsection. The height of the accessory dwelling units shall not exceed the following:

i. 18 feet on a legal lot with an existing or proposed multifamily dwelling unit if the lot is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155. An additional two feet in height may be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the multifamily dwelling;

ii. 18 feet on a legal lot with an existing or proposed multistory multifamily dwelling;

iii. 16 feet on all other legal lots with an existing or proposed multifamily dwelling;

d. A legal lot with an existing multifamily dwelling may contain accessory dwelling units converted from portions of the building that are not used as livable space, if each unit complies with state building standards for dwellings. The number of accessory dwelling units permitted is equivalent to up to 25 percent of the number of existing, legally permitted units in the multifamily dwelling, or one, whichever is greater.

5. Only one accessory dwelling unit shall be permitted on legal lots with proposed or existing single-family or multifamily dwellings unless all existing and proposed accessory dwelling units on the lot meet the requirements of subsection A.4 above.

6. Building Code. Junior accessory dwelling units and accessory dwelling units shall comply with all applicable building code requirements, except as follows:

a. Fire sprinklers shall not be required for an accessory dwelling unit if they are not required for the primary dwelling. Fire sprinklers may not be required for an existing primary dwelling unit as a condition of the approval of an accessory dwelling unit.

b. The new construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety or the accessory dwelling unit is converted from unhabitable or nonresidential space.

7. Owner Occupancy. On a property with a junior accessory dwelling unit, the owner must occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, unless the owner is another governmental agency, land trust, or housing organization. Owner occupancy is not required for the accessory dwelling unit.

8. Prohibition on Separate Sale.

a. Accessory Dwelling Unit. An accessory dwelling unit may not be sold separately from the single-family or multifamily dwelling, except that the accessory dwelling unit and primary unit may be owned by multiple owners as tenants in common if the single-family dwelling and accessory dwelling unit were developed by a qualified nonprofit, as that term is defined in Government Code Section 66340, and if all of the provisions of Government Code Section 66341 are met.

b. Junior Accessory Dwelling Unit. A junior accessory dwelling unit may not be sold separately from the single-family dwelling.

9. Covenants:

a. Accessory Dwelling Units. At the time of application for an accessory dwelling unit, the property owner shall acknowledge in writing that neither the accessory dwelling unit nor the single-family dwelling or multifamily dwelling may be used for short-term residential rentals of less than thirty days. Prior to the issuance of a building permit for the accessory dwelling unit, the owner shall record a covenant with the Napa County Recorder's Office in a form approved by county counsel to prohibit renting the accessory dwelling unit for fewer than 30 consecutive calendar days.

b. Junior Accessory Dwelling Units. Prior to issuance of a certificate of occupancy for a junior accessory dwelling unit, the owner shall record a covenant in a form prescribed by county counsel, which shall run with the land and provide for the following:

i. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family principal dwelling;

ii. A restriction on the size and attributes of the junior accessory dwelling unit consistent with subsection D below;

iii. A requirement that either the primary residence or the junior accessory dwelling unit be the owner's bona fide principal residence, unless the owner is a governmental agency, land trust, or housing organization.

c. A copy of the recorded covenant shall be filed with county counsel.

B. Development Standards – All Accessory Dwelling Units. The following development standards apply to all accessory dwelling units:

5. Except as specified below, an accessory dwelling unit shall comply with the requirements of this Section 18.104.180, the underlying zoning district, and other provisions of the Napa County Code except:

a. If the requirements of the underlying zoning district or other provisions of the Napa County Code are inconsistent with the provisions of this Section 18.104.180, the standards of this section shall apply. Exempt accessory dwelling units described in subsection A.4 need only comply with the applicable provisions of this Section 18.104.180, building code requirements, and health and safety requirements, such as those applicable to private water and sewer service.

b. Limits on lot coverage, front yard setback, floor area ratio, open space, and size must permit or shall be waived to allow an eight hundred square foot detached or attached accessory dwelling unit with four-foot side and rear yard setbacks, if the proposed accessory dwelling unit is in compliance with all other applicable development standards.

c. The county may not require as a condition of approval the correction of nonconforming zoning conditions.

d. If the application is to legalize an unpermitted accessory dwelling unit that was constructed before January 1, 2018, the accessory dwelling unit does not need to conform with this section or building standards pursuant to Health & Safety Code Section 17960 et seq. However, the county may deny the application for an unpermitted accessory dwelling unit constructed before January 1, 2018 if the building official makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.

e. No setback is required for a new structure constructed in the same location and to the same dimensions as an existing structure.

6. Entrance. An accessory dwelling unit shall have a separate entrance from the primary dwelling unit.

7. Parking. Accessory dwelling units shall have one parking space per unit, except that studio units shall not require a parking space. These spaces may be provided as tandem parking on an existing driveway. Off-street parking is permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions. “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. Notwithstanding the foregoing, no parking shall be required in any of the following instances:

a. The accessory dwelling unit is located within one-half mile of a public transit stop 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;

b. The accessory dwelling unit is located within an architecturally and historically significant district;

c. The accessory dwelling unit is an interior accessory dwelling unit;

d. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or

e. There is a car share vehicle pick-up location within one block of the accessory dwelling unit.

4. Demolition of Parking. If the construction of an accessory dwelling unit replaces an existing garage, carport, or covered parking structure, no replacement spaces need be provided. If the applicant applies for a demolition permit to demolish a detached garage and a building permit to construct a detached accessory dwelling unit, the demolition permit and building permit for the accessory dwelling unit shall be issued at the same time.

5. Detached Accessory Dwelling Units:
   a. Maximum Height: The height of a detached accessory dwelling unit shall not exceed 35 feet except that exempt accessory dwelling units are subject to the height limits in subsection A.4 .
   b. Maximum Size. The total floor space of a detached accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet as measured from the inside of the exterior walls except the exempt accessory dwelling units are subject to limits on size contained in subsection A.4.
   c. Setbacks. A four feet setback is required from the rear and side property lines.
6. Attached Accessory Dwelling:
   a. Maximum Height. The height of an attached accessory dwelling unit shall not exceed 35-feet or the height limitation that applies to the single-family dwelling or multifamily dwelling, whichever is lower. However, the accessory dwelling unit may not exceed two stories.
   b. Setbacks. A four feet setback is required from the rear and side property lines.
   c. Interior Access. An accessory dwelling unit attached to an accessory structure shall not have interior access connecting to the accessory structure.

C. Design Standards – Non-Exempt Accessory Dwelling Units. The following design standards shall apply to all accessory dwelling units except exempt accessory dwelling units described in subsection A.4:
1. Detached Units: Maximum Distance Between Units. The maximum distance that a detached accessory dwelling unit may be from the nearest portion of the living area of the existing legal single-family dwelling or multi-family dwelling on the same legal lot shall be five hundred feet, measured along a level, horizontal straight line, unless a greater distance is required to avoid an agricultural constraint or to meet the standards of the department relating to private water or sewer systems or to avoid an environmentally sensitive area as defined by Section 18.08.270 of this title.
2. Attached Units: Maximum Distance Between Units.
   a. The accessory dwelling unit shall be located no more than twenty feet from the living area of the existing dwelling and shall be attached to the existing dwelling in the manner set forth in Section 18.08.070 of this title.
   b. Maximum size. The total floor space of an attached accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet as measured from the inside of the exterior walls. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed fifty percent of the existing primary dwelling or eight hundred square feet, whichever is greater.

D. Design and Development Standards – Junior Accessory Dwelling Units. Pursuant to the provisions of Government Code Sections 66310 et seq., the following requirements apply to all junior accessory dwelling units:

1. Size. The total floor space of a junior accessory dwelling unit shall not exceed five hundred square feet as measured from the inside of the exterior walls.
2. Entrance. An exterior entry separate from the exterior entry for the single-family dwelling unit shall be provided to serve a junior accessory dwelling unit. However, if the junior accessory dwelling unit shares sanitation facilities with the single-family dwelling unit, there must also be an interior entry to the main living area of the single-family dwelling unit.
3. Kitchen. The junior accessory dwelling unit shall include at least an efficiency kitchen which includes cooking appliances, a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
4. Parking. Parking is not required for a junior accessory dwelling unit. If the construction of a junior accessory dwelling unit replaces an existing attached garage, replacement parking is required.

E. Applications and Processing. All reviews of accessory dwelling units and junior accessory dwelling units shall be ministerial.
1. In addition to other information requested in this section and the application form, for issuance of a building permit, the approval by the relevant department must be obtained where a private or individual sewage disposal system or water system is to be used.
2. The director shall administratively review and approve or deny complete ministerial permit applications for accessory dwelling units and junior accessory dwelling units within 60 days from the date the county receives a completed application, except that applications for pre-approved accessory dwelling unit plans shall be approved or denied within 30 days from the date that the county receives a completed application. However, if the permit application is submitted with an application to construct a new single-family or multifamily dwelling, then the county may delay review of the permit application for the accessory dwelling unit or junior accessory dwelling unit until the county approves or denies the permit for the new dwelling. If the application is denied, the director will provide, within the review period, a complete list of the application's deficiencies and describe how the applicant can remedy the application.

F. Utilities and Impact Fees.
1. Fees and Utility Connections for Accessory Dwelling Units. All permit and mitigation fees and other charges applicable to primary dwellings in the zone in which the property is located shall apply to an accessory dwelling units except:
    a. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating any connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit is constructed with a new single-family dwelling.
    b. Interior accessory dwelling units are exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges, unless the interior accessory dwelling unit was constructed with a new single-family dwelling. For other accessory dwelling units, new or separate utility connections are required between the accessory dwelling unit and the utility. Any connection or capacity charge

shall be proportionate to the burden of the proposed accessory dwelling unit on the water or sewer system, based on either its square feet or the number of drainage fixture units.

c. No impact fees shall be imposed upon the development of an accessory dwelling unit less than seven hundred fifty square feet. Any impact fees charged for an accessory dwelling unit of seven hundred fifty feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this provision, an "impact fee" includes the fees specified in Government Code Sections 66000 and 66477. Impact fees do not include connection fees or capacity charges.

2. Fees for Junior Accessory Dwelling Units.

a. For the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit is not considered a separate or new dwelling unit. No water, sewer, or power requirements may be applied to single-family dwellings containing a junior accessory dwelling unit unless they apply uniformly to all single-family dwellings in the zone regardless of whether or not they contain a junior accessory dwelling unit.

b. Junior accessory dwelling units are exempt from any requirement to pay connection or capacity fees or charges.

3. Utility Connections and Meters.

a. Accessory dwelling units may be separately metered and shall Junior accessory dwelling units are exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges.

4. Water Availability Standards. If the lot is located within the Groundwater Sustainability Plan (GSP) area and/or is located within a designated Groundwater Deficient Area, then the proposal must comply with the objective requirements of the Water Availability Analysis Guidance Document (WAA).

G. No conflict with state law. If any provision of this section conflicts with Government Code Section 66310 et seq. or other applicable state law, state law shall supersede the provisions of this section.

18.104.305 - Farmworker centers—Owned or managed by local government agency or non-profit organizations

Subject to the provisions of Section 18.104.295 where applicable, the following provisions shall apply to farmworker housing:

A. Notwithstanding subsection (A) of Section 18.104.300, a farmworker center as described in subsection (A)(2) of Section 18.104.310, that is, a congregate housing facility occupied for no more than three hundred thirty days in a calendar year, comprised of permanent structures which are either owned or managed under a long term lease by a local government agency or non-profit organization may be located on a parcel of two or more acres, subject to all of the following conditions, together with applicable conditions in subsection (B), if any:

1. The farmworker center may be occupied by no more than sixty farmworkers at any one time;

2. No more than five new farmworker centers may be established pursuant to this section after March 7, 2002;
3. The local government agency or non-profit organization shall operate the farmworker center in accordance with all applicable provisions of both this code and applicable state and federal law.

B. If a newly created parcel is conveyed or leased to a local government agency or non-profit organization to operate a farmworker center pursuant to subsection (A), above, and the local government agency or non-profit organization ceases to use the parcel for a farmworker center, then all of the following conditions shall apply:
1. The local government agency or non-profit organization shall, within six months, directly reconvey the parcel to the grantor or cancel the lease in such a manner as to merge it into the parcel from which it was divided;
2. The local government agency or non-profit organization may not convey a parcel which does not satisfy the requirements of Section 18.104.300 to any third persons other than successors in interest of the grantor;
3. The use permit for the farmworker center shall automatically expire;
4. The parcel may thereafter be used only for purposes otherwise allowed by applicable zoning;
5. The local government agency or non-profit organization shall submit a plan to the director describing the action it will take to ~~insure~~ ensure that future use of the structures conform to zoning applicable to the parcel at the time of reconveyance, including, but not limited to, demolition of the structures, modification of the structures to make them not habitable for residential use, or conversion of the structures to a use allowed by the zoning.

C. No parcel shall be created for the purpose of establishing a farmworker center pursuant to this section and subsection (D) of Section 18.104.010 unless the local government agency or non-profit organization first agrees in writing to accept title to the parcel or to enter into a long-term lease.

D. A use permit for a farmworker center issued pursuant to this section shall automatically expire if the parcel is not used as a farmworker center within three years after execution of the conveyance of the parcel.

E. A use permit for a farmworker center issued pursuant to this section shall automatically expire if the farmworker center is not used for two consecutive growing seasons, provided that, if the director receives written notice that the farmworker center is temporarily closed for rehabilitation, growing seasons during which rehabilitation is taking place shall not be counted.

F. To the extent it is legally permissible, language that ensures the conditions in subsections (A) and (B), above, shall be included in any deed or lease by which property is acquired by a local government agency or non-profit organization for use as a farmworker center pursuant to this section.

G. Notwithstanding subsection (A)(3) of Section 18.104.330, a farmworker center established pursuant to this section may provide information regarding, and referral of farmworkers to, employment, social and community, and health services.

H. For purposes of this section, long term lease means forty years or longer.

18.104.410 - Transient commercial occupancies of dwelling units prohibited.

A. Transient commercial occupancies of dwelling units are prohibited in all residential and agricultural zoning districts within the county.

B. Definitions. Unless otherwise defined in Chapter 18.08, the following definitions shall apply to this section:

1. "Commercial use" shall have the same meaning as commercial use in Section 18.08.170, except it shall not include house exchanges, where owners or occupants swap homes for vacation purposes.
2. "Occupancies" means the use or possession or the right to the use or possession of real property or a portion thereof, including any dwelling unit, single family dwelling unit, guest cottage, or ~~second unit~~accessory dwelling unit, for dwelling, lodging or sleeping purposes. The right to use or possession includes any nonrefundable deposit or guaranteed no-show fee paid by a person, whether or not the person making the deposit actually exercises the right to occupancy by using or possessing any property or portion thereof.
3. "Transient commercial occupancies of dwelling units" means any commercial use of a dwelling unit for a period of time less than thirty consecutive days. It does not include occupancies associated with farm labor camps, residential care facilities, family day care homes, or legally permitted bed and breakfast establishments, hotels or motels.

C. Liability and Enforcement.

1. Any property owner, or authorized agent thereof, who uses or allows, or who knowingly arranges or negotiates for the use of, transient commercial occupancies of dwelling units in violation of this section shall be guilty of either an infraction or a misdemeanor.
2. Any property owner, or authorized agent thereof, who prints, publishes, advertises or disseminates in any way, or causes to be printed, published, advertised or disseminated in any way, any notice or advertisement of the availability of transient commercial occupancies of dwelling units as prohibited by this section, shall be guilty of either an infraction or a misdemeanor.
3. In addition to the penalties set forth in subsections (C)(1) and (2) above, violators of this section may be subject to a public nuisance abatement action brought under the provisions of Chapter 1.20 and the civil penalty provisions of up to one thousand dollars per violation per day as provided in subsection (B) of Section 1.20.155 and subject to an unfair competition action brought pursuant to Business and Professions Code Section 17200 et seq. and up to two thousand five hundred dollars per violation civil penalty allowed thereunder.
4. Any person who uses, or allows the use of transient commercial occupancies of dwelling units prohibited by this section shall also be liable for the transient occupancy tax that would have been owed under Chapter 3.32 had the occupancy use been legal, including the penalty and interest provisions of Section 3.32.080.
5. The civil remedies and penalties provided by this subsection are cumulative to each other.

18.104.420 - Supportive and transitional housing.

Pursuant to Government Code Section ~~65583(a)(5)~~65583(c)(3), transitional and supportive housing ~~(as defined in Health and Safety Code Sections 50675.2(h) and 50675.14(b))~~ are considered a residential use of property subject only to the same restrictions ~~as~~that apply to other residential dwellings of the same type in the same zone.

18.104.440 - Two-Unit Developments.

This section provides objective zoning standards for two-unit developments within single-family residential zones to implement the provisions of Government Code Section 65852.21, to facilitate the development of new residential housing units consistent with the County's Housing Element, and to ensure sound standards of public health and safety.

A. Definitions: As used in this chapter.

1. A person "acting in concert with the owner," means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.
2. "Adjacent parcel" means any parcel of land that is (a) touching the parcel at any point; (b) separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (c) separated from another parcel only by other real property which is in common ownership or control of the applicant.
3. "Car share vehicle" means a motor vehicle that is operated as part of a regional fleet by a public or private care sharing company or organization and provides hourly or daily service.
4. "Common ownership or control" means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.
5. "Sufficient for separate conveyance," means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.
6. "Two-unit development" means a development that proposes no more than two new units or proposes to add one new unit to one existing unit.
9. "Urban lot split" means a subdivision of an existing parcel into no more than two separate parcels pursuant to Chapter 17.17.

B. Location Requirements: As provided by Government Code Section 65852.21, and this section, the parcel proposed for a two-unit development must meet the following requirements:

1. The parcel is zoned Residential Single or Residential Country and is located entirely within the boundaries of an urban area as defined by the United States Census Bureau's Urban-Rural Classification.
2. The building site, as defined under Napa County Code Section 17.02.080, for a two-unit development, is not located within or includes any of the conditions listed in Government Code Section 65913.4(a)(6)(B) – (K) or the following:

a. Land zoned or designated for agricultural protection or preservation by local ballot Measure J or Measure P approved by the voters of Napa County.

b. Land designated as a Groundwater Deficient Area, as defined and mapped under Napa County Code Chapter 13.15, unless:

1. The applicant is able to secure a groundwater permit, pursuant to Napa County Code 13.15 for the proposed two-unit development. or in the case of an urban lot split, the applicant is able to secure a groundwater permit for all potential future dwelling units allowed under this section

2. The applicant is able to provide documentation that the two-unit development or the future dwelling units from an urban lot split will be directly plumbed to receive potable water from a groundwater well outside of the Groundwater Deficient Area or from an approved public water system. Hauled water is not approved to serve the domestic use of a dwelling and cannot be approved in lieu or a directly plumbed potable source of water.

C. Two-Unit Development: As provided by Government Code Section 65852.21 and this section, two-unit developments that meet the qualifying criteria for ministerial approval under this section shall be approved by the director without a hearing. The director shall determine if an application for a two-unit development meets the locational criteria prescribed in subsection B above and meets the follow requirements:

1. The proposed two-unit development would not require the demolition or alteration of any of the following types of housing:

a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very low-income.

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

c. Housing that has been occupied by a tenant in the last three years.

2. The parcel is not a parcel on which an owner of residential real property has exercised the owner's right under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within the last 15 years before the date that the development proponent submits an application.

3. The two-unit development does not include the demolition of more than 25 percent of the existing exterior structural walls unless the site has not been occupied by a tenant in the last three years.

4. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a Napa County landmark or historic property or historic district pursuant to a Napa County ordinance.

5. The two-unit development complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located, and all applicable objective Napa County ordinances; provided, however, that:

a. The application of such standards shall be modified if the standards would have the effect of physically precluding the construction of two units on the parcel or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.

b. Notwithstanding subsection (5)(a) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure, or a structure constructed in the same location and to the same dimensions as an existing legally created structure.

c. For a two-unit development connected to an onsite wastewater treatment system, the applicant must provide a percolation test completed within the last 5 years, or if the percolation test has been recertified, within the last 10 years.

6. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. The two-unit development shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.

7. Parking. One parking space shall be required for each unit constructed on the site, except that no parking is required where:

a. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or

b. There is a designated parking area for one or more car-share vehicles within one block of the parcel.

8. Dwelling units created by a two-unit development may be used for residential uses only and may not be used for rentals of less than 30 days.

9. No more than two dwelling units may be located on any lot created through an urban lot split pursuant to Chapter 17.17, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a two-unit development.

10. If any existing dwelling unit is proposed to be demolished, the applicant must comply with the replacement housing provisions of Government Code Section 66300(d).

D. Application Requirements. An application for a two-unit development shall include the following:

1. Declaration of Prior Tenancies. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for a two- unit development shall sign an affidavit, in a form approved by county counsel, stating that none of the conditions listed in Section 18.104.440.C.1 and 18.104.440.C.2 above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished).

2. No Subdivision. At the time of application for a two-unit development where there is no urban lot split, the property owner shall acknowledge in

writing that neither of the two units may be sold separately unless a subdivision is recorded.

3. Recorded Covenant. Prior to the issuance of a building permit for a two-unit development, the owner shall record a covenant in the form approved by county counsel to notify future owners of the prohibition on non-residential uses of any units constructed on the site, including a prohibition against renting or leasing the units for fewer than 30 consecutive calendar days. requirements of this subsection.

E. Specific Adverse Impacts. In addition to the criteria listed in this section, a proposed two-unit development may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A "specific adverse impact" is 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. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

F. Enforcement. County counsel shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the county from any other remedy or relief to which it otherwise would be entitled under law or equity.

18.107.120 - Residential projects—County incentives.

A. Residential projects that include the construction of affordable units in conformance with Sections 18.107.080, 18.107.100, or 18.107.110 are eligible for the following county incentives:

1. Application fees for building permits shall be waived for the affordable units.
2. Subject to the approval of the planning director, the square footage of the affordable units and interior features in affordable units need not be the same as those in market rate units in the same residential project, so long as they are of good quality and are consistent with contemporary standards for new housing.
3. In a residential project which contains single-family detached homes, affordable units may be attached dwelling units.
4. The county shall expedite permit processing.

B. If an applicant requests a state density bonus or state incentives pursuant to Sections ~~18.107.050~~ 18.107.070 and ~~18.107.060~~ 18.107.080, the incentives listed in this section may be provided only if each is individually requested as a state incentive pursuant to Section ~~18.107.060~~ 18.107.070.

C. Each of these incentives is a regulatory incentive that results in identifiable, financially sufficient, and actual cost reductions and is a form of assistance

specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

18.107.150 – Reserved ~~State incentives for affordable housing—Density bonus.~~

~~This section describes those density bonuses provided pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. These density bonuses shall be provided, at the request of an applicant, when that applicant complies with the requirements of this chapter.~~

~~A. A residential project resulting in a net increase of at least five dwelling units is eligible for a density bonus of twenty percent if the applicant seeks and agrees to construct any of the following:~~

~~1. At least ten percent of the total dwelling units of the residential project as target units affordable to low income households at an affordable rent or affordable sales price; or~~

~~2. At least five percent of the total dwelling units of the residential project as target units affordable to very low income households at an affordable rent or affordable sales price; or~~

~~3. A senior citizen residential project.~~

~~B. A residential project resulting in a net increase of at least five dwelling units is eligible for a density bonus of five percent if the applicant seeks and agrees to provide all of the following:~~

~~1. At least ten percent of the total dwelling units of the residential project as target units for sale to moderate income households at an affordable sales price; and~~

~~2. The residential project is a common interest development as defined by Civil Code Section 1351; and~~

~~3. All of the dwelling units in the residential project are offered to the public for purchase.~~

~~C. The density bonus for which the residential project is eligible shall increase if the percentage of very low income, low income, or moderate income target units exceeds the base percentages established in subsections (A) and (B) above, as follows:~~

~~1. For each one percent increase above five percent in the percentage of target units affordable to very low income households, the density bonus shall be increased by 2.5 percent, up to a maximum of thirty-five percent.~~

~~2. For each one percent increase above ten percent in the percentage of target units affordable to low income households, the density bonus shall be increased by 1.5 percent, up to a maximum of thirty-five percent.~~

~~3. For a residential project that is a qualified common interest development pursuant to subsection (B) above, for each one percent increase above five percent in the percentage of target units for sale to moderate income households at an affordable sales price, the density bonus shall be increased by one percent, up to a maximum of thirty-five percent.~~

~~The following table summarizes available state density bonuses:~~

~~**State Density Bonuses (California Government Code Section 65915)**~~

Affordability Category	Minimum % Target Units	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	% Target Units Required for Maximum 35% Bonus
Very Low-Income	5%	20%	2.5%	11%
Low-Income	10%	20%	1.5%	20%
Moderate-Income (for-sale, common interest development only)	10%	5%	1%	40%
Senior Citizen Residential Project	100%	20%	—	—

D. Calculation of state density bonuses is subject to the following provisions:

1. Each residential project is entitled to only one density bonus. Where a residential project qualifies for a state density bonus under more than one category as described in subsections (A) through (C) above, the category pursuant to which the density bonus shall be granted shall be elected by the applicant, and density bonuses from more than one category may not be combined.
2. In determining the number of density bonus units to be granted pursuant to this section, any fractions of dwelling units shall be rounded to the next whole number.
3. Density bonus units authorized by this section shall not be included when determining the number of target units required to qualify for the density bonus. When calculating the required number of target units, any calculations resulting in fractional dwelling units shall be rounded to the next whole number.
4. The applicant may request a lesser density bonus than the residential project is entitled to, but no reduction will be permitted in the percentages of required target units pursuant to subsections (A) and (B) above. Regardless of the number of target units, no residential project shall be entitled to a density bonus of more than thirty-five percent.

E. Target units shall conform to the following standards:

1. Moderate income target units shall remain restricted and affordable to moderate income households for a period of forty years (or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program). Very low and low income target units shall remain restricted and

affordable to the designated group for a period of thirty years (or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program). Except as set forth in this subsection (E), all target units shall conform with the provisions for continued affordability included in Section 18.107.140.

2. Target units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project. Target units shall be dispersed throughout the residential project, or, subject to the approval of the planning director, may be clustered within the residential project when this furthers affordable housing opportunities.

F. Certain other types of development activities are specifically eligible for a density bonus:

1. A residential project may be eligible for a density bonus in return for land donation pursuant to the requirements set forth in Government Code Section 65915(g).

2. A residential project that contains a child care facility as defined by Government Code Section 65915(h) may be eligible for an additional density bonus or incentive pursuant to the requirements set forth in that section.

3. Condominium conversions may be eligible for a density bonus or incentive pursuant to the requirements set forth in Government Code Section 65915.5.

18.107.160 – Reserved ~~State incentives for affordable housing—State-defined incentives~~.

~~This section includes provisions for providing incentives pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.~~

~~A. An applicant may request incentives pursuant to this section only when the residential project is eligible for, and the applicant requests, a density bonus pursuant to Section 18.107.150.~~

~~B. For the purposes of this Section 18.107.160, an incentive means the following:~~

~~1. A reduction of development standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum applicable building standards approved by the State Building Standards Commission pursuant to Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including but not limited to setback, coverage, and/or parking requirements, which result in identifiable, financially sufficient, and actual cost reductions, based upon appropriate financial analysis and documentation.~~

~~2. Allowing mixed use development in conjunction with the proposed residential project, if nonresidential land uses will reduce the cost of the residential project and the nonresidential land uses are compatible with the residential project and existing or planned surrounding development.~~

~~3. Other regulatory incentives proposed by the applicant or the county which result in identifiable, financially sufficient, and actual cost reductions, based upon appropriate financial analysis and documentation if required by county.~~

~~C. A residential project is eligible for incentives as follows:~~

~~1. One incentive for residential projects that include at least ten percent of the total dwelling units as target units affordable to low income households, at least five percent of the total dwelling units as target units affordable to very low income households, or at least ten percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.~~

~~2. Two incentives for residential projects that include at least twenty percent of the total dwelling units as target units affordable to low income households, at least ten percent of the total dwelling units as target units affordable to very low income households, or at least twenty percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.~~

~~3. Three incentives for residential projects that include at least thirty percent of the total dwelling units as target units affordable to low income households, at least fifteen percent of the total dwelling units as target units affordable to very low income households, or at least thirty percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.~~

~~The following table summarizes requirements for incentives:~~

~~**State Incentives (California Government Code Section 65915)**~~

Affordability Category	% of Target units		
Very low income	5%	10%	15%
Low income	10%	20%	30%
Moderate income (for sale common interest development only)	10%	20%	30%
Maximum Incentive(s)	1	2	3

Notes:
(A) An incentive may be requested only if an application is also made for a density bonus.
(B) Incentives may be selected from only one category (very low, low, or moderate).
(C) No incentives are available for land donation or a senior citizen residential project (if not affordable).
(D) Condominium conversions and day care centers may have one incentive or a density bonus at the county's option, but not both.

D. The county provides incentives, including modified development standards and approval of residential projects without discretionary review, to residential projects that are located on Specified Priority Housing Development Sites (as defined in Section 18.82.020) and developed in conformance with the :AH Combination District standards included in Chapter 18.82. Each of the incentives provided in Chapter 18.82 is a regulatory incentive that results in identifiable, financially sufficient, and actual cost reductions and is a form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. Applicants for residential projects on Specified Priority Housing Development Sites may apply for incentives pursuant to Chapter 18.82 or pursuant to this Chapter 18.107, but not pursuant to both.

E. If a residential project is eligible for a density bonus pursuant to Section 18.107.150, the applicant may request an on-site vehicular parking ratio, inclusive of handicapped and guest parking, pursuant to Government Code Section 65915(p), as follows:

1. Zero to one bedroom dwelling unit: one on-site parking space.
2. Two to three bedroom dwelling unit: two on-site parking spaces.
3. Four or more bedroom dwelling unit: 2.5 on-site parking spaces.

This request may be in addition to any incentives permitted by subsection (C). On-site parking may include tandem and uncovered parking, but not on-street parking.

~~F. An applicant may seek a waiver of any development standards that will physically preclude the construction of a residential project with the requested density bonus and incentives permitted by this chapter. The applicant shall bear the burden of demonstrating that the development standards that are requested to be waived will have the effect of physically precluding the construction of the residential project with the density bonus and incentives.~~

~~G. Nothing in this section requires the provision of direct financial incentives for the residential project, including but not limited to the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The county, at its sole discretion, may choose to provide such direct financial incentives.~~

18.107.170 - State incentives for affordable housing—Application procedures and development standards.

The purpose of this section and Section 18.107.180 is to implement state density bonus law (Government Code Section 65915 *et seq.*).

A. An applicant for a "housing development" as defined in state density bonus law shall be eligible for a density bonus and other regulatory benefits that are provided by state density bonus law when the applicant seeks and agrees to provide housing as specified in Government Code Section 65915, or in Government Code Section 65195.5, or successor provisions. The density bonus calculations shall be made in accordance with state density bonus law.

~~An applicant intending to request a state density bonus or any incentives, parking reductions, or waivers pursuant to Section 18.107.150 or Section 18.107.160 shall submit a preliminary application prior to the submittal of any formal application for approval of the residential project and shall schedule a pre-application conference with the planning director or designated staff. The preliminary application shall include the following information:~~

~~1. A brief description of the proposed residential project, including the total number of dwelling units, target units by proposed income level, density bonus units proposed, and any incentives, reduced parking, or waivers requested.~~

~~2. The zoning and general plan designations and assessor's parcel number(s) of the residential project site.~~

~~3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s), and parking layout.~~

~~4. An explanation of why any requested incentives are necessary to provide the target units.~~

B. All requests for density bonuses, incentives, parking reductions, and~~/or~~ waivers ~~pursuant to Section~~ 18.107.150 ~~or Section~~ 18.107.160 shall be submitted concurrently with the application for the first discretionary permit or other permit required for the ~~residential project~~ housing development and shall be processed concurrently with such application. In accordance with state law, neither the granting of an incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval or the waiver of the provisions of a county ordinance unrelated to development standards.

C. An applicant's request for any density bonuses, incentives, parking reductions, and/or waivers permitted by ~~this chapter~~ state density bonus law shall include the required fee and the following minimum information:

1. For a requested density bonus:
    a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed target units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
    b. Subparagraph of Government Code Section 65915(b)(1) under which the housing development qualifies for a density bonus and reasonable documentation demonstrating that the housing development is eligible for a bonus under that subparagraph.
    c. Where the housing development is seeking an additional bonus, the subparagraph of Government Code Section 65915(v)(1) under which the housing development qualifies for an additional density bonus and reasonable documentation demonstrating that the housing development is eligible for the additional bonus under that subparagraph.
    d. A tentative map or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed target units and density bonus units.
    e. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
    f. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period; subject to any form of rent control through a public entity's valid exercise of its police power; or subject to a recorded covenant ordinance, or law restricting rents to levels affordable to households of lower or very low income.
    g. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying the dwelling units when the site contained the maximum number of dwelling units, if known.
    h. The phasing of the construction of the target units in relation to the nonrestricted units in the housing development.
    i. A marketing plan for the target units, as well as an explanation of the methods to be used to verify tenant and/or buyer incomes and to maintain affordability of the target units. The density bonus housing plan shall specify a financing mechanism for ongoing administration and monitoring of the target units.
    j. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915 (g) can be met.
2. Requested incentives or concessions as defined in state density bonus law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to under state density bonus law. The application shall include the following minimum information, shown on a site plan (if appropriate):

a. Explanation of the number of incentives the housing development is entitled to.

b. The county's usual regulation and each requested regulatory incentive or concession.

c. Except where mixed-use zoning is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.

d. If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the costs of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs and rents.

3. Requested waivers. For each waiver requested, the applicant shall show on a site plan and in a table, the county's required development standard and the requested development standard.

4. Parking reductions. The application shall include a table showing parking required by the zoning regulations, parking proposed under Government Code Section 65915(p), and reasonable documentation that the project is eligible for the requested parking reduction.

5. Density bonus or incentive for a child care facility in a housing development. The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.

~~The applicant shall demonstrate through the provision of a pro forma that any requested incentive results in identifiable, financially sufficient, and actual cost reductions to the residential project. The cost of reviewing any required pro forma data, including but not limited to the cost to the county of hiring a consultant to review the pro forma, shall be borne by the applicant. The pro forma shall include all of the following items:~~

~~a. The actual cost reduction achieved through the incentive;~~

~~b. Evidence that the cost reduction allows the applicant to provide affordable rents or affordable sales prices; and~~

~~c. Other information as may be requested by the planning director. The planning director may require that any pro forma include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma.~~

6. Density bonus or incentive for a condominium conversion. The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met. ~~For any requested waiver of a development standard, the applicant shall provide evidence that the development standard for which the waiver is requested will have the effect of physically precluding the construction of the residential project with the density bonus and incentives requested~~.

7. Commercial density bonus. Evidence that the project qualifies for a commercial density bonus under the provisions of Government Code Section 65915.7, including but not limited to inclusion of a partnered housing agreement. ~~If a mixed use building or project is proposed as an~~

~~incentive pursuant to Section 18.107.160, the applicant shall provide evidence that nonresidential land uses will reduce the cost of the residential project, and that the nonresidential land uses are compatible with the residential project and the existing or planned development in the area where the proposed residential development will be located.~~

~~8. If a density bonus is requested for a land donation, the applicant shall show the location of the land to be dedicated, provide proof of site control, and provide evidence that each of the requirements included in Government Code Section 65915(g) can be met.~~

~~9. If a density bonus or incentive is requested for a child care facility, the applicant shall provide evidence that all of the requirements found in Government Code Section 65915(h) can be met.~~

~~10. If a density bonus or incentive is requested for a condominium conversion, the applicant shall provide evidence that all of the requirements found in Government Code Section 65915.5 can be met.~~

D. Density bonus calculations.

1. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. When calculating the number of target units needed to qualify for a given density bonus, any fractions of affordable target units shall be rounded up to the next whole number.

2. Except where a housing development is eligible for an additional bonus pursuant to Government Code Section 65915(v), each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.

3. In determining the number of target units required to qualify a housing development for a density bonus pursuant to state density bonus law, units added by a density bonus are not included in the calculations. Any on-site units that satisfy the county's inclusionary housing requirements in this Chapter 18.107 and are required to be constructed concurrently with the housing development may qualify the housing development for a density bonus if those units meet the requirements of state density bonus law. Payment of fees or in lieu of providing target units under this Chapter 18.107 does not qualify a housing development for a density bonus.

4. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of target units required by state density bonus law. Regardless of the number of target units, no housing development shall be entitled to a density bonus greater than what is authorized under state density bonus law.

5. Nothing in this chapter requires the provision of direct financial incentives from the county for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The county, at its sole discretion, may choose to provide such direct financial incentives.

E. Development standards.

1. Target units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development.

Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the county.

2. To comply with fair housing laws, the target units shall contain the same proportional mix of bedroom sizes as the market-rate units. In mixed-income buildings, the occupants of the target units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units, and the target units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.

18.107.180 - State incentives for affordable housing—Review procedures and affordable housing agreements.

All requests for density bonuses, incentives, parking reductions, and/or waivers permitted by Section 18.107.150 or Section 18.107.160 shall be considered and acted upon by the approval body with authority to approve the residential project, with right of appeal to the board of supervisors, if applicable.

A. Before approving an application that includes a request for a density bonus, incentive, parking reduction and/or waiver pursuant to Section 18.107.150 or Section 18.107.160, the decision-making body shall make the following findings, To ensure that an application conforms with the provisions of state density bonus law, the staff report presented to the decision-making body shall state whether the application conforms to the requirements of state density bonus law, as applicable:

1. A finding that the residential project is eligible for the density bonus and any incentives, parking reductions or waivers requested, and includes any affordable housing required to replace units rented or formerly rented to very low- and low-income households as required by California Government Code Sections 65915(c)(3) and 66300.5 *et seq*.
2. A finding that if an incentive is requested, reasonable documentation has been presented showing that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing or costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2) any requested incentive will result in identifiable, financially sufficient, and actual cost reductions based upon the financial analysis and documentation provided.
3. If the density bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.
4. If the density bonus or incentive is based all or in part on the inclusion of a child care facility or condominium conversion, a finding that all the requirements included in Government Code Section 65915(h) or 65915.5, as applicable, have been met.
5. If the incentive includes mixed-use development a parking reduction is requested, a finding that the housing development is eligible for any requested parking reductions under Government Code Section 65915(p) all the requirements included in Government Code Section 65915(k)(2) have been met.

6. If a waiver is requested, a finding that the development standards for which the waiver is requested would have the effect of physically precluding the construction of the residential project with the density bonus and incentives permitted.

7. If a commercial development bonus is requested, a finding that the development is eligible for the bonus under Government Code Section 65915.7.

B. If the ~~findings required by subsection (A) of this section can be made~~housing development is eligible for the incentives requested, the decision-making body may deny an application for an incentive ~~requested pursuant to Section 18.107.160~~ only if it makes one of the following written findings, supported by substantial evidence:

1. ~~That the~~The incentive ~~is not required to provide for affordable rents or affordable sales prices~~does not result in identifiable and actual cost reductions, consistent with Government Code Section 65915(k), to provide for affordable sales prices or affordable rents; or

2. ~~That the~~The incentive would have a specific, adverse impact upon public health or safety or the physical environment or on real property listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the residential project unaffordable to low and moderate income households. For the purpose 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 that the application for the residential project was deemed complete; or

3. ~~That the~~The incentive is contrary to state or federal law.

C. If the ~~findings required by subsection (A) of this section can be made~~housing development is eligible for the waivers requested, the decision-making body may deny a request for a waiver only if it makes one of the following written findings, supported by substantial evidence:

1. ~~That the~~The waiver would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the residential project unaffordable to low and moderate income households. For the purpose 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 that the application for the residential project was deemed complete; or

2. ~~That the~~ The waiver would have an adverse impact on real property listed in the California Register of Historic Resources; or

3. ~~That the~~The waiver is contrary to state or federal law.

D. If the ~~findings required by subsection (A) of this section can be made~~housing development is eligible for a child care bonus, the decision-making body may deny an application for a density bonus or incentive that is based on the provision of child care only if it makes a written finding, based on substantial evidence, that the county already has adequate child care facilities.

E. If any density bonus, incentive, parking reduction, or waiver is approved pursuant to ~~Section 18.107.150 or Section 18.107.160 for a residential project~~state density bonus law, the applicant shall enter into an affordable housing agreement

with the county, in a form acceptable to the planning director and county counsel, to be executed by the county administrator or designee, to ensure compliance with state density bonus law. The affordable housing agreement shall be a legally binding agreement between the applicant and the county to ensure that the requirements of this chapter are satisfied and may be combined with the affordable housing agreement required in Section 18.107.130. The executed affordable housing agreement shall be recorded against the residential project prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the residential project. The affordable housing agreement shall be binding on all future owners and successors in interest.

F. For rental projects, the agreement shall require the continued affordability of all rental units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction for a minimum of fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size, and location of each target unit; shall specify the eligible occupants; shall specify phasing of the target units in relation to the market-rate units; and shall contain other relevant provisions approved by county counsel. Rents for the lower income density bonus units shall be set at an affordable rent as defined in state density bonus law.

G. For for-sale projects, the affordable housing agreement shall require that the initial purchasers of those for-sale units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction are persons and families of lower or moderate income, as applicable, or if any for-sale unit is not purchased by an income-qualified household within one-hundred eighty (180) days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a contract that satisfies the requirements of Revenue and Taxation Code Section 402.1(a)(10) to a qualified non-profit housing corporation as defined in state density bonus law. The units shall be offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5; and the agreement shall contain other relevant provisions approved by county counsel. The affordable housing agreement shall require the continued affordability of the for-sale units for forty-five (45) years.

H. Where a density bonus, waiver, or parking reduction is provided for a market-rate senior housing development with no target units, the applicant shall enter into a restrictive covenant with the county, running with the land, in a form approved by county counsel, to be executed by the county administrator or designee, to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.

I. Unless otherwise permitted pursuant to the terms of a recorded affordable housing agreement, all required target units shall be constructed prior to or concurrently with the construction of market rate units. No temporary or permanent certificate of occupancy for any new market rate unit in a residential project shall be issued until permanent certificates of occupancy have been issued for the required target units. Release of utilities shall not be authorized for any residential project until notification is received from the planning director that all requirements of this chapter have been met.

18.107.230 - General—Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall govern the provisions of this chapter.

"Addition" means the addition of gross square feet to an existing structure.

"Affordable rent" means monthly rent, including utilities and all fees for housing services, that does not exceed:

1. For very low income households: fifty percent of the median income for the county multiplied by thirty percent and divided by twelve.
2. For low income households: sixty percent of the median income for the county, multiplied by thirty percent and divided by twelve.
3. For moderate income households: one hundred ten percent of the median income for the county, multiplied by thirty percent and divided by twelve.

Affordable rent shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter.

"Affordable sales price" means the maximum purchase price that will be affordable to the specified household at the specified income level. The purchase price shall be considered affordable only if it is based on a reasonable down payment, and monthly housing payments (including interest, principal, mortgage insurance, property taxes, homeowners insurance, homeowners association dues, property maintenance and repairs, and a reasonable allowance for utilities), all as determined by the county, that are equal to or less than:

1. For very low income households: fifty percent of the median income for the county multiplied by thirty percent and divided by twelve.
2. For low income households: seventy percent of the median income for the county, multiplied by thirty percent and divided by twelve.
3. For moderate income households: one hundred ten percent of the median income for the county, multiplied by thirty-five percent and divided by twelve.

Affordable sales price shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter.

"Affordable units" means those deed-restricted dwelling units which are required to be offered for sale at an affordable sales price to specified households pursuant to Section 18.107.080 or which the applicant proposes to offer for rent at an affordable rent pursuant to Section 18.107.110 or which the applicant constructs pursuant to an equivalency proposal approved pursuant to Section 18.107.100.

"Annual household income" means 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.

"Density bonus" means a density increase over the otherwise ~~allowable~~ maximum allowable residential density for a residential project.

"Density bonus units" means those dwelling units allowed pursuant to the provisions of this chapter which exceed the maximum residential density for a residential project.

"Development standard" ~~means a site or construction condition that applies to a residential project pursuant to any ordinance, general plan element, specific plan, or other county condition, law, policy, resolution, or regulation. A "site and construction condition" is a development regulation or law that specifies the physical development of a site and buildings on the site in a residential project.~~is as defined in state density bonus law.

"Discretionary permit" means any permit issued pursuant to Title 17 or Title 18 of this code which requires the exercise of judgment or deliberation from the decision-making body, including but not limited to, use permits, variances, site plan approval, general and specific plan amendments, zoning amendments, and the approval of tentative, final or parcel maps.

"Floor area" for a residential project is that area included within the surrounding walls of a dwelling unit as calculated by the building division in accordance with its standard practice. This area does not include garages, carports or common areas.

"Gross square feet" is the area included within the surrounding walls of a structure as calculated by the building division in accordance with its standard practice. This area does not include garages or carports. The gross square footage of any tank or wine crush pad or similar non-walled wine-related structure shall be included in the gross square feet of a nonresidential development.

"Housing board" means any affordable housing fund board established pursuant to Section 18.107.020 as advisory to the board of supervisors.

"Housing director" means the county executive officer or the designee of such person.

"Housing fund" means the affordable housing fund for the county established pursuant to Section 18.107.020 of this chapter.

"Low income households" are those households whose income does not exceed the low income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Market rate units" means dwelling units in a residential project which are not affordable units or target units.

"Maximum allowable residential density" ~~means the maximum number of dwelling units permitted in a residential project by the county's zoning ordinance and by the land use element of the county general plan on the date that the application for the residential project is deemed complete, excluding any density bonus. If the maximum density allowed by the zoning ordinance is inconsistent with the density allowed by the land use element of general plan, the land use element density shall prevail~~is as defined in state density bonus law.

"Median income" means the median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Moderate income households" are those households whose income does not exceed the moderate income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Nonresidential development" means any development in the county for which a discretionary permit or building permit is required, other than those developments involving solely residential projects, that includes an addition, the new construction of gross square feet of nonresidential space, the conversion of a residential use to a nonresidential use, or the conversion of one nonresidential use to another nonresidential use.

"Residential project" means any development for which a discretionary permit or building permit is required that includes the creation of one or more additional dwelling units, an addition to a dwelling unit, conversion of nonresidential uses to dwelling units, or a condominium conversion.

"Residential ownership project" means any residential project that includes the creation of one or more residential dwelling units that may be sold individually. A residential ownership project also includes the conversion of apartments to condominiums.

"Residential rental project" means any residential project that creates residential dwelling units that cannot be sold individually.

"Senior citizen residential project" means a senior citizen housing development with at least thirty-five dwelling units as defined in Civil Code Section 51.3, or a mobilehome park that limits residency based on age requirements for older persons pursuant to Civil Code Sections 798.76 or 799.5. It may include a shared housing building development as defined in state density bonus law.

"Target unit" means a deed-restricted dwelling unit within a residential project which is reserved for sale or rent, at an affordable rent or affordable sales price, to very low, low, or moderate income households, and which qualifies the residential project for a state density bonus and other incentives under state density bonus law.~~pursuant to Section 18.107.150 and Section 18.107.160.~~

"Very low income households" are those households whose income does not exceed the very low income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

Chapter 18.109 – STATE-MANDATED STREAMLINED APPROVAL PROCESSES

18.109.010 - Purpose.

The purpose of this Chapter is to:

A. Implement the review and approval requirements of California Government Code Sections 65650 et seq. ("State Supportive Housing Law"), 65660 et seq. ("State Low Barrier Navigation Centers Law"), 65913.4 ("State Streamlined Ministerial Approval Process"), Section 65912.100 et seq. ("Affordable Housing and High Road Jobs Act of 2022"), Section 65913.16 ("Affordable Housing on Faith and Higher Education Lands Act of 2023"), and Section 65852.28

("Subdivisions of Less than 10 Units on Multifamily Sites"), and all other state law provisions requiring ministerial approval of certain development projects; and

B. Facilitate the development of housing consistent with the goals, objectives, and policies of the County's General Plan Housing Element as may be amended from time to time.

18.109.020 – Definitions

(Reserved)

18.109.030 – Qualifying Projects

To qualify for the ministerial approval process, described in in Section 18.109.040, the applicant shall demonstrate that the project qualifies for the ministerial approval process specified in state law.

18.109.040 - Ministerial Approval

A. The County will ministerially approve an application for a development project that is eligible for ministerial review within the timelines specified in state law when an applicant submits an application as specified by this chapter.

B. An application for ministerial approval shall be filed with the director, who shall determine whether the development project is eligible for ministerial approval as specified in Section 18.109.050.

18.109.050 - Application Requirements

A. Prior to submitting an application for streamlined ministerial review under Government Code Section 65913.4, the applicant must submit to the director a notice of intent to submit an application and complete any requested tribal consultation, in accordance with Government Code Section 65913.4(b). In addition, any public meeting required by Government Code Section 65913.4(q) must be held prior to submittal of an application under Section 65913.4.

B. All applications for ministerial review filed pursuant to this Chapter shall be filed with the director in a form prescribed by the director.

C. No application for ministerial approval shall be deemed received until the relevant application form is submitted, and all fees for the application as set forth in the schedule of fees have been paid. No fee shall be deemed received until any negotiable instrument has been cleared and funds deposited on the County's account.

D. The application shall include the following information:

1. A statement describing which ministerial approval process is being applied for.
2. Evidence that the development project is eligible for the requested ministerial approval process and meets all of the requirements of state law.
3. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application, identification of any units rented in the five-year period, and income and household size of current tenants, if known.
4. All of the information requested on the relevant application form prepared by the County.

18.109.060 - Application Review and Approval Process.

A. Applications filed pursuant to this Chapter shall be acted upon by the director.

B. The director shall review the application for completeness and for consistency with state law and local standards within the period specified by state law and shall make a decision on the application within the period specified by state law.

C. Before approving an application, the director must make the following findings based on evidence in the record, as applicable, that:

1. The development project is eligible for the requested streamlined approval process and meets all requirements specified in state law for project approval.

2. If the application includes a request for a density bonus, incentive, waiver, or modification under Chapter 18.107, a finding that all the requirements for density bonuses and/or other incentives that are specified in Chapter 18.107 are met.

D. If the director determines that an application is not eligible for ministerial approval, is not consistent with state law or local standards, or contains inadequate information to determine consistency, the director may deny the application for ministerial approval. The applicant may correct any deficiencies in the project or application~~,~~ and resubmit the application for streamlined review. If the application can be brought into compliance with minor changes to the project, the director may, instead of denying the application, allow the applicant to correct any deficiencies within the timeframes for determining project consistency specified in subsection B. Alternatively, the applicant may submit an application for a discretionary project approval under other provisions of this Code. If the applicant resubmits its application for ministerial review or submits additional information, the timelines specified in subsection B above will recommence with each resubmittal.

E. Any denial or determination of inconsistency issued by the director shall provide the applicant with written documentation in support of the denial identifying with specificity the standard or standards the application conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards.

F. Conditions for Denial.

1. The director may deny an application filed pursuant to this Chapter if the findings required by Paragraph C above, as applicable, cannot be made.

~~G~~2. The director may deny an application if approval would be contrary to state and federal law, and this finding is made in writing.

~~H~~G. Permit Conditions

1. Unless otherwise required by state law, approvals granted pursuant to this Chapter shall automatically expire three years from the date of the final action establishing that approval, unless otherwise provided in the permit. Expiration of the approval may be extended as provided for in state law.

2. Standard county permit conditions and conditions required to comply with state or federal law may be applied to project approval.

H~~I~~. Following approval of an application, but prior to issuance of a building permit for the approved project, the director may require changes to the project that

are necessary to comply with standards required to receive a post entitlement permit (as defined by Government Code Section 65913(j)(3)(A)), including, without limitation, the objective uniform construction codes (including but not limited to building, plumbing, electrical, fire, and grading codes) or to comply with federal or state laws.

18.110.030 - Number of parking spaces required.

Use	**Parking Spaces Required***
Auto dismantling/wrecking	1 per employee** + 1 per 1000 sq. ft. office area
Banks w/o ATM	1 per 400 sq. ft.
Banks w/ATM	1 per 400 sq. ft. + 1.5 for each machine
Business and professional offices, excluding medical and dental offices	1 per 250 sq. ft.
Churches or house of worship	1 per employee + 1 per each 3.5 seats in main sanctuary
Day care	1 per employee + 1 per 12 children
Hospitals	1 for each bed, + 1 for each employee on the shift w/ the maximum number of personnel
Hotels, motels	1 per unit + 1 for each nonresident manager
Hotel/resort/conference center/golf:	
Hotel	1 per room
Conference center	.5 per person @ maximum permitted occupancy
Food service facilities	1 per 120 sq. ft.
Retail	1 per 250 sq. ft.
Golf	1 per every two employees plus 3 per golf hole
Manufacturing	1 per 500 sq. ft.
Medical and dental	

Use	Parking Spaces Required*
Medical and dental clinics/offices	1 per 200 sq. ft.
Processing/laboratory	1 per 500 sq. ft.
Research	1.5 per employee
Residential units:	
Single-family	2 + 1 per ~~second~~ accessory dwelling unit or guest house, except that no additional parking is needed for the ~~second~~accessory dwelling unit if the conditions in ~~subsection (A)(11) or subsection (A)(12) of~~ Section 18.104.180 are met. No additional parking is required for a junior accessory dwelling unit.
Multiple-family (min)	~~2 per unit + 1 for every 2 units for guest parking; and 1 per second unit or per bedroom, whichever is less, in the second unit, except that no additional parking is needed for the second unit if the conditions in subsection (A)(11) or subsection (A)(12) of Section 18.104.180 are met.~~ One parking space per studio unit; 1.25 parking spaces per one-bedroom and larger unit; and 0.25 parking spaces per unit for guests regardless of unit size.
Restaurant and any other establishment selling food and beverages for consumption on-site (including bars and taverns, night clubs w/o live entertainment)	1 per 120 sq. ft.
Restaurants with a counter and/or take out service or drive-in/thru facilities	1 per 120 sq. ft. + 1 for each 50 sq. ft. of those areas devoted to counter/take out service
Retail stores, shops, service establishments	1 per 250 sq. ft. including shopping centers
Schools:	
Elementary and junior high	1 per employee
High schools	1 per employee + 1 per 10 students

Use	Parking Spaces Required*
Colleges (academic, business, beauty, technical, etc.)	1 per employee + 1 per 3 students
Self-serve laundry and dry-cleaning facilities	1 per 200 sq. ft.
Service station	3 per service bay + 1 per employee on day shift
Warehousing/storage as defined by Chapter 18.08	1 per each 1,000 sq. ft. for the first 10,000 sq. ft., and 1 per 2,000 sq. ft. for all warehouse area exceeding 10,000 sq. ft.
Use of a building, structure or premise not otherwise listed	The planning commission or zoning administrator shall determine the number of parking spaces required for any use not specifically listed. In determining such uses, the above parking space requirements shall be used as a general rule and guideline.

* Where the computation of required parking spaces produces a fractional result, fractions of one-third or greater shall require one full parking space.
** An employee means full time or the equivalent of full time.

18.134.020 - Applicability.

A request for reasonable accommodation may be made by any person with a disability, or by ~~an entity~~ a representative acting on behalf of a person or persons with disabilities, to provide or secure equal access to housing, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability with equal opportunity to housing of their choice. ~~Requests for reasonable accommodation shall be made in the manner prescribed by Section 18.134.030.~~

18.134.030 - ~~Application requirements.~~ Request.

~~A. Application. Requests for reasonable accommodation shall be submitted on an application form provided by the department, or in the form of a letter to the deputy director, and shall contain the following information:~~
~~1. The applicant's name, address and telephone number;~~

~~2. The street address and assessor's parcel number of the property for which the request is being made;~~

~~3. The current actual use of the property;~~

~~4. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts;~~

~~5. The zoning law, provision, regulation or policy from which reasonable accommodation is being requested;~~

~~6. Why the requested accommodation is necessary to make the specific property accessible to the individual or group of individuals.~~

~~B. Concurrent Review. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval, then the applicant may file the request concurrently with the application for discretionary approval.~~

An individual can make a reasonable accommodation or modification request either orally or in writing, or through a representative. The request for an exception, change, or adjustment to a practice, or a modification to an existing housing accommodation~~,~~ because of a disability~~,~~ can be made regardless of whether the phrase "reasonable accommodation" or "reasonable modification" is used as part of the request. A request for a reasonable accommodation or reasonable modification may be made at any time, including during the inquiry or application process, before purchase or lease, while seeking or enjoying a housing opportunity, during the tenancy or occupancy of a housing accommodation, during litigation, at or after trial, and after judgment in appropriate circumstances.

18.134.040 – Request review ~~authority and procedure~~.

~~A. Director. Requests for reasonable accommodation shall be reviewed by the planning director, or his/her designee, if no approval is sought other than the reasonable accommodation request. The director or his/her designee shall make a written determination within forty-five days and either grant, grant with modifications or deny a request for reasonable accommodation in accordance with Section 18.134.050.~~

~~B. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application. The applicable review authority shall make a written determination and either grant, grant with modifications or deny a request for reasonable accommodation in accordance with Section 18.134.050.~~

A. Upon receiving a request, the director or designee shall meet with the individual with a disability or their representative. The meeting shall provide an exchange of information to identify, evaluate, and implement a reasonable accommodation or modification that allows the individual with a disability equal opportunity to use and enjoy the dwelling or housing opportunity.

B. If the director or designee believes they do not have sufficient information to establish either that a disability exists or the nature of the disability-related need for the accommodation or modification, or if the nexus between the disability and the requested accommodation or modification is not clear, then the director or designee shall seek clarification or additional information (pursuant to California Code of Regulations, Title 2, Section 12178) from the individual or their representative.

C. A request cannot be denied for lack of information without first requesting the clarification or additional information and providing a reasonable opportunity for the individual requesting the accommodation to provide it.

18.134.050 - Findings and decision.

A. Findings. The written decision to grant, grant with modifications or deny a request for reasonable accommodation will be consistent with the Acts. A reasonable accommodation may be denied only if one of the following findings can be made:

~~1. Whether the housing which is the subject of the request will be used by an individual or a group of individuals considered disabled under the Acts, and that the accommodation requested is necessary to make specific housing available to the individual or group of individuals with (a) disability(ies) under the Acts;~~

~~2. Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit, or if alternative accommodations would be suitable based on the circumstances of this particular case;~~

~~3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the county;~~

~~4. Whether the requested reasonable accommodation would be consistent with the general plan land use designation of the property which is the subject of the reasonable accommodation request, and with the general purpose and intent in the applicable zoning district;~~

~~5. Whether the requested reasonable accommodation substantially affects the physical attributes of the property.~~

1. The housing which is the subject of the request will not be used by an individual or group of individuals considered disabled under the Acts.
2. There is no nexus between the disability and the requested accommodation or modification.
3. The requested accommodation would constitute a fundamental alteration of the land use regulations of the county. A requested accommodation or modification would change the essential nature of the county's land use regulations;
4. The requested accommodation would impose an undue financial and administrative burden on the County;

B. Conditions of Approval. In granting a request for reasonable accommodation, the ~~reviewing authority~~director may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in subsection (A) of this section.