

**Town of Yountville
Ordinance Number 22-511**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE,
CALIFORNIA ADDING CHAPTER 17.162 TO TITLE 17 OF THE YOUNTVILLE
MUNICIPAL CODE REGARDING SMALL HOME LOT DEVELOPMENTS**

Now, therefore, the Town Council of the Town of Yountville does ordain as follows:

SECTION 1. CODE ADDITION: Chapter 17.162 of Title 17 of the Yountville Municipal Code is hereby added to read as follows:

Chapter 17.158 – SMALL HOME LOT DEVELOPMENTS

- 17.162.010 Purpose and intent
- 17.162.020 Eligibility
- 17.162.030 Pre-application review
- 17.162.040 Application
- 17.162.050 Development standards
- 17.162.060 Historic preservation
- 17.162.070 Tree preservation
- 17.162.080 Application review & findings
- 17.162.090 Conditions of approval

17.162.010 Purpose and intent

The purpose of this chapter is to establish objective standards and regulations to govern the subdivision of parcels and development of qualified residential units as authorized under Government Code section 66499.40, which was adopted into law by Assembly Bill No. 803, effective January 1, 2022 (“AB 803”), for the following purpose:

- A. For the proper development of Small Home Lot Developments within the Town, taking care that these developments are properly sited and adhere to the Town’s tree preservation and historic preservation ordinances, such that these

developments are desirable to the community.

- B. If AB 803, as amended or renumbered from time to time, is ever repealed, deemed unconstitutional by a court of competent jurisdiction, or otherwise no longer in effect, this chapter shall be automatically repealed.

17.162.020 Eligibility

- A. Under Government Code section 66499.40(b)(1), only parcels zoned for multifamily residential development are eligible for Small Home Lot Development permits, including parcels located in the following zones:
1. RM Mixed Residential;
 2. H Old Town Historic;
 3. MPR Master Planned Residential; and
 4. PD Planned Development.
- B. An applicant for a Small Home Lot Development permit must meet the following criteria:
1. The proposed project is for single-family housing units on fee simple ownership lots.
 2. Residential properties within a radius of 500 feet of the site must be zoned for less than 30 dwelling units per acre.
 3. The proposed site is not identified in the housing element pursuant to Government Code Sections 65583 and 65583.2 as a site to accommodate any portion of the jurisdiction's regional housing need for low-income or very low-income households.
- C. A Small Home Lot Development permit is not available for any parcel where the permit would require the demolition or alteration of any of the following types of housing
1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

3. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date the development proponent submits an application.
4. Housing that has been occupied by a tenant in the last seven years.

17.162.030 Pre-application review

Prior to filing an application, a potential applicant shall meet with the Planning Officer or her or his designee to discuss the application process, subdivision and project design, and the need for supplemental information.

17.162.040 Application

- A. The applicant shall submit a Small Home Lot Development application in a form approved by the Planning Officer.
- B. All design drawings, as determined by the department, shall be prepared by an architect licensed by the California Architects Board.
- C. The applicant shall pay all impact fees, filing fees, and deposits as prescribed by resolution adopted by the Town Council.

17.158.050 Development standards

- A. Building and Design Standards
 1. All dwelling units shall have consistent exterior wall materials, identified color tones, window types, door and window trims, roofing materials and roof pitch.
 2. Roof decks are prohibited.
 3. All dwelling units shall install a new or separate utility connection.
 4. All electrical and utility services shall be undergrounded.
 5. If an adjoining property installed a solar energy system, the applicant shall submit a shadow study prepared by an engineer licensed by the Board of Professional Engineers, land Surveyors, and Geologists or by an architect licensed by the California Architects Board. The shadow of any proposed development shall not cover more than ten percent (10%) of the area of any solar energy system on any adjoining property.

- B. Density Standards. The development shall result in at least as many units as the maximum allowable residential density allowed under the General Plan and this code.
- C. Fire Safety Standards.
 - 1. All new dwelling units shall comply with Chapters 15.32 and 8.16 of this code.
 - 2. Where two dwelling units are configured as sharing a common wall, a one-hour fire wall between the units is required.
 - 3. All new dwelling units shall comply with Section 15.32.020 (Section 903.2 added -- Automatic fire sprinkler system) and have fire sprinklers.
 - 4. All new dwelling units shall use fire-resistant building materials. The Planning Officer shall determine which materials qualify as fire-resistant.
 - 5. All new dwelling units shall comply with Section 15.32.030 (Section 4907 Defensible Space) and maintain defensible space around the units.
- D. Floor Area Standards.
 - 1. The average total floor area shall not exceed 1,750 square feet.
 - 2. The minimum floor area permitted for each dwelling unit is 800 square feet.
- E. Height Standards. All new dwelling units shall comply with the height standards in the underlying zone in which the parcel is located.
- F. Lot Coverage Standards. The maximum lot coverage percentage shall be no greater than 60%. Lot coverage percentage means the total lot area that is occupied by buildings or structures that are roofed or otherwise covered or that are unroofed and have a finished floor.
- G. Lot Size Standards. The maximum lot size shall not exceed 5 acres.
- H. Open Space Standards. All new dwelling units shall comply with the open space standards in the zone in which the parcel is located.
- I. Parking Standards. All new dwelling units shall comply with the parking standards in the underlying zone in which the parcel is located, except that the required parking need not be enclosed or covered.
- J. Subdivision Standards. The Small Home Lot Development shall comply with all objective standards in the Subdivision Map Act (Government Code section 66410 et

seq.) and Title 16 of this code including, but not limited to, submission of a tentative subdivision map.

K. Setback Standards

1. All new dwelling units shall comply with the front, side, and rear setbacks in the underlying zone in which the parcel is located.
2. No setback is required between units, except as required by the California Building Code.
3. Architectural features, such as eaves, awnings, sills, cornices, and chimneys, may encroach into front, side or rear yards or setbacks in a manner consistent with the building design and the California Building Code.

17.162.060 Historic preservation

- A. If a project proposes to demolish a structure and the structure is of the type protected under Section 15.28.010 of this code, the applicant will prepare a (i) written historic assessment or survey prepared by a qualified architectural historian certified by the Secretary of the Interior's standards from the list of qualified consultants on file with the planning and community preservation department which concludes that the property proposed to be demolished is not classified under the California Historic Resource Codes 1 to 5 - eligible for local listing or designation, or a contributor to an existing or potential district; and (ii) an application for replacement development project consistent with the standards and requirements of the applicable zoning district; and (iii) an affidavit of posting of a sign at least three feet by four feet in size, located in a conspicuous place on the property abutting a public street or alley, identifying the property as the subject of an application for a demolition permit. Both the discretionary demolition permit and the application for the replacement development project shall be reviewed concurrently and no discretionary demolition permit shall be approved unless and until the replacement development project is approved. The reviewing body for a demolition permit shall be the same body or individual that would review and approve the accompanying replacement development project.
- B. All historic assessments or surveys shall be prepared in the form of State of California Department of Parks and Recreation Series 523 Forms and shall further report a status code of eligibility as a historic resource according to the California Office of Historic Preservation.
- C. When a historic assessment or survey results in a status code of categories one through five, inclusive, the applicant is required to obtain a Historic Resource Design

Review prepared by a historian certified by the Secretary of Interior Professional Qualification Standards for the treatment of historic properties selected at the discretion of the Planning Officer. The Historic Resource Design Review will list measures to mitigate the harmful impact of the proposed project on the historic structure and those mitigation measures will be made a condition of approval of the Small Home Lot Development permit.

- D. When a historic assessment or survey results in a status code of category six, an applicant may proceed in accordance with this chapter.
- E. When a historic assessment or survey results in a status code of category seven, the property shall be reevaluated according to the missing criteria identified in such report; the application shall be deemed incomplete until a historic assessment or survey results in a status code of categories one through six.

17.162.070 Tree preservation

- A. Development of small lot home developments must comply with Chapter 12.16 (Trees) and Section 17.128 (Tree Preservation and Management).

17.162.080 Application review & findings

- A. Preliminary Design Review.
 - 1. Upon submission of a complete application, the Planning Officer will schedule a preliminary design review hearing before the Zoning and Design Review Board.
 - 2. Public notice of an application shall be provided by the Town in a manner deemed reasonable in the sole discretion of the Planning Officer.
 - 3. The Zoning and Design Review Board shall provide comments to the applicant concerning the mass, form, spatial elements, materials, colors, and overall design to encourage the Small Home Lot Development to incorporate good design principles and to be compatible with its neighborhood and natural surroundings.
- B. In order to grant a Small Home Lot Development permit, the Planning Officer must find that the proposed project:
 - 1. Complies with all provisions of this chapter.
 - 2. Complies with all objective General Plan, Zoning Code, subdivision, and design standards;

3. Complies with all provisions of state law; and
4. The building official has not made written findings, based upon a preponderance of the evidence, that the proposed project would have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. For purposes of this section, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete, as specified in Government Code Section 65589.5(d)(2).

17.162.090 Conditions of approval

- A. Upon issuance of a Small Home Lot Development permit, the applicant shall sign and record a covenant stating the following:
 1. The applicant will comply with the provisions of this chapter.
 2. The applicant will comply with all mitigation measures as provided in the Historic Resource Design Review, as applicable, under Section 17.162.060 of this code.

SECTION 2. CEQA: This Ordinance is not subject to CEQA pursuant to CEQA guidelines sections 15061(b)(3), 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15305 (Minor Alterations in Land Use Limitations), and 15322 (In-Fill Development Projects).

SECTION 3. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE: This Ordinance shall take effect 30 days after final adoption.

SECTION 5. CERTIFICATION: The Town Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Within 15 days from the date of passage of this ordinance, the Town Clerk shall post a copy of the

ordinance in accordance with California Government Code in at least three public places in the Town.

INTRODUCED by the Town Council at a regular meeting held on the 19th day of July, 2022.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Eddy Gomez, Town Clerk

Gary B. Bell
Town Attorney