



# Town of Yountville

6550 Yount Street  
Yountville, CA 94599

## Staff Report

**Agenda Item #:** {{section.number}}A

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## Yountville Town Council Staff Report

**DATE:** August 3, 2021

**TO:** Mayor and Town Council

**FROM:** Sandra Liston, Planning & Building Director

**PREPARED BY:** Sandra Liston, Planning & Building Director

**SUBJECT:**

Discuss and Provide Direction Regarding Zoning Ordinance and Design Ordinance (ZODO) Update: Phase 2 - Part B; and

Introduce and Waive First Reading of Ordinance Number 21-501 Amending Titles 6 (Animals), 12 (Streets, Sidewalks, Public Places and Parks), 15 (Buildings and Construction), 16 (Subdivisions), and 17 (Zoning), and Repealing Title 18 (Design Standards) of the Yountville Municipal Code (Includes Zoning Ordinance and Design Ordinance (ZODO) Update: Phase 2 – Part A (Discussed at July 20, 2021 Special Meeting of Town Council) and Phase 2 – Part B (Discussed Concurrently with Introduction and First Reading of this Ordinance))

### **DISCUSSION/BACKGROUND**

This item includes Phase 2: Parts A and B of the Zoning and Design Ordinance update that has been under preparation since November 2020. The effort is overseen by the ZODO Ad Hoc Committee, comprised of Mayor Dunbar, Vice Mayor Dorman, ZDRB Vice Chair Miller, and ZDRB Member Cook. The advisory committee has reviewed all proposed modifications to the ZODO, providing feedback and significantly shaping the draft ordinances, in most cases reviewing edited chapters two or three times. The committee has met 12 times since November of last year, in meetings lasting over 30 hours.

#### **Phase 2 – Parts A and B – of the ZODO Update**

Due to the size of the ZODO Update, staff has brought the ordinance amendments to the ZDRB in two segments (Parts A and B) for discussion and direction by the Town Council. Part A was discussed by the Town Council at its July 20, 2021 special meeting and Part B will be discussed at this meeting. After the discussion has concluded, a single Ordinance – including Parts A and B – is included for possible introduction and first reading by the Town Council. It includes additional changes to Titles 6 (Animals), 12 (Streets, Sidewalks, Public Places and Parks), 15 (Buildings and Construction), and 16 (Subdivisions), which were necessitated by the changes to Title 17 (Zoning) and the repeal of Title 18 (Design Standards). Specific provision of Parts A and B are described below:

Part A includes the following chapters:

Chapter 17.16	A Agricultural	(17.20)
Chapter 17.20	RS Single-Family Residential	(17.24)
Chapter 17.24	RM Mixed Residential	(17.28)
Chapter 17.28	H Old Town Historic	(17.32)
Chapter 17.32	MPR Master Planned Residential	(17.40)

Chapter 17.36	MHP Mobile Home Park Residential	(17.44)
Chapter 17.40	Residential Design Standards and Guidelines	(New)
Chapter 17.80	AHO Affordable Housing Overlay	(New)
Chapter 17.88	S Senior Mobile Home Park Overlay	(New)
Chapter 17.112	Auxiliary Structures	(18.44)
Chapter 17.114	Off-Street Parking and Loading	(17.88 & 18.08)
Chapter 17.128	Tree Preservation and Management	(17.98 & 18.12)
Chapter 17.160	Affordable Housing	(17.84)
Chapter 17.164	Home Occupations	(17.120)

Part B includes the following chapters:

Chapter 17.08	Zoning by Land Use Designation	(17.16)
Chapter 17.12	Allowable Land Uses and Use Permit Requirements	(New)
Chapter 17.44	PP Parks and Playfields	(New)
Chapter 17.48	PF Public Facilities	(17.36)
Chapter 17.52	PC Primary Commercial	(17.48)
Chapter 17.56	RSC Residential-Scaled Commercial	(17.52)
Chapter 17.60	OTC Old Town Commercial	(17.56)
Chapter 17.64	RC Retained Commercial	(17.58)
Chapter 17.68	PD Planned Development	(17.60)
Chapter 17.72	Non-Residential Design Standards and Guidelines	(New)
Chapter 17.76	C Creekside Overlay	(17.64)
Chapter 17.92	RO Retail Overlay	(17.80)
Chapter 17.96	MU Mixed Use Overlay	(17.82)
Chapter 17.100	Floor Area Ratio	(17.10)
Chapter 17.108	Setback Encroachments	(18.16.050.C)
Chapter 17.178	Commercial Development Incentives	(18.40.060-070)
Chapter 17.180	Applications and Hearings	(17.136)
Chapter 17.184	Amendment to Zoning and General Plan	(17.140)
Chapter 17.188	Design Review	(17.144)
Chapter 17.192	Master Development Plan and Review	(17.148)
Chapter 17.196	Administrative Use Permits	(New)
Chapter 17.200	Use Permits	(17.156)
Chapter 17.204	Variances	(17.152)
Chapter 17.208	Exceptions	(17.160)
Chapter 17.212	Reasonable Accommodation for Persons with Disabilities	(17.134)
Chapter 17.216	Development Agreements	(17.172)
Chapter 17.220	Condominium Conversion	(17.108)
Chapter 17.224	Appeals	(17.164)
Chapter 17.236	Definitions	(17.08)

### Zoning & Design Review Board

On June 8, 2021, the ZDRB conducted a public hearing to review Part A and on July 13, 2021, conducted a public hearing to review Part B. One email with public comment was received for the first meeting. It was read into the record. No public comment was received for the second meeting. At each of the two meetings, the ZDRB discussed the proposed ordinance amendments, voicing support for the revisions, and voted 5-0 to recommend that the Town Council approve the proposed ordinance as presented.

### Town Council

On July 20, 2021, the Town Council conducted a public hearing to review Phase 2 – Part A. The Council discussed the proposed ordinance amendments and requested the following two changes be made before the draft ordinance is brought before the Council:

1. Revise the Design Standard in Section 17.40.020 to read as follows, “In the Old Town Historic District, driveway aprons shall be a solid surface, concrete, asphalt, or pavers...”
2. Revise Section 17.128.030.A.4 to read as follows, “In some cases, hazards may be eliminated by removing picnic tables or other items beneath a precarious tree...”

Tonight, the Town Council will conduct a public hearing to review Phase 2 - Part B. The following sections highlight the more substantive proposed changes to Title 17:

## **DIVISION 1: APPLICABILITY**

### **General Provisions (17.04)**

Sections added on:

- applicability of the zoning regulations,
- minimum requirements (allowing decision-makers to increase requirements if warranted),
- addressing grandfathering of projects in process when ordinances change, and
- responsibilities of the Planning Officer.

## **DIVISION 2: ZONING DISTRICTS, ALLOWABLE USES, DEVELOPMENT STANDARDS, and DESIGN STANDARDS AND GUIDELINES**

### **Allowable Land Uses (17.12)**

New chapter to establish applicability of use restrictions, development regulations, and permit requirements in the chapters which follow.

A summary table of allowable uses (either Permitted “P” or those requiring a Use Permit “UP” or an Administrative Use Permit “AP”) is included in Section 17.12.010 (Table 17.12-1), providing a single-source reference for staff or property owners wishing to know in which districts a particular use is allowed.

The committee examined all allowable uses across all zoning districts, recommended consolidated use Categories (e.g., “general retail” or “personal services”) and edited definitions.

### **PP – Parks and Playfields District (17.44)**

New chapter to establish regulations for uses and development on sites designated as PP on the Zoning and General Plan maps. Development standards for park sites were transferred from 18.12.050.B.

Review of development permits by the Parks and Recreation Advisory Commission was added.

### **PF - Public Facilities, PC – Primary Commercial, and RSC – Residential Scaled Commercial (17.48, .52, .56)**

These commercial districts were revised in Phase 1 of the ZODO update to implement programs of the new General Plan and adopted by the Town Council in April 2020. They are included in this Phase 2 packet since they have been updated to reflect new section numbering, revised use categories, and deletion of Use Permit findings.

### **OTC – Old Town Commercial (17.60)**

Site-specific conditions have been incorporated into 17.60.030 to protect existing historic resources.

Adult-oriented business is proposed to be added as a conditional use, but with locational restrictions. The Town Attorney advises that adult uses must be allowed in some potential location in town per First Amendment rights. The OTC District has limited adjacency with residential properties, and restrictions include a minimum 100-foot setback from a residential property and minimum separation of 500 feet from another adult-oriented business.

### **RC – Retained Commercial (17.64)**

Site-specific limitations on physical expansion of existing structures have been incorporated into Section 17.64.030.

References to the former residential dwelling have been deleted since the use was converted to a test kitchen. [17.64.020 former B and D] This also resulted in eliminating Accessory Dwelling Units and Home Occupations as permitted uses. [17.64.040]

Added notation that any expansion or increase in use intensity must conform to current parking requirements. [17.64.020.C]

### **PD – Planned Development (17.68)**

Small edit to 17.68.050 to clarify that any development regulation not specially called out and established by the PD District would revert to the typical zoning standards (e.g., for parking dimensions, sign regulations, etc.) as determined by the Planning Official.

### **Non-Residential and Mixed Use Design Standards and Guidelines**

One of the major objectives of the second phase of the ZODO Update was the incorporation of all design criteria scattered throughout Title 18 by both zoning district and building type. The ZDRB reviewed Residential Design Standards and Guidelines as part of Phase 2, Part A. These design criteria are for commercial and mixed-use projects.

This Chapter includes descriptions of the design intent for each commercial district to assist decision-makers by providing design context for their review of development proposals. These intent statements were edited from existing Chapter 18.040.

The Design Standards and Guidelines are grouped into those applicable to: building scale and massing, street frontage, exterior building materials, parking and driveways, open space, and utilities and auxiliary structures.

### **C – Creekside Overlay, G – Gateway Overlay, RO – Retail Overlay, and MU – Mixed Use Overlay (17.76, .84, .92, .96)**

The Mixed Use Overlay district was added to the Code in Phase 1 of the ZODO update to implement provisions of the new General Plan and adopted by the Town Council in April 2020. All overlay districts are included in this Phase 2 packet since they have been updated to reflect new section numbering.

## **DIVISION 3: GENERAL DEVELOPMENT STANDARDS**

### **Floor Area Ratio (17.100)**

FAR exemptions in 17.100.030 were edited for clarity.

### **Setback Encroachments (17.108)**

Setback encroachments in 18.16.050 were relocated to Title 17 and edited for clarity.

## **DIVISION 4: STANDARDS for SPECIFIC LAND USES and ACTIVITIES**

### **Commercial Development Incentives (17.178)**

New chapter for regulations relocated from Chapter 18.040, which provides for FAR increases and setback reductions for new professional office space and for expansion of existing commercial buildings in certain instances.

## **DIVISION 5: PERMIT PROCESSES and ADMINISTRATION**

There are fourteen chapters of the code that address the adoption/applicability of the Zoning Ordinance, administration of the code, and describe the various application types required. These chapters had no consistent format and lacked some basic legalese commonly found in zoning codes. They have all been consolidated into Division 5.

The proposed format for the permit chapters includes the following subsections:

- Purpose statement
- Applicability
- Application Filing and Processing
- Authority (decision-maker(s))
- Notice and hearing
- Findings and decision
- Conditions of approval

The following are the more substantive changes being proposed to individual chapters:

## **Applications and Hearings (17.180)**

A provision was added in Section 17.180.020.G to require concurrent processing of the various application types that may be required for a proposed project.

Requirements for on-site notification signs for commercial application types were previously in a separate specification sheet. These requirements have been incorporated into Section 17.180.040.B.

Added the Review Authority table (Table 17.180-1) to summarize decision-making authority for each application type. The existing code was not consistent on the application types the ZDRB had authority to approve, so the committee considered each and proposes the ZDRB be the final decision-maker for freestanding and internally illuminated signs, design review for four or fewer residential units or parcels, variances and exceptions, all subject to appeal to the Town Council.

## **Amendments to Zoning and General Plan (17.184)**

The revised text clarifies that both text and map amendments are addressed and includes provisions for General Plan map and text amendments, which were previously not mentioned.

## **Design Review (17.188)**

Section 17.188.020 Applicability better defines what types of Design Review applications may be reviewed and decided upon by the ZDRB, creating a Minor Design Review category to distinguish these from Major Design Review that goes to the Town Council for final decision after ZDRB review.

Subsection 17.188.020.D expands on a list of building modifications that are exempt from design review, including ground floor additions of less than 200 square feet.

A provision was added in 17.188.030.B to allow the Planning Officer to require the installation and certification of story poles when deemed necessary to demonstrate a building's scale and mass.

Expiration dates for permit types, including Design Review, are being standardized at two years from date of issuance if not utilized. Master Development Plans are also at two years, but allow for three one-year extensions, due to their larger scope and possible phasing.

A substantial rewrite of the Design Review findings are proposed.

## **Master Development Plans (17.192)**

The Conceptual Review stage for MDPs is proposed to be made optional for applicants desiring to get an "early read" from the Town Council (which is non-binding) on a development concept.

Section 17.192.070 has been revised to give the Planning Officer the authority to allow minor changes to an approved MDP which are consistent with the intent of the original MDP.

The Master Development Plan findings have been significantly shortened since both Use Permit and Design Review applications and their required findings are processed along with a MDP, so the use and design-related findings can be omitted and simply cite those required permit findings.

## **Administrative Use Permits (17.196)**

New permit type added to address Planning Officer review of office uses in the OTC District and Moderate Home Occupations. For Administrative Use Permits there is no advance public notification of the application submittal and no public hearing since these are essentially ministerial permits issued upon meeting identified criteria. Notice of the written decision is mailed to all property owners within 300 feet to start a 10-day appeal period.

## **Use Permits (17.200)**

Section 17.200.040 adds authority to the Planning Officer to approve minor changes to commercial uses (in cases where there is an approved MDP and consistent with the allowable use categories) and for the ZDRB to decide residential Use Permits, except condominium conversions that need Council approval for a tentative map as well.

Use Permit findings were scattered throughout the code in various zoning districts. They are proposed to be consolidated and edited.

## **Exceptions (17.208)**

The exception process allows deviations from the setback regulations applied to residential auxiliary structures and for the 50% limit on two-story single-family homes. The findings for approval of an exception are not as difficult to make as variance findings, thereby making exceptions easier to grant.

## **DIVISION 6: DEFINITIONS**

### **Definitions (17.236)**

Definitions were previously scattered throughout the code. They have been consolidated into a single chapter at the end of the zoning ordinance, existing definitions have been edited for clarity and updated for legality, and new definitions were proposed where previously missing.

## **TITLE 12 STREETS, SIDEWALKS, PUBLIC PLACES, and PARKS**

### **Street Standards (12.06)**

Street standards contained in 18.08.020.C have been relocated to a new chapter in Title 12.

## **TITLE 15 BUILDINGS and CONSTRUCTION**

### **Certification of Use and Occupancy (15.00.070)**

Current Chapter 17.168 requires the issuance of a Certificate of Use and Occupancy (COO) for any new or modified building or use, except in the RS District and for permitted residential uses and structures, but these regulations are not consistent with staff practice which issues COO after final building inspection only for new commercial construction and changes of use. Removal of this chapter from the ZODO is recommended, with the addition of a new Section 15.00.070 for COOs to Title 15, the Building and Construction regulations.

## **TITLE 16 SUBDIVISIONS**

Changes to Title 16 give the ZDRB authority to review and make recommendations on tentative subdivision and parcel maps.

## **ORDINANCE 21-XXX**

The proposed Ordinance that is attached to this staff report incorporates both the Part A and Part B components of the Phase 2 ZODO update, as well as reformatting and renumbering changes to the remaining chapters of Titles 17 and 18. The Ordinance is before the Town Council for an introduction and first reading and is tentatively scheduled to come before the Council on September 21, 2021 for second reading and adoption.

## **ENVIRONMENTAL REVIEW**

Addendum to the General Plan EIR has been prepared. The proposed Zoning and Design Ordinance Update Phase II project would streamline the Town's Municipal Code and would ensure components of the Town's Zoning Ordinance, Design Standards, and Zoning Districts Map are in compliance with the General Plan as analyzed in the General Plan EIR and would not result in any new impacts or increase the severity of previously identified significant impacts analyzed in the certified EIR. No new mitigation measures would be required. The Zoning and Design Ordinance Update Phase II project would not result in a substantial change to the project analyzed in the EIR, so additional environmental review is not necessary and no new information is known that triggers the need for additional environmental review.

## **FISCAL IMPACT**

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? Yes

Where is it Budgeted? Planning & Building Department Budget

Is it Mandatory or Discretionary? Discretionary

Is there a Staff Resource Impact? Yes

## **STRATEGIC PLAN GOAL**

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Exceptional Town Services and Staff:** The Town supports its talented staff who deliver high quality municipal programs and services while maintaining public infrastructure for the benefit of the community.

Briefly Explain Relationship to Strategic Plan Goal and Objective. By updating the Yountville Municipal Code, the Town Council shows its commitment to keeping the governing documents current and in compliance with state law, which leads to improved quality of life for Yountville residents and businesses.

## **RECOMMENDATION**

Receive staff report and direct questions to staff.

Conduct public hearing and receive testimony.

Conduct Council discussion on Ordinance amending the Yountville Municipal Code.

Introduce and Waive the First Reading of Ordinance Number 21-501 Amending Titles 6 (Animals), 12 (Streets, Sidewalks, Public Places and Parks), 15 (Buildings and Construction), 16 (Subdivisions), and 17 (Zoning), and Repealing Title 18 (Design Standards) of the Yountville Municipal Code.