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Planning, Building & Environmental Services

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Brian D. Bordona
Director

June 6, 2024

Paul McDougall
Senior Program Manager
State Department of Housing and Community Development
2020 W. El Camino Ave, Suite 500
Sacramento, CA 95833

Via e-mail: paul.mcdougall@hcd.ca.gov

SUBJECT: COMPLETION OF PROGRAM H-4D; REZONING SITES FOR MULTIPLE-FAMILY DEVELOPMENT

Paul,

On June 4, 2024, the Napa County Board of Supervisors adopted Ordinance No. 1491, rezoning sites identified in the Sites Inventory of the Napa County Housing Element for multiple-family housing development. The ordinance rezones sites at the identified acreages and updates County Code to allow for the densities discussed in the Housing Element. Additionally, the ordinance includes updates to the County Code requiring minimum affordability requirements, replacement housing consistent with Government Code Section 65915(C) if applicable, and provisions to meet by-right requirements pursuant to Government Code Section 65583.2(h), (i). Finally, ahead of schedule, the ordinance includes language implementing Program H-2g of the Napa County Housing Element.

Please see attachments to this letter, which include the February 22, 2024, letter we received from your department, the Napa County Board of Supervisors adopted rezoning ordinance and a redline copy of the rezone ordinance displaying the edits made to County Code.

Pursuant to the February 22, 2024, letter received from the State Department of Housing and Community Development the County is transmitting the adopted ordinance for your review and confirmation as to whether the County's housing element is in substantial compliance with State Housing Laws.

If you should have any questions, or would like further assistance, please feel free to contact me at (707) 253-4388.

Sincerely,

A handwritten signature in black ink that reads "Trevor Hawkes".

Trevor Hawkes
Supervising Planner

CC

Pierce Abrahamson, Housing Policy Analyst, via email

HCD, Housing Elements, via email

Ryan Alsop, Napa County Executive Officer, via email

Brian Bordona, Director of Planning, Building and Environmental Services, via email

Michael Parker, Planning Division Manager, via email

Silva Darbinian, Deputy County Counsel IV, via email

Barbara Kautz, Goldfarb and Lipman, via email

Attachments

- February 22, 2024, HCD compliance letter
- Board of Supervisors Ordinance No. 1491
- Redline copy of Ordinance No. 1491

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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February 22, 2024

Ryan Alsop, County Executive Officer
County of Napa
1195 Third Street Suite 310
Napa, CA, 94559

Dear Ryan Alsop:

RE: Napa County's 6th Cycle (2023-2031) Adopted Housing Element Update

Thank you for submitting the County of Napa's (County) housing element that was adopted on December 19, 2023 and received for review on January 3, 2024. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Kellie Anderson pursuant to Government Code section 65585, subdivision (c).

The adopted element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq) that were described in HCD's April 27, 2023 review. However, the housing element cannot be found in substantial compliance until the County has completed necessary rezones that meet statutory requirements as described below.

Pursuant to Government Code section 65583, subdivision (c), a jurisdiction that did not adopt a compliant housing element within 120 days from the statutory deadline (January 31, 2023) must rezone sites within one year of the statutory deadline pursuant to Government Code sections 65583, subdivision (c)(1) and 65583.2, subdivision (c). As this year has passed and Program H-4d (Adequate Sites) has not been completed, the housing element is out of compliance and will remain out of compliance until all the necessary rezoning has been completed. Once the County completes the necessary rezoning, a copy of the resolution or ordinance should be transmitted to HCD. HCD will review the documentation and issue correspondence identifying the updated status of the County's housing element compliance.

Additionally, the County must continue timely and effective implementation of all programs including but not limited to the following:

- Program H-2a (Funds for Affordable Housing Combination District Sites)
- Program H-2d (Notices of Funding Availability)

- Program H-2i (Financial Assistance Accessory Dwelling Units (ADU))
- Program H-2j (Maintain Existing Mobilehome Parks)
- Program H-3d (Preference for Farmworker Households)
- Program H-3g (New Farmworker Family Housing)
- Program H-3k (Implement Farmworker Housing Study)
- Program H-4b (Extremely Low-income and Special housing Needs)
- Program H-4d (Adequate Sites)
- Program H-4f (Facilitate Mobilehome Park Rebuilding)
- Program H-4g (Large Sites)
- Program H-4k (Water and Sewer Services)
- Program H-4i (Monitor ADU Production)
- Program H-4m (State Owned Site)
- Program H-4n (Foster Road Annexation)
- Program H-5f (Update County Code)
- Program H-6c (Place-based Strategies)
- Program H-6d (Housing Mobility Strategies)

The County must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the County will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication the County's team provided throughout the housing element update and review. HCD wishes County success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Pierce Abrahamson, of our staff, at Pierce.Abrahamson@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager

ORDINANCE NO. 1491

AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP AND VARIOUS SECTIONS OF TITLE 18, ZONING, OF THE NAPA COUNTY CODE TO IMPLEMENT PROGRAMS INCLUDED IN THE 2023-2031 HOUSING ELEMENT

WHEREAS, on December 19, 2023, the Napa County Board of Supervisors adopted the 2023 – 2031 Housing Element; and

WHEREAS, Programs H-2g and H-4d in the adopted Housing Element require that two sites be rezoned to provide adequate sites to accommodate the housing needs of lower income households and further require that certain amendments be made to the RM Residential Multiple District and the AH Affordable Housing Combining District; and

WHEREAS, the Board of Supervisors desires to amend the official zoning map and various sections of Title 18, Zoning, of the Napa County Code to implement those programs included in the 2023 – 2031 Housing Element.

NOW, THEREFORE, the Board of Supervisors of Napa County, State of California, ordains as follows:

SECTION 1. Section 18.10.020 (Duties—Specific subjects) of Chapter 18.10 (Zoning Administrator) of the Napa County Code is amended to read in full as follows:

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 Director 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, re-adopted 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.

SECTION 2. Section 18.60.020 (Uses allowed without a use permit) of Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code is amended to read in full as follows:

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);
- 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 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. A second 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.

SECTION 3. Section 18.60.030 (Uses permitted upon grant of a use permit) of Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code is amended to read in full as follows:

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 dwellings 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;
- B. Outdoor parks and recreation facilities compatible with agriculture and residences;
- C. Residential care facilities (medium) subject to Section 18.104.170.
- 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.

SECTION 4. Section 18.60.040 (Application for use permit—Requirements—Conveyance during processing) of Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code is amended to read in full as follows:

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 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 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.

SECTION 5. Section 18.60.070 (Density – Commission to determine) of Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code is amended to read in full as follows:

18.60.070 – Required residential density.

The number of dwelling units to be permitted in any residential development in the RM zone shall be a minimum of twenty dwelling units per acre and may not exceed twenty-five dwelling units per acre.

SECTION 6. A new Section 18.60.120 (Compliance with mitigation measures) is added to Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code to read in full as follows:

18.60.120 – Compliance with mitigation measures.

Multiple-family or single room occupancy development shall fully comply with mitigation measures AIR-1, AIR-2, AIR-3, BIO-1, BIO-2, BIO-3, CUL-1, CUL-2, CUL-3, GEO-1, GHG-1, NOI-2, TRA-1, UTL-1 and UTL-2 identified in the Final Environmental Impact Report of the Napa County 2023 Housing Element Update dated January 24, 2023 and as set forth in Resolution No. 2023-18 of the Board of Supervisors.

SECTION 7. A new Section 18.60.130 (Definitions) is added to Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code to read in full as follows:

18.60.130 – Definitions

“Affordable rent,” “affordable sales price,” “low income households,” and “very low income households” are as defined in Section 18.107.230.

SECTION 8. Section 18.82.010 (Intent of classification) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.010 – Intent of classification.

This affordable housing combining district (:AH) classification is intended to:

- A. Implement the goals of the housing element of the Napa County general plan in regard to the construction of affordable housing by establishing development regulations for identified housing opportunity sites.
- B. Apply to Specified Priority Housing Development Sites identified in the Housing Element of the General Plan.
- C. Allow the construction of a variety of affordable housing types on Specified Priority Housing Development Sites.
- D. Establish maximum and minimum densities for the development of housing.
- E. Permit uses identified in this chapter as an alternative to the underlying zoning of the identified sites. Parcels may be developed in accordance with standards of the

underlying zoning or in accordance with the standards set forth in this chapter but not both, except that all residential development must develop at a minimum density of twenty units per acre and maximum density of twenty-five units per acre on the 2023 Specified Priority Housing Development Sites.

SECTION 9. Section 18.82.020 (Definitions) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.020 – Definitions.

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

“Affordable rent,” “affordable sales price,” “low income households,” “moderate income households,” and “very low income households” are as defined in Section 18.107.230

“Specified Priority Housing Development Site(s)” means certain parcels identified for affordable housing development in the Housing Element of the Napa County General Plan.

The following parcels are designated as “2009 Specified Priority Housing Development Sites”:

* Angwin Sites A and B (APN 024-410-007, 024-080-024)

* Moskowite Corner, Sites A, B, C, and D (APN 032-150-062, 032-150-063, 032-150-048, 032-150-047); and

* Spanish Flat, Sites A, B, C, D, E, and F (APN 019-261-038, 019-261-035, 019-261-026, 019-261-025, 019-262-001, 019-050-003).

The following parcels are designated as “2023 Specified Priority Housing Development Sites”:

* Spanish Flat (APN 019-261-040 and part of 019-261-041).

SECTION 10. Section 18.82.030 (Affordability requirements) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

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 percent of their dwelling units in the project at an affordable sales price or affordable rent to low income households.

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.

SECTION 11. Section 18.82.050 (Site density) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

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, Moskowitz 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 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 and B shall not exceed a total of one hundred ninety-one dwelling units.
2. Moskowitz Corner: Density allowed without use permit approval on Parcels A, B, C, and D for the Moskowitz 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.

SECTION 12. Section 18.82.060 (Required development allocation) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.060 - (Reserved)

SECTION 13. Section 18.82.070 (Compliance with mitigation measures) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.070 - Compliance with mitigation measures.

- A. Development of the 2009 Specified Priority Housing Development Sites shall fully comply with the applicable mitigation measures identified in the Final Environmental Impact Report of the Napa County 2009 Housing Element Update dated April 22, 2009, and as set forth in Resolution No. 09-88 of the board of supervisors.

Development Criteria	Angwin Site A	Angwin Site B	Moskowite Site A	Moskowite Site B	Moskowite Site C	Moskowite Site D	Spanish Flat Site A	Spanish Flat Site B	Spanish Flat Site C	Spanish Flat Site D	Spanish Flat Site E	Spanish Flat Site F
TRAF-13	X	X	X	X	X	X	X	X	X	X	X	X
BIO-1 ¹	X	X	X	X	X	X		X		X	X	X
BIO-2	X		X	X	X				X	X		X
BIO-3	X	X	X	X	X	X		X		X	X	X
BIO-4	X	X	X	X	X	X		X	X	X	X	X
BIO-5	X	X	X	X	X	X		X	X	X	X	X
FIS-1	X		X	X	X							X
NOISE-1	X		X	X	X							
NOISE-3		X										
HUM-1								X				X
HUM-3	X	X	X	X	X	X	X	X	X	X	X	X
HYDRO-2	X	X										
HYDRO-3			X	X	X	X						
CUL-1	X	X	X	X	X	X	X	X	X	X	X	X
CUL-2	X	X										
CUL-3					X	X						
CUL-4					X	X						
CUL-6	X	X	X	X	X	X	X	X	X	X	X	X
PUB-4	X	X	X	X	X	X	X	X	X	X	X	X

¹Potential impacts to biological resources would be mitigated to less than significant level by the implementation of development criteria BIO-1, BIO-2, BIO-3, BIO-4, BIO-5 for the affected sites as noted on this graph.

- B. Development of the 2023 Specified Priority Housing Development Site shall fully comply with the mitigation measures AIR-1, AIR-2, AIR-3, BIO-1, BIO-2, BIO-3, BIO-5, CUL-1, CUL-2, CUL-3, GEO-1, GHG-1, NOI-2, TRA-1, UTL-1 and UTL-2 identified in the Final Environmental Impact Report of the Napa County 2023 Housing Element Update dated January 24, 2023 and as set forth in Resolution No. 2023-18 of the Board of Supervisors.

SECTION 14. Section 18.82.080 (Design criteria) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.080 – Design Criteria.

The following design guidelines shall be applicable to all projects within the :AH Combination District 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.

SECTION 15. Section 18.82.090 (Approval process) of Chapter 18.82 (AH – Affordable

Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.090 - Approval process.

- A. Projects proposed on 2023 Specified Priority Housing Development Sites where twenty percent of the proposed dwelling units are affordable to low income households and that meet: (a) the development standards set forth in Section 18.82.040; (b) the applicable density requirements identified in Section 18.82.050; and (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 use permit, the affordability standards of Section 18.82.030.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.

SECTION 16. Section 18.107.080 (Residential projects—Basic inclusionary requirement) of Chapter 18.107 (Affordable Housing and Incentives) of the Napa County Code is amended to read in full as follows:

18.107.080 - Residential projects—Basic inclusionary requirement.

- A. To mitigate the impacts of market rate residential projects on the need for affordable housing in Napa County, a portion of all new dwelling units in a residential ownership project shall be made available at an affordable sales price to moderate income households whose annual household income does not exceed one hundred twenty percent of median income, as follows:

Single-family detached-20%

Attached single-family and common interest projects-17%

- B. For residential rental projects, housing fees shall be paid as specified in Section 18.107.090 to mitigate the project's impact on the need for affordable housing in the county, unless an equivalency proposal is approved pursuant to Section 18.107.100 or rental is approved pursuant to Section 18.107.110.
- C. Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project. Affordable 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.
- D. The following residential projects are exempt from the affordable housing requirements in this Section 18.107.080 and in Section 18.107.090:
1. Farmworker housing units of twelve hundred square feet or less; or
 2. Any residential project that is deed-restricted to be one hundred percent affordable to extremely low, very low, low income, or moderate income households, except for managers' units, and which meets the requirements of Section 18.107.140; or

3. Multi-family or single room occupancy residential projects, which propose that at least twenty percent of the total units be available at affordable rent or affordable sales prices to very low or low income households; and
 4. Any density bonus units, as required by Government Code Section 65915.
- E. Compliance with this chapter shall be made a condition of approval of each permit approved for a residential development unless the project is exempt pursuant to subsection (D) above.

SECTION 17. The official zoning map of the County of Napa is hereby amended to (1) rezone a five (5) acre portion of the northwest corner of APN 043-062-008 from Agricultural Watershed : Urban Reserve Combination (AW:UR) to Residential Multiple : Urban Reserve Combination (RM : UR), as shown in Exhibit A, attached hereto and incorporated herein by this reference; and (2) rezone 10 acres encompassing the entirety of APN 019-261-040 and approximately 8.47 acres of APN 019-261-041 from Commercial Neighborhood (CN) to Commercial Neighborhood : Affordable Housing Combination (CN:AH), as shown in Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 18. The amendments set forth in this Ordinance implement programs contained in the 2023 – 2031 Housing Element of the County of Napa. The project description provided in the Environmental Impact Report prepared on the Housing Element (State Clearinghouse # 2022010309) included the rezoning of the two sites proposed to be rezoned as part of this action and the other measures implemented by this Ordinance. No supplemental or subsequent EIR is required, in that no changes are proposed to the proposed rezoning and zoning amendments, and no new information or changes to circumstances have occurred which involve new significant environmental effects or a substantial increase to the severity of previously identified effects.

SECTION 19. This Ordinance is consistent with the following policies and goals of the General Plan: AG/LU-2, AG/LU-22, AG/LU-23, AG/LU-25, AG/LU-28, AG/LU-30, AG/LU-31, AG/LU-58, AG/LU-80, CIR-3, and CC-44, and with the following policies and programs of the 2023-2031 Housing Element: Policies H-2b, H-2c, H-2e, H-2h, H-4a, H-4e, H-5k, and H-6c and programs H-2g and H-4d, as described in the staff report.

SECTION 20. It is hereby declared to be the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, section, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

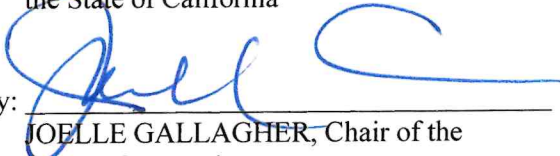
SECTION 21. This Ordinance shall take effect thirty (30) days from and after the date of its passage.



SECTION 22. A summary of this Ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was considered and a public hearing held thereon before the Napa County Planning Commission at a regular meeting of the Commission on May 1, 2024. This Ordinance was introduced and a public hearing held thereon at a regular meeting of the Napa County Board of Supervisors, State of California, on May 21, 2024 and passed at a regular meeting of the Board of Supervisors held on June 4, 2024 by the following vote:

AYES:	SUPERVISORS	PEDROZA, GREGORY, COTTRELL, RAMOS, AND GALLAGHER
NOES:	SUPERVISORS	NONE
ABSTAIN:	SUPERVISORS	NONE
ABSENT:	SUPERVISORS	NONE

NAPA COUNTY, a political subdivision of
the State of California

By: 
JOELLE GALLAGHER, Chair of the
Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>/S/ S. Darbinian</u> Deputy County Counsel</p> <p>By: <u>/S/ Brandon Aguilera</u> Code Services</p> <p>Date: <u>5/21/2024</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: June 4, 2024 Processed By:  Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: </p>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF
THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD
STREET ROOM 310, NAPA, CALIFORNIA ON June 5, 2024.

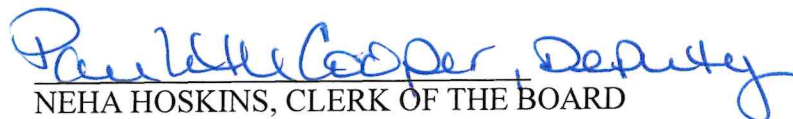
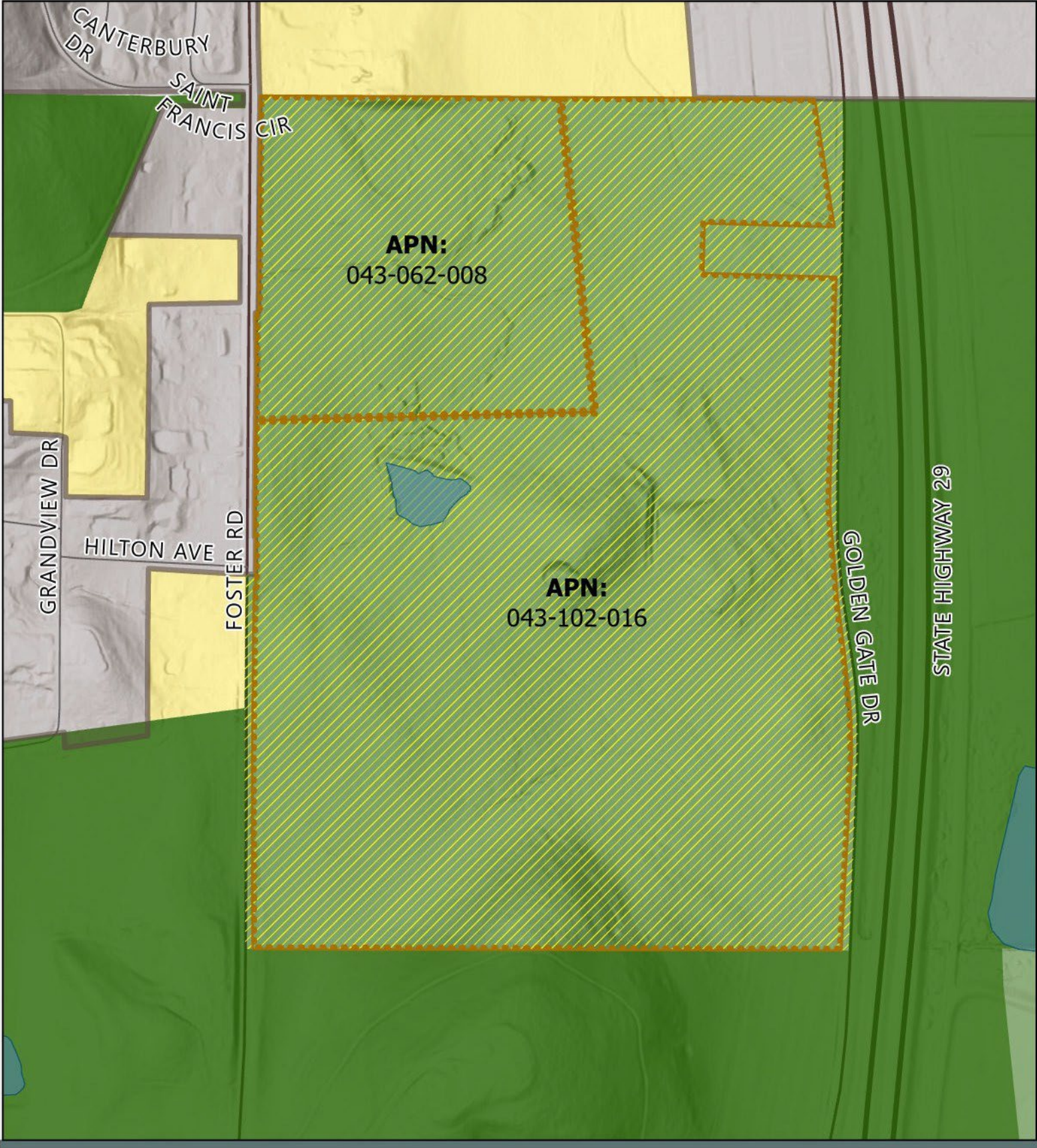
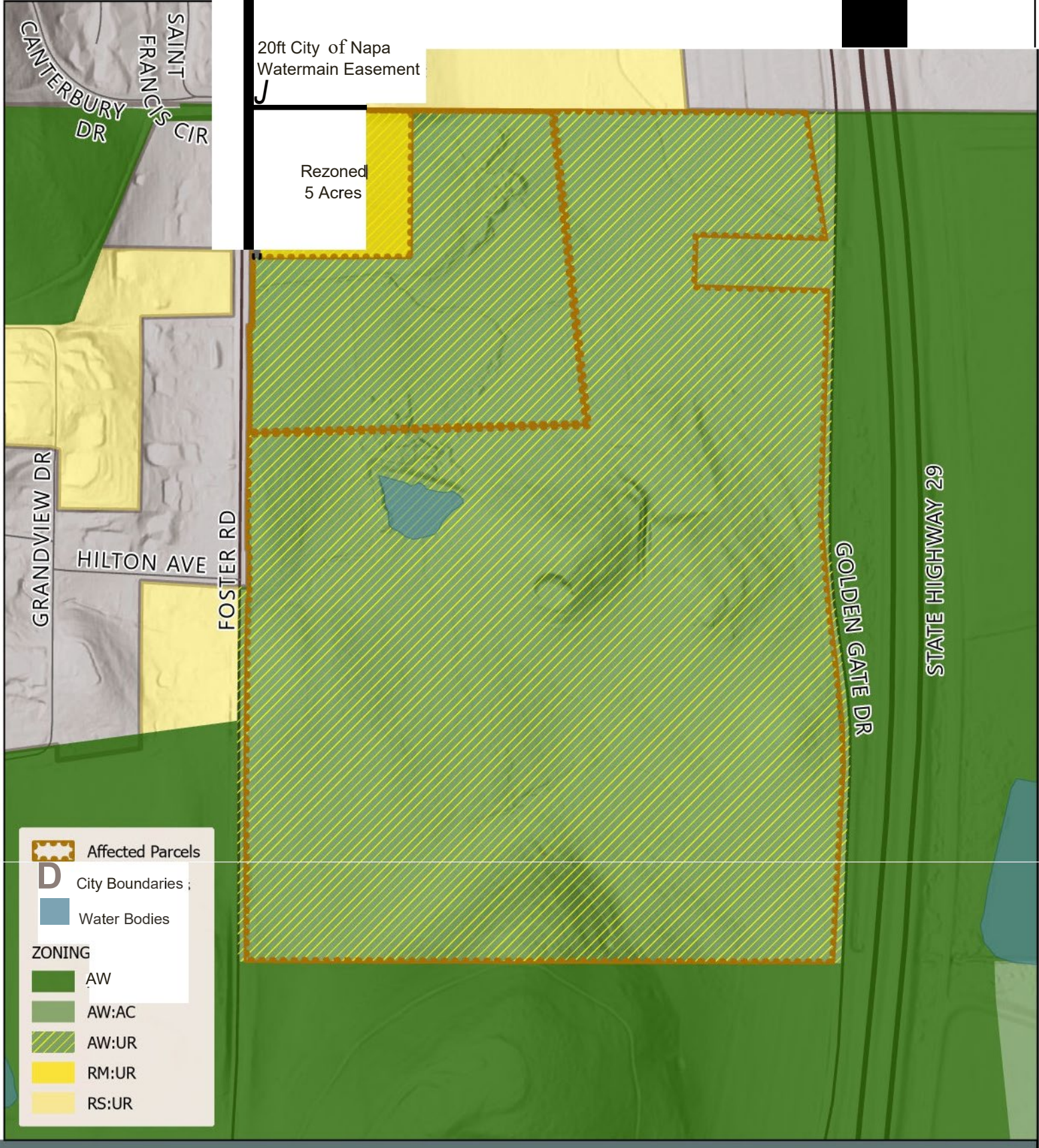

NEHA HOSKINS, CLERK OF THE BOARD

Exhibit A

Existing Zoning



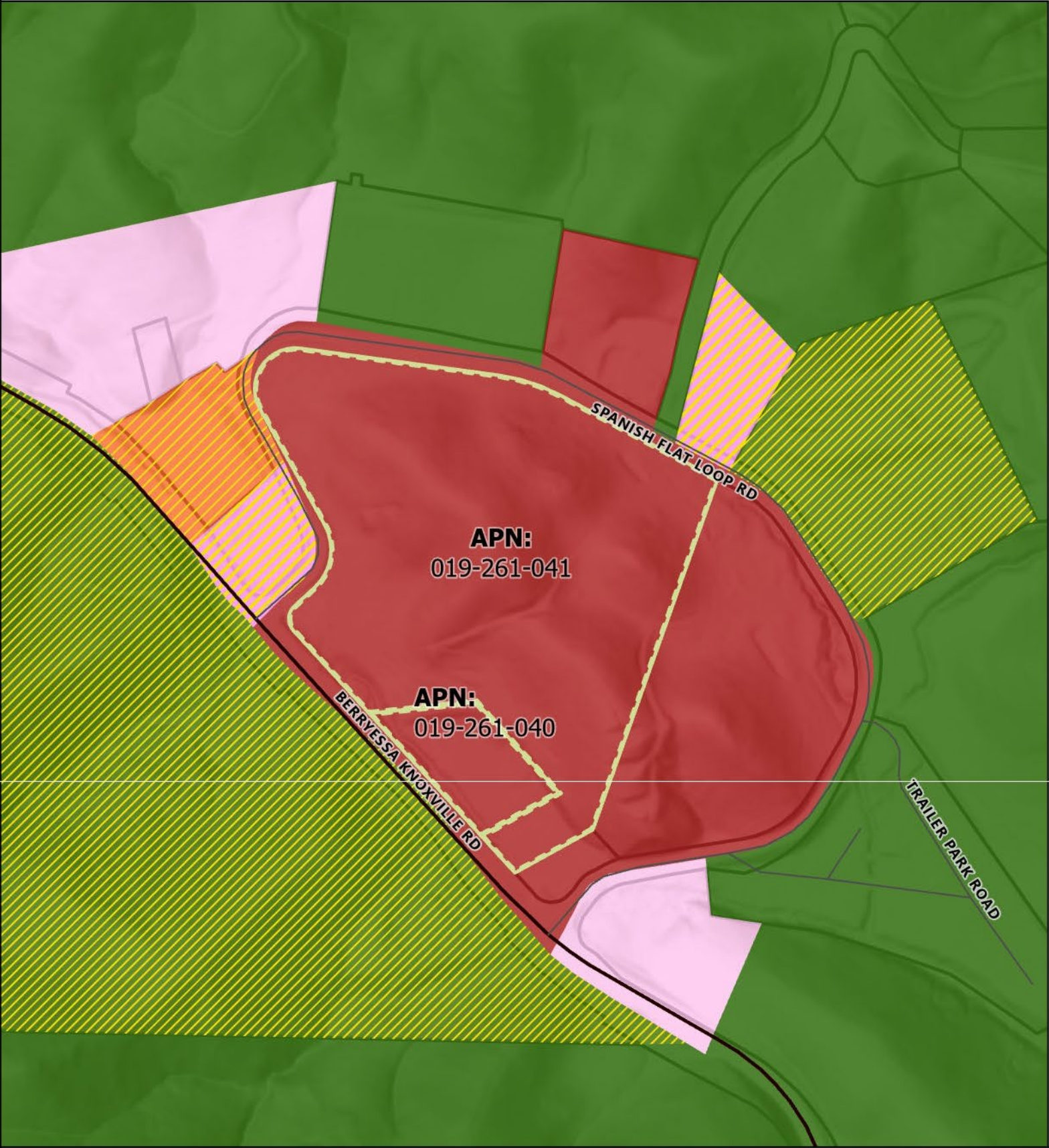
Proposed Zoning



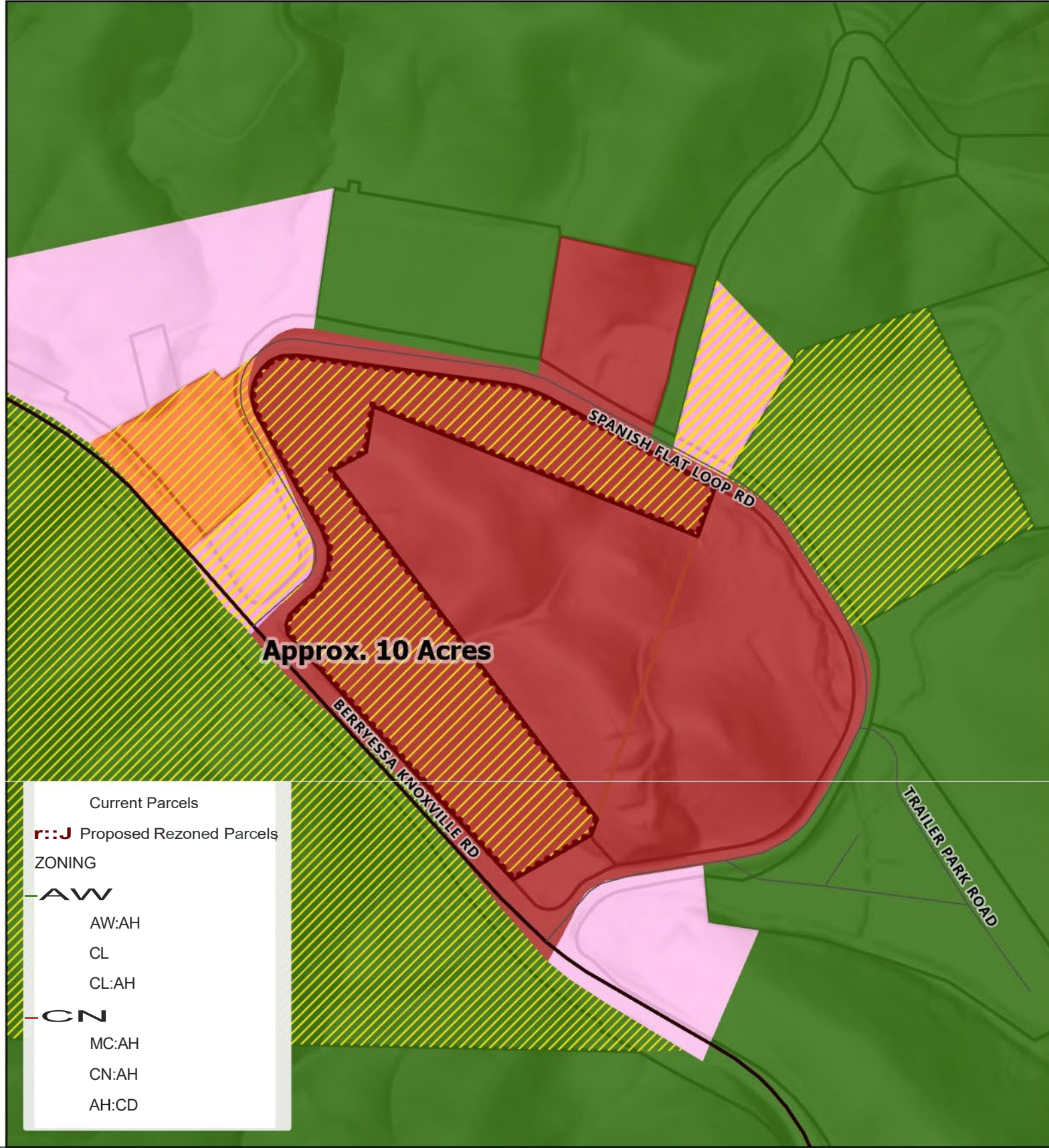
FOSTER ROAD Existing vs. Proposed Districts

Exhibit B

Existing Zoning



Proposed Zoning



Current Parcels

Proposed Rezoned Parcels

ZONING

AW

AW:AH

CL

CL:AH

CN

MC:AH

CN:AH

AH:CD

SPANISH FLATS

Existing vs. Proposed Districts

PLANNING, BUILDING, &
ENVIRONMENTAL SERVICES
1195 THIRD STREET, SUITE 210
NAPA, CA 94559



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

Attachment B

Proposed Ordinance (Redline
Copy)

ORDINANCE NO. _____

AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS , STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP AND VARIOUS SECTIONS OF TITLE 18, ZONING, OF THE NAPA COUNTY CODE TO IMPLEMENT PROGRAMS INCLUDED IN THE 2023-2031 HOUSING ELEMENT

WHEREAS, on December 19, 2023, the Napa County Board of Supervisors adopted the 2023 – 2031 Housing Element; and

WHEREAS, Programs H-2g and H-4d in the adopted Housing Element require that two sites be rezoned to provide adequate sites to accommodate the housing needs of lower income households and further require that certain amendments be made to the RM Residential Multiple District and the :AH Affordable Housing Combining District; and

WHEREAS, the Board of Supervisors desires to amend the official zoning map and various sections of Title 18, Zoning, of the Napa County Code to implement those programs included in the 2023-2031 Housing Element.

NOW, THEREFORE, the Board of Supervisors of Napa County, State of California, ordains as follows:

SECTION 1. Section 18.10.020 (Duties—Specific subjects) of Chapter 18.10 (Zoning Administrator) of the Napa County Code is amended to read in full as follows:

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. ~~Multiple family dwelling units~~(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 Director 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, re-adopted 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.

SECTION 2. Section 18.60.020 (Uses allowed without a use permit) of Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code is amended to read in full as follows:

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);
- 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 designee has issued a site plan approval pursuant to Chapter 18.140;
~~and~~
- 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. A second 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.

SECTION 3. Section 18.60.030 (Uses permitted upon grant of a use permit) of Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code is amended to read in full as follows:

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 dwellings- 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;
- B. Outdoor parks and recreation facilities compatible with agriculture and residences;
- C. Residential care facilities (medium) subject to Section 18.104.170.
- 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.

SECTION 4. Section 18.60.040 (Application for use permit—Requirements—Conveyance during processing) of Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code is amended to read in full as follows:

18.60.040 — ~~Application for use permit—Requirements—Conveyance during processing.~~

- A. Projects proposing multiple-family dwelling units and single room occupancy units meeting the affordability requirements of Section 18.60.020.H 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 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).
- ~~BD. ——— Owners and developer shall sign the application.~~
- ~~CE. ——— Conveyance of all or any portion of the land or any interest therein during processing of the application shall terminate all further proceedings.~~

SECTION 5. Section 18.60.070 (Density – Commission to determine) of Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code is amended to read in full as follows:

18.60.070 – Required residential density—Commission to determine.

The number of ~~Multiple-family~~ dwelling units to be permitted in any residential development in the RM zone shall be ~~determined by the commission. In no event shall the density exceed twenty units per acre~~ a minimum of twenty dwelling units per acre and may not exceed twenty-five dwelling units per acre.

SECTION 6. A new Section 18.60.120 (Compliance with mitigation measures) is added to Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code to read in full as follows:

18.60.120 – Compliance with mitigation measures.

Multiple-family or single room occupancy development shall fully comply with mitigation measures AIR-1, AIR-2, AIR-3, BIO-1, BIO-2, BIO-3, CUL-1, CUL-2, CUL-3, GEO-1, GHG-1, TRA-1, UTL-1 and UTL-2 identified in the Final Environmental Impact Report of the Napa County 2023 Housing Element Update dated January 24, 2023 and as set forth in Resolution No. 2023-18 of the Board of Supervisors.

SECTION 7. A new Section 18.60.130 (Definitions) is added to Chapter 18.60 (RM – Residential Multiple District) of the Napa County Code to read in full as follows:

18.60.130 – Definitions

“Affordable rent,” “affordable sales price,” “low income households,” and “very low income households” are as defined in Section 18.107.230.

SECTION 8. Section 18.82.010 (Intent of classification) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.010 – Intent of classification.

This affordable housing combining district (:AH) classification is intended to:

- A. Implement the goals of the housing element of the Napa County general plan in regard to the construction of affordable housing by establishing development regulations for identified housing opportunity sites.
- B. Apply to ~~specified~~ Specified Priority Housing Development Sites identified in ~~Appendix H-1 of the 2009 Housing Element Update of the general plan as may be amended from time to time; the Housing Element of the General Plan.~~
- C. Allow the construction of a variety of affordable housing types on ~~specified~~ Specified Priority Housing Development Sites, ~~in the 2009 Housing Element Update of the Napa County general plan.~~
- D. Establish maximum and minimum densities for the development of ~~affordable~~ housing ~~and allow development by right up to specified densities, as set forth in Section 18.82.050.~~
- E. Permit uses identified in this chapter as an alternative to the underlying zoning of the identified sites. Parcels may be developed in accordance with standards of the underlying zoning or in accordance with the standards set forth in this chapter but not both, except that all residential development must develop at a minimum density of twenty units per acre and maximum density of twenty-five units per acre on the 2023 Specified Priority Housing Development Sites. -

SECTION 9. Section 18.82.020 (Definitions) of Chapter 18.82 (AH – Affordable

Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.020 – Definitions.

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

~~"Appendix H-1" shall mean the document entitled Appendix H-1 of the 2009 Housing Element Update of the general plan.~~

~~"CDFG" means the California Department of Fish and Game.~~

~~"HCD" means the California Department of Housing and Community Development.~~

~~"HUD" means the Federal Department of Housing and Urban Development.~~

"Affordable rent," "affordable sales price," "low income households," "moderate income households," and "very low income households" are as defined in Section 18.107.230 "Low Income Household" means any household with an income level between fifty and eighty percent of the Napa County median income as determined by HCD and/or HUD.

~~"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 as determined by HCD and/or HUD.~~

~~"Moderate Income Household" means any household with an income of up to one hundred twenty percent of median income.~~

~~"Specified Priority Housing Development Site(s)" means those certain parcels in the Angwin, Moskowitz Corner, and Spanish Flat areas identified as for affordable housing sites in Appendix H-1 of the 2009 development in the Housing Element Update of the Napa County General Plan.~~

~~In particular, the following parcels are included designated as "2009 Specified Priority Housing Development Sites":~~

~~* Angwin Sites A and B (APN 024-410-007, 024-080-024)~~

~~* Moskowitz Corner, Sites A, B, C, and D (APN 032-150-062, 032-150-063, 032-150-048, 032-150-047); and~~

~~* Spanish Flat, Sites A, B, C, D, E, and F (APN 019-261-038, 019-261-035, 019-261-026, 019-261-025, 019-262-001, 019-050-003).~~

~~The following parcels are designated as "2023 Specified Priority Housing Development Sites":~~

~~* Spanish Flat (APN 019-261-040 and part of 019-261-041).~~

~~"Very Low Income Household" means any household with an income level less than or equal to fifty percent of the Napa County median income as determined by HCD and/or HUD.~~

SECTION 10. Section 18.82.030 (Affordability requirements) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.030 – Affordability requirements.

A. ~~Development-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 ~~in the very low, low, and moderate income categories as defined in Section 18.82.020~~ 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 percent of their dwelling units in the project at an affordable sales price or affordable rent to low income households.

B. ~~Each Specified Priority Housing Development Site within the :AH Combination District shall have affordability ratios based on site constraints as detailed in.~~ 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. Prior to the approval of a final map or the issuance of a building permit, whichever is earlier, the applicant shall execute an agreement with the county to ensure the continued affordability for the forty year minimum time frame in a form acceptable to county counsel.~~

SECTION 11. Section 18.82.050 (Site density) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

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, Moskowitz Corner, and Spanish Flat) that are 2009 Specified Priority Housing Development Sites ~~within this combination district~~. 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 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 and B shall not exceed a total of one hundred ninety-one dwelling units.

2. Moskowitz Corner: Density allowed without use permit approval on Parcels A, B, C, and D for the Moskowitz 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.-

SECTION 12. Section 18.82.060 (Required development allocation) of Chapter 18.82

(AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.060 - Required development allocation. (Reserved)

~~A. The provisions of this chapter shall apply to the Specified Priority Housing Development Sites. Any development of the affected parcels shall comply with the following applicable development allocations unless modified as part of a use permit process:~~

- ~~1. Angwin: With respect to Parcel A (APN 024 410 007), at least ten percent of the dwelling units shall be affordable to very low income households, thirty percent of the dwelling units shall be affordable to low income households and an additional twenty-five to thirty percent of the dwelling units shall be affordable to moderate income households. For Parcel B (APN 02 080 024) at least fifty percent of the dwelling units shall be affordable to and reserved for low and very low income households.~~
- ~~2. Moskowitz Corner: At least twenty five percent of the dwelling units shall be affordable to low and very low income households and twenty five percent of the dwelling units shall be affordable to moderate income households.~~
- ~~3. Spanish Flat: At least twenty five percent of the dwelling units shall be affordable to low and very low income households and twenty five percent of the dwelling units shall be affordable to moderate income households.~~

SECTION 13. Section 18.82.070 (Compliance with mitigation measures) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.070 - Compliance with mitigation measures.

- A. Development of the 2009 Specified Priority Housing Development Sites shall fully comply with the applicable mitigation measures identified in the Final Environmental Impact Report of the Napa County 2009 Housing Element Update dated April 22, 2009, and as set forth in Resolution No. 09-88 of the board of supervisors.

Development Criteria	Angwin Site A	Angwin Site B	Moskowite Site A	Moskowite Site B	Moskowite Site C	Moskowite Site D	Spanish Flat Site A	Spanish Flat Site B	Spanish Flat Site C	Spanish Flat Site D	Spanish Flat Site E	Spanish Flat Site F
TRAF-13	X	X	X	X	X	X	X	X	X	X	X	X
BIO-1 ¹	X	X	X	X	X	X		X		X	X	X
BIO-2	X		X	X	X				X	X		X
BIO-3	X	X	X	X	X	X		X		X	X	X
BIO-4	X	X	X	X	X	X		X	X	X	X	X
BIO-5	X	X	X	X	X	X		X	X	X	X	X
FIS-1	X		X	X	X							X
NOISE-1	X		X	X	X							
NOISE-3		X										
HUM-1								X				X
HUM-3	X	X	X	X	X	X	X	X	X	X	X	X
HYDRO-2	X	X										
HYDRO-3			X	X	X	X						
CUL-1	X	X	X	X	X	X	X	X	X	X	X	X
CUL-2	X	X										
CUL-3					X	X						
CUL-4					X	X						
CUL-6	X	X	X	X	X	X	X	X	X	X	X	X
PUB-4	X	X	X	X	X	X	X	X	X	X	X	X

¹Potential impacts to biological resources would be mitigated to less than significant level by the implementation of development criteria BIO-1, BIO-2, ~~BIO~~BIO-3, BIO-4, BIO-5 for the affected sites as noted~~s~~ on this graph.

- B. Development of the 2023 Specified Priority Housing Development Site shall fully comply with the mitigation measures AIR-1, AIR-2, AIR-3, BIO-1, BIO-2, BIO-3, BIO-5, CUL-1, CUL-2, CUL-3, GEO-1, GHG-1, NOI-2, TRA-1, UTL-1 and UTL-2 identified in the Final Environmental Impact Report of the Napa County 2023 Housing Element Update dated January 24, 2023 and as set forth in Resolution No. 2023-18 of the Board of Supervisors.

SECTION 14. Section 18.82.080 (Design criteria) of Chapter 18.82 (AH – Affordable Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.080 – Design Criteria.

The following design guidelines shall be applicable to all ~~pareels~~ projects within the :AH Combination District requiring a use permit. The design guidelines will be enforced through review and approval by ~~the director, or his/her designee, in the cases where a use permit is not required, or by the the planning~~ commission in the event a use permit is required.

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.

SECTION 15. Section 18.82.090 (Approval process) of Chapter 18.82 (AH – Affordable

Housing Combination District) of the Napa County Code is amended to read in full as follows:

18.82.090 - Approval process.

A. Projects proposed on 2023 Specified Priority Housing Development Sites where twenty percent of the proposed dwelling units are affordable to low income households and that meet: (a) the development standards set forth in Section

~~18.82.040; (b) the applicable density requirements identified in Section 18.82.050; and (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. Approval without a use permit shall be given to projects meeting the development standards set forth in Section 18.82.040, the applicable density requirements identified in Section 18.82.050, the appropriate affordability requirements identified in Section 18.82.060, the mitigation measures identified in Section 18.82.070, and all other applicable sections of this chapter.~~

- B. For projects that require a ~~parcel map or~~ use permit, the affordability standards of Section 18.107.08082.030.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.

SECTION 16. Section 18.107.080 (Residential projects—Basic inclusionary requirement) of Chapter 18.107 (Affordable Housing and Incentives) of the Napa County Code is amended to read in full as follows:

18.107.080 - Residential projects—Basic inclusionary requirement.

- A. To mitigate the impacts of market rate residential projects on the need for affordable housing in Napa County, a portion of all new dwelling units in a residential ownership project shall be made available at an affordable sales price to moderate income households whose annual household income does not exceed one hundred twenty percent of median income, as follows:

Single-family detached-20%

Attached single-family and common interest projects-17%

- B. For residential rental projects, housing fees shall be paid as specified in Section 18.107.090 to mitigate the project's impact on the need for affordable housing in the county, unless an equivalency proposal is approved pursuant to Section 18.107.100 or rental is approved pursuant to Section 18.107.110.
- C. Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project. Affordable 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.
- D. The following residential projects are exempt from the affordable housing requirements in this Section 18.107.080 and in Section 18.107.090:
 - 1. Farmworker housing units of twelve hundred square feet or less; or
 - 2. Any residential project that is deed-restricted to be 100one hundred percent affordable to extremely low, very low, low income, or moderate income households, except for managers' units, and which meets the requirements of Section 18.107.140; or
 - 3. Any residential project located on a Specified Priority Housing Development Site, as defined in Section 18.82.020, and developed in conformance with the :AH Combination District standards included in the 2009 Housing Element Update and Chapter 18.82; or Multi-family or single room occupancy residential projects, whether units are proposed for sale or as rentals, which propose that at least twenty percent-% of the total units be available at affordable rent or affordable sales prices to very low or low income households; and
 - 4. Any density bonus units, as required by Government Code Section 65915.
- E. Compliance with this chapter shall be made a condition of approval of each discretionary permit approved for a residential development unless the project is exempt pursuant to subsection (D) above.

SECTION 17. The official zoning map of the County of Napa is hereby amended to (1) rezone a five (5) acre portion of the northwest corner of APN 043-062-008 from Agricultural Watershed : Urban Reserve Combination (AW:UR) to Residential Multiple : Urban Reserve Combination (RM : UR), as shown in Exhibit A, attached hereto and incorporated herein by this reference; and (2) rezone 10 acres encompassing the entirety of APN 019-261-040 and approximately 8.47 acres of APN 019-261-041 from Commercial Neighborhood (CN) to

Commercial Neighborhood : Affordable Housing Combination (CN:AH), as shown in Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 18. The amendments set forth in this Ordinance implement programs contained in the 2023 – 2031 Housing Element of the County of Napa. The project description provided in the Environmental Impact Report prepared on the Housing Element (State Clearinghouse # 2022010309) included the rezoning of the two sites proposed to be rezoned as part of this action and the other measures implemented by this Ordinance. No supplemental or subsequent EIR is required, in that no changes are proposed to the proposed rezoning and zoning amendments, and no new information or changes to circumstances have occurred which involve new significant environmental effects or a substantial increase to the severity of previously identified effects.

SECTION 19. This Ordinance is consistent with the following policies and goals of the General Plan: AG/LU-2, AG/LU-22, AG/LU-23, AG/LU-25, AG/LU-28, AG/LU-30, AG/LU-31, AG/LU-58, AG/LU-80, CIR-3, and CC-44, and with the following policies and programs of the 2023-2031 Housing Element: Policies H-2b, H-2c, H-2e, H-2h, H-4a, H-4e, H-5k, and H-6c and programs H-2g and H-4d, as described in the staff report.

SECTION 20. It is hereby declared to be the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, section, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 21. This Ordinance shall take effect thirty (30) days from and after the date of its passage.

SECTION 22. A summary of this Ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was considered and a public hearing held thereon before the Napa County Planning Commission at a regular meeting of the Commission on May 1, 2024. This Ordinance was introduced and a public hearing held thereon at a regular meeting of the Napa County Board of Supervisors, State of California, on _____ and passed at a regular meeting of the Board of Supervisors held on _____ by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the
State of California

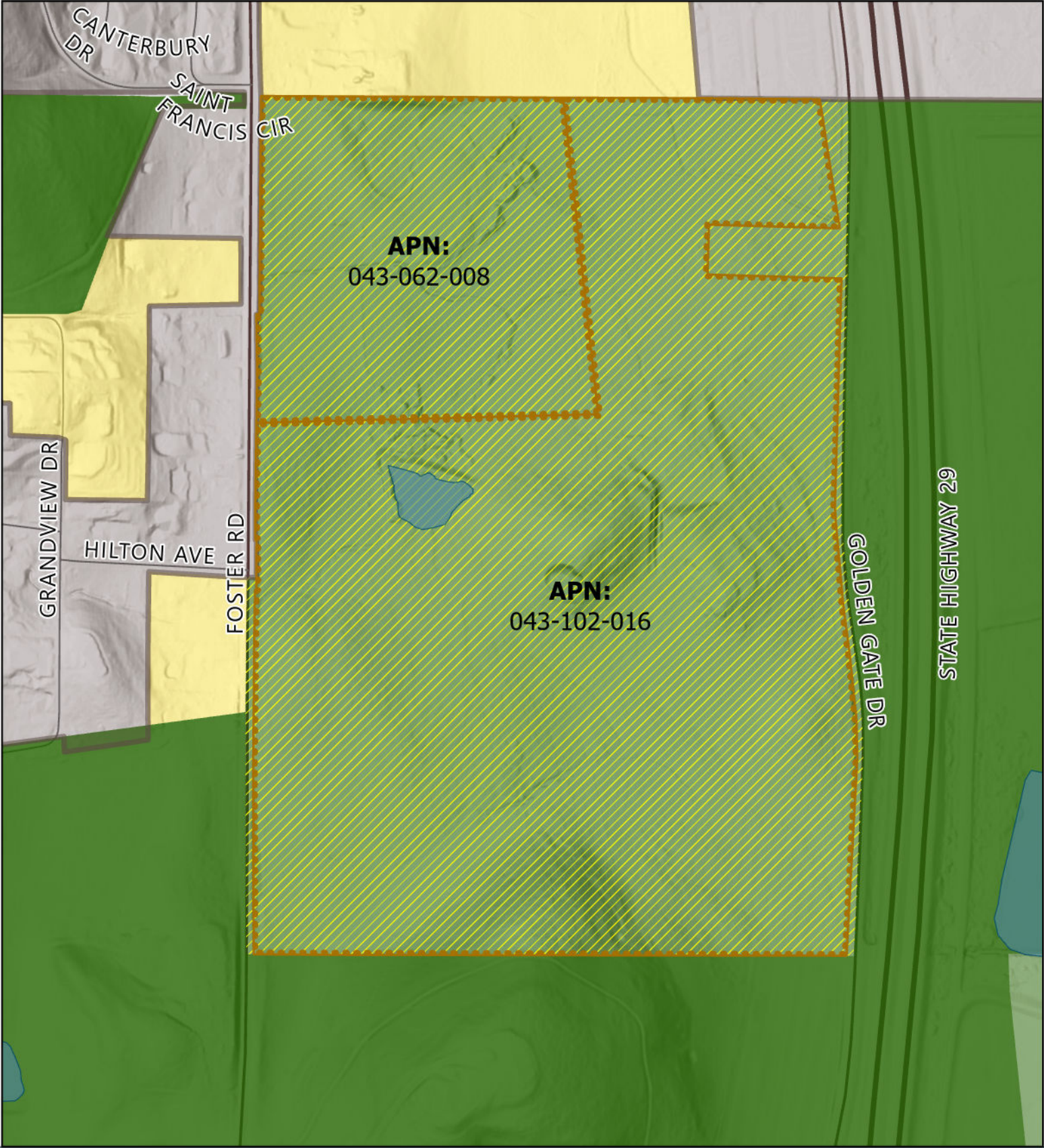
JOELLE GALLAGHER, Chair of the Board of
Supervisors

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

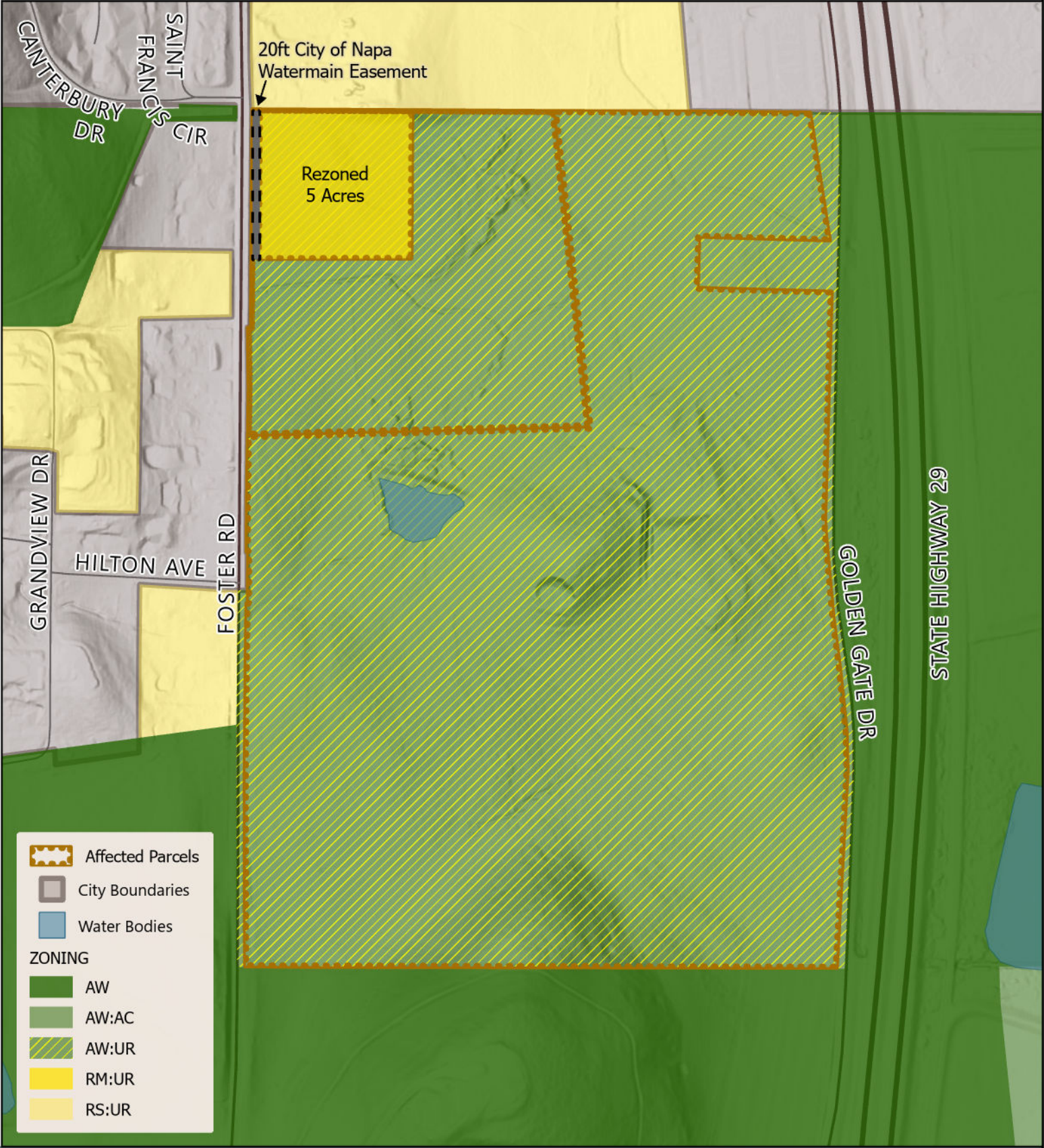
NEHA HOSKINS, CLERK OF THE BOARD

Exhibit A

Existing Zoning



Proposed Zoning



FOSTER ROAD | Existing vs. Proposed Districts

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

DATE PUBLISHED: 3/20/2024
DATE REVISED:

AUTHOR: S.C.
MAP SCALE: 1:4,800

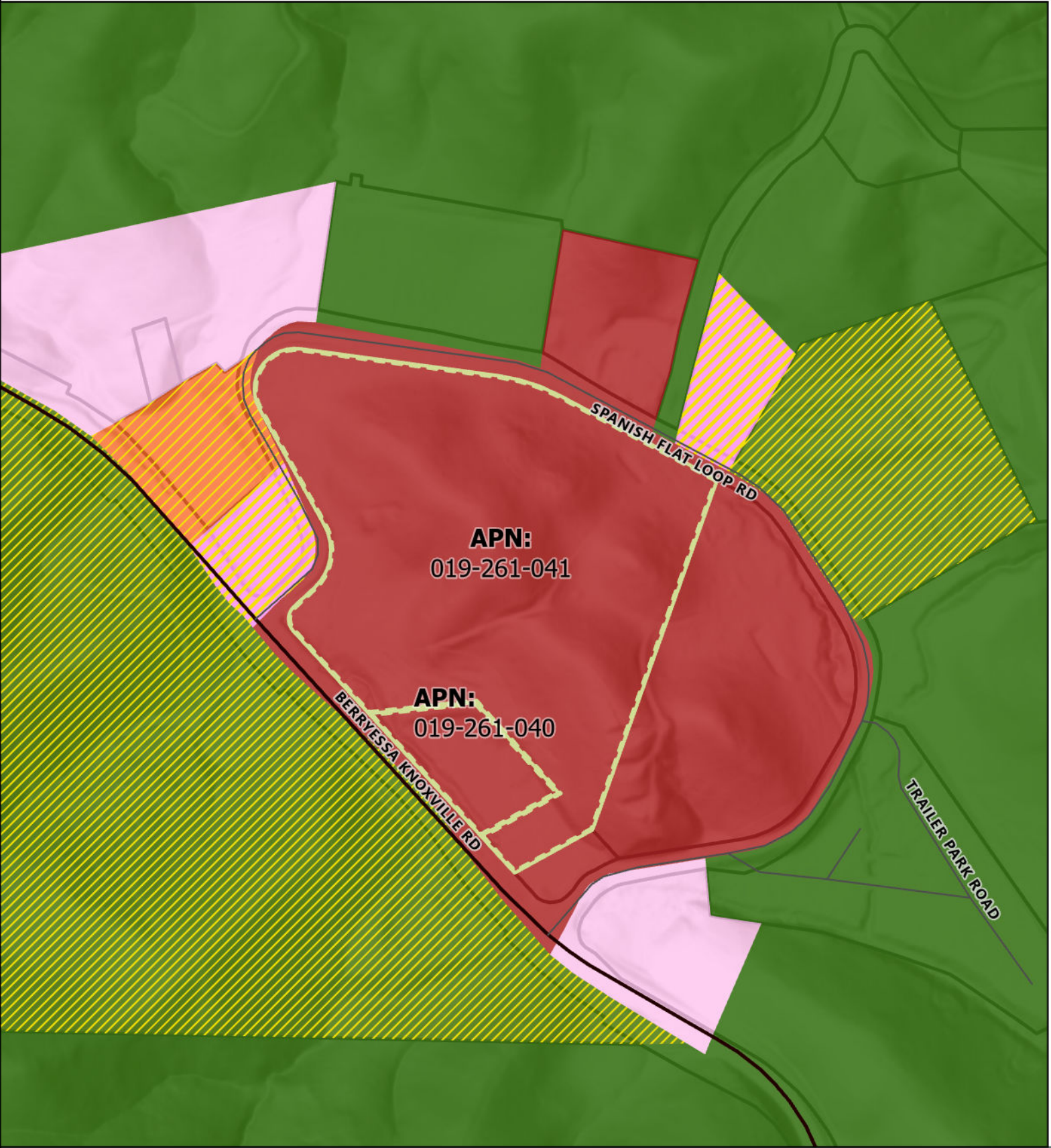


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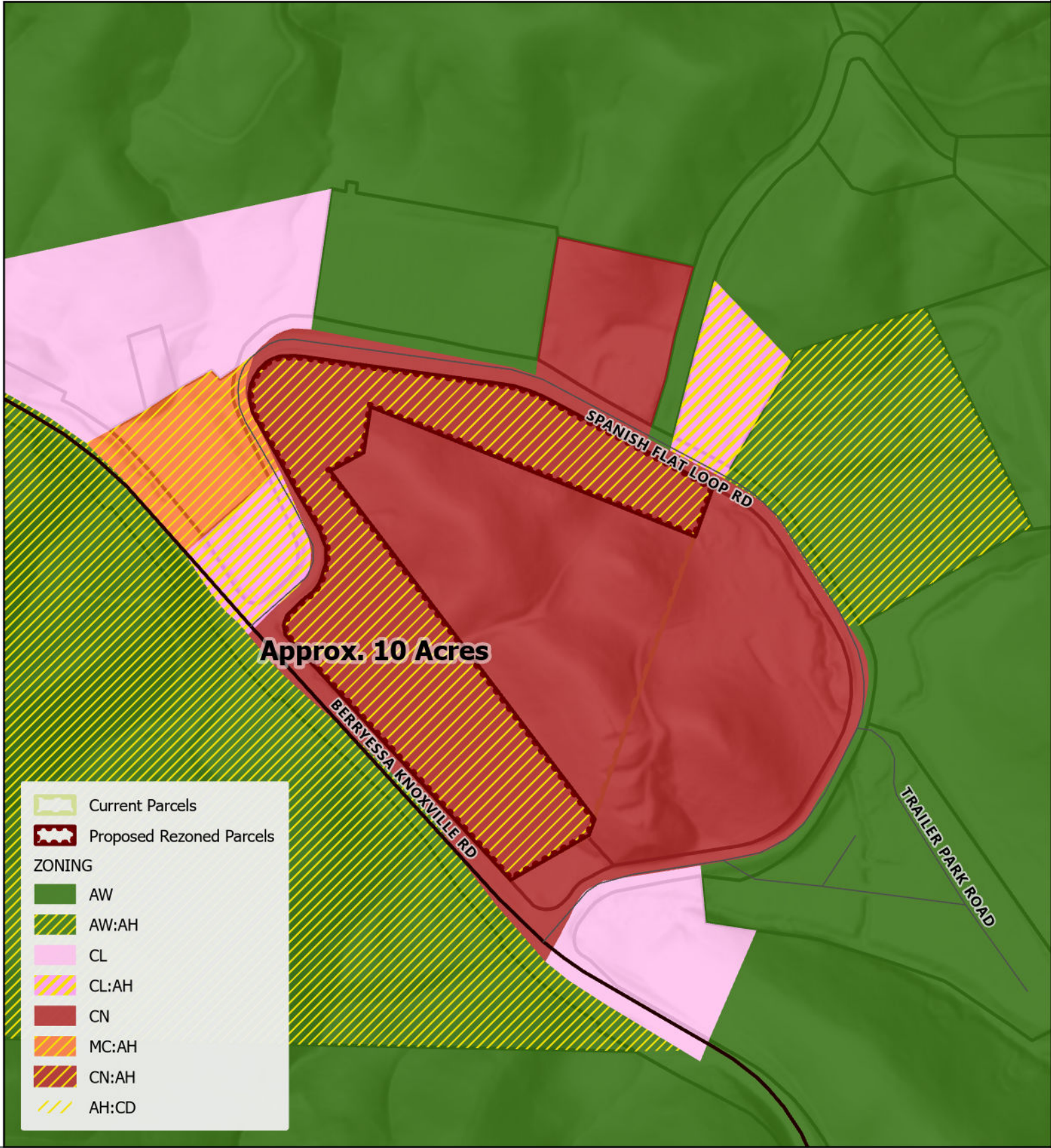


Exhibit B

Existing Zoning



Proposed Zoning



Current Parcels

Proposed Rezoned Parcels

ZONING

- AW
- AW:AH
- CL
- CL:AH
- CN
- MC:AH
- CN:AH
- AH:CD

SPANISH FLATS | Existing vs. Proposed Districts