

Additions are underlined.  
Deletions are ~~struck through~~.  
Revision markers are noted in left or  
right margins as vertical lines.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF NAPA, STATE OF CALIFORNIA, AMENDING CHAPTER 18.82  
(AFFORDABLE HOUSING COMBINATION DISTRICT) REMOVING  
THE MONTICELLO/ATLAS PEAK PARCELS FROM THE :AH  
COMBINATION DISTRICT AND MAKING VARIOUS TECHNICAL  
CHANGES TO CHAPTER 18.82 TO CONFORM TO THE 2009 HOUSING  
ELEMENT UPDATE OF THE NAPA COUNTY GENERAL PLAN**

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

**SECTION 1.** Chapter 18.82 (:AH Affordable Housing Combination District) of the

Napa County Code is amended to read in full as follows:

**Chapter 18.82**

**:AH AFFORDABLE HOUSING COMBINATION DISTRICT**

**Sections:**

<b>18.82.010</b>	<b>Intent of classification.</b>
<b><u>18.82.020</u></b>	<b><u>Definitions</u></b>
<b>18.82.03<del>20</del></b>	<b>Affordability requirements.</b>
<b>18.82.04<del>30</del></b>	<b>Development standards.</b>
<b>18.82.05<del>40</del></b>	<b>Site density.</b>
<b>18.82.06<del>50</del></b>	<b>Required development allocation.</b>
<b>18.82.07<del>60</del></b>	<b>Compliance with mitigation measures.</b>
<b>18.82.08<del>70</del></b>	<b>Design criteria.</b>
<b>18.82.09<del>80</del></b>	<b>Approval process.</b>
<b>18.82.10<del>90</del></b>	<b>Site selection.</b>
<b>18.82.11<del>00</del></b>	<b>Utilities.</b>

**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 ~~parcels~~ identified in Appendix H-1 of the 2009 Housing Element Update of the general plan as may be amended from

time to time.

C. Allow the construction of a variety of affordable housing types on specified Priority Housing Development Sites~~parcels specified~~ 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 18.82.0540.

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.

#### **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.

“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 Sites” means those parcels in the Angwin, Moskowite Corner, and Spanish Flat areas identified as affordable housing sites in Appendix H-1 of the 2009 Housing Element Update of the general plan. In particular, the following parcels are included as “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).

“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.

#### **18.82.0320 Affordability requirements.**

A. Development within the :AH Combination District shall include housing units in the very low, low, and moderate income ~~following~~ categories as defined in Section 18.82.020 and shall remain at those affordability levels for a minimum of forty years.:

~~1. **Very Low Income Household:** Any household with an income level less than or equal to fifty percent of the Napa County median income as determined by the California Department of Housing and Community Development (HCD) and/or the federal Department of Housing and Urban Development (HUD).~~

2. ~~Low Income Household:~~ Any household with an income level between fifty and eighty percent of the Napa County median income as determined by HCD and/or HUD.

3. ~~Moderate Income Household:~~ Any household with an income level between eighty and one hundred twenty percent of the Napa County median income level as determined by HCD and/or HUD.

B. Each Specified Priority Housing Development ~~Site specified in Appendix H of the Housing Element of the Napa County General Plan~~ within the :AH Combination District shall have affordability ratios based on site constraints as detailed in Section 18.82.0540. 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. 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 ~~or the Napa Valley Housing Authority~~ to ensure the continued affordability for the forty year minimum time frame in a form acceptable to county counsel.

#### 18.82.0430 Development standards.

A. Where an applicant or developer of Specified Priority Housing Development Sites(s) ~~parcel(s) identified in Appendix H of the Housing Element of the General Plan~~ 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 ~~requiring administrative approval and for those requiring 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 ~~planning~~ 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 18.82.0540, the required development allocation set forth in Section 18.82.0650, and the mitigation measures and design criteria set forth in Sections 18.82.0760 and 18.82.0870.

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 <del>imum</del> )	3,500 square feet
Building site coverage (combined max <del>imum</del> )	50%
Front setback (min <del>imum</del> )	20 feet
Rear setback (min <del>imum</del> )	20 feet
Side setback (min <del>imum</del> )	6 feet + 3 feet for a second story.
Road setback	Per Chapter 18.112
Height limit (max <del>imum</del> )	35 feet

Parking requirements (minimum)	2 + 1 for each second dwelling unit.
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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.

<b>Table 2: Development Standards for Multi-Family Construction within the :AH Affordable Housing Combination District</b>	
<b>Subject</b>	<b>Standard</b>
Site area (minimum)	.9 acre
Building site coverage (maximum)	40%
Front setback (minimum)	20 feet
Rear setback (minimum)	20 feet
Side setback (minimum)	6 feet + 3 feet for every story above the first.
Road setback	Per Chapter 18.112
Distance between buildings (minimum)	20 feet for two stories, 25 feet for three stories.
Height limit (maximum)	35 feet
Parking requirements (minimum)	2 per dwelling unit + 1 for every 2 dwelling units for guest parking.

[Multi-family residential construction shall be subject to the development standards set forth in Table 2.](#)

#### **18.82.0540 Site density.**

Only [the Specified Priority Housing Development Sites](#) ~~those parcels identified in Appendix H of the Housing Element of the Napa County General Plan~~ are eligible for the :AH Combination District classification. [The site densities permitted by this section are intended to provide a density bonus to the Specified Priority Housing Development Sites in lieu of that provided by state density bonus law \(Government Code sections 65915\(f\) and \(g\)\).](#) 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 in each of the ~~four~~ [three](#) areas identified below (Angwin, ~~Monticello/Atlas Peak~~, Moskowitz Corner, and Spanish Flat) 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; 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 Specified Priority Housing Development Sites](#)~~parcels in each of the four areas identified in Appendix H of the Housing Element of the Napa County General Plan~~ shall be as listed below:

1. **Angwin:** Density allowed with ~~out~~ [administrative level use permit](#) approval on Parcels A and B for the Angwin location shall be twelve dwelling units per acre, ~~utilizing the density bonuses set forth in Chapter 18.107.~~ Up to twenty-five dwelling units per acre may be allowed upon use permit approval ~~and utilizing the density bonuses set forth in Chapter 18.107.~~ The maximum combined number of units constructed on Parcels A and B shall not exceed a total of one hundred ninety-one dwelling units, ~~inclusive of density bonuses.~~

~~2. **Monticello/Atlas Peak:** Density allowed with administrative level approval on parcels A, B, and C for the Monticello/Atlas Peak location shall be twelve dwelling units per acre, utilizing the density bonuses set forth in Chapter 18.107. Up to twenty-five dwelling units per acre may be allowed upon use permit approval and utilizing the density bonuses set forth in Chapter 18.107. The maximum combined number of units constructed on parcels A, B, and C shall not exceed a total of two hundred thirty-one dwelling units, inclusive of density bonuses.~~

~~32. **Moskowite Corner:** Density allowed with ~~out~~ [use permit](#) ~~administrative level~~ approval on Parcels A, B, [C](#), and [D](#) for the Moskowite Corner location is four dwelling units per acre, ~~utilizing the density bonuses set forth in Chapter 18.107.~~ Up to ten dwelling units per acre may be allowed upon use permit approval ~~and utilizing the density bonuses set forth in Chapter 18.107.~~ The maximum combined number of units constructed on Parcels A, B, [C](#), and [D](#) shall not exceed a total of one hundred dwelling units, ~~inclusive of density bonuses.~~~~

~~43. **Spanish Flat:** Density allowed with ~~out~~ [use permit](#) ~~administrative level~~ approval on Parcels A, B, C, D, E, and F for the Spanish Flat location is four dwelling units per acre, ~~utilizing the density bonuses set forth in Chapter 18.107.~~ Up to twenty-five dwelling units per acre may be allowed upon use permit approval ~~and utilizing the density bonuses set forth in Chapter 18.107.~~ 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, ~~inclusive of density bonuses.~~~~

#### **18.82.0650 Required development allocation.**

A. The provisions of this chapter shall apply to [the Specified Priority Housing Development Sites](#)~~parcels identified in Appendix H of the Housing Element of the Napa County General Plan~~. 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. **Monticello/Atlas Peak:** At least fifty percent of the dwelling units shall be affordable to low and very low income households.~~

~~3.~~ **Moskowite 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.

~~43.~~ **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.

~~B. Density bonuses and other housing incentives may be granted in accordance with state law and as authorized by Chapter 18.107.~~

#### **18.82.0760 Compliance with mitigation measures.**

A. Development of the ~~parcels~~ Specified Priority Housing Development Sites identified in the housing element and made pursuant to this chapter shall fully comply with the applicable mitigation measures identified in the Final eEnvironmental assessment Impact Report of the Napa County 2009 Housing Element Update ~~and zoning amendments~~ dated ~~September 13, 2004~~ April 22, 2009 and as set forth in Resolution No.        of the board of supervisors.

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

<sup>1</sup> Potential 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.

#### **18.82.0870 Design Criteria.**

The following design guidelines shall be applicable to all parcels within the :AH Combination District. The design guidelines will be enforced through review and approval by the ~~planning~~ director, or his/her designee, in the cases where a use permit is not required ~~of an administrative level approval~~, or by the ~~Napa County conservation, development and 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 18.82.0870, 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 18.82.0870, 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.

#### **18.82.0980 Approval process.**

~~Administrative level a~~ Approval without a use permit shall be given to projects meeting the development standards set forth in Section 18.82.0430, the applicable density requirements identified in Section 18.82.0540, the appropriate affordability requirements identified in Section 18.82.0650, the mitigation measures identified in Section 18.82.070, and all other applicable sections of this chapter.

For projects that require a parcel map or use permit, an application and designated fees shall be made to the ~~conservation, development and planning~~ department and must receive ~~Napa County conservation, development and planning~~ commission approval before the project can proceed.

#### **18.82.100090 Site Selection.**

The ~~parcels identified~~ Specified Priority Housing Development Sites ~~in Appendix H of the Housing Element of the Napa County General Plan and described in Section 18.82.040 for use with the :AH Combination District to allow increased density for the production of affordable housing units~~ were selected because they meet the following criteria:

- A. Parcels are located within the designated “urban bubbles” as shown on the Napa County land use plan ~~(Figure 14)~~.
- B. The sites do not have a general plan designation of agriculture, watershed and open space or agricultural resource.
- C. The sites are underutilized and retain a significant amount of development potential.
- D. The possibility exists for adequate sewer and water infrastructure to accommodate higher density development.

Additional parcels meeting this site selection criteria may be proposed and will be evaluated by the county for inclusion in the housing element of the Napa County general plan and :AH Combination District classification.

#### **18.82.1100 Utilities.**

Except as otherwise provided in this code, no permits to develop housing in the :AH Combination District shall be issued without evidence of adequate sewer and water service to serve the proposed development, as evidenced by a “will serve” letter from a utility provider or as otherwise required or allowed by this code.

**SECTION 2.** The amendments set forth in this Ordinance implement programs within the 2009 Housing Element Update. An Environmental Impact Report, which contemplated the amendments set forth herein, was prepared as part of the 2009 Housing Element Update process.

**SECTION 3.** Pursuant Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance is consistent with the following policies and goals of the General Plan Update: AG/LU-23, AG/LU-28, AG/LU-30, CON-13, SAF-8, and with Goals H-1, H-2, and H-5, Policies H-2e and H-4f, and Program H-2i of the 2009 Housing Element Update.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of

Supervisors of the County of Napa hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

**SECTION 5.** This Ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 6.** A summary of this Ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing Ordinance was considered and public hearing held thereon before the Napa County Conservation, Development and Planning Commission at a regular meeting of the Commission on May 6 and May 20, 2009. This Ordinance was introduced and public hearing held thereon before the Board of Supervisors of the County of Napa, State of California on June 9, 2009 and passed at a regular meeting of the Board of Supervisors, held on the June 23, 2009, by the following vote:

AYES:	SUPERVISORS	_____
NOES:	SUPERVISORS	_____
ABSTAIN:	SUPERVISORS	_____
ABSENT:	SUPERVISORS	_____

\_\_\_\_\_  
**MARK LUCE, CHAIR**  
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL  
Clerk of the Board of Supervisors

By:\_\_\_\_\_

<p align="center"><b>APPROVED AS TO FORM</b>  <b>Office of County Counsel</b></p>	
By:	Silva Darbinian (e-signature)
	Chief Deputy County Counsel
By:	Sue Ingalls (by e-signature)
	County Code Services
Date:	May 21, 2009

<p align="center"><b>APPROVED BY THE NAPA COUNTY</b>  <b>BOARD OF SUPERVISORS</b></p>
Date: _____
Processed by: _____
Deputy Clerk of the Board

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 \_\_\_\_\_.

\_\_\_\_\_, DEPUTY

GLADYS I. COIL, CLERK OF THE BOARD