

ORDINANCE O2023-__

AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, TO IMPLEMENT THE CITY'S OCTOBER 2022 GENERAL PLAN UPDATE, COMMONLY KNOWN AS THE CITY OF NAPA 2040 GENERAL PLAN, BY AMENDING TITLE 17 OF THE NAPA MUNICIPAL CODE TO (1) ADD INTERIM ZONING DISTRICTS AND ASSOCIATED INTERIM ZONING REGULATIONS, (2) AMEND THE ZONING MAP TO REZONE CERTAIN PROPERTIES TO THE NEW INTERIM ZONING DISTRICTS, (3) ESTABLISH INTERIM PROCEDURES FOR REVIEW OF PERMIT APPLICATIONS, PENDING THE ADOPTION OF A COMPREHENSIVE UPDATE TO THE ZONING CODE, AND (4) IMPOSE A MORATORIUM ON NEW OR EXPANDED SERVICE STATIONS AND DRIVE THROUGH USES, AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE ARE EITHER EXEMPT FROM CEQA OR HAVE BEEN ADEQUATELY ANALYZED AND ADDRESSED BY A PREVIOUS CEQA ACTION.

WHEREAS, on September 20, 2022, by City Council Resolution 2022-085, the City Council certified that certain Environmental Impact Report for the City of Napa 2040 General Plan, and on October 18, 2022, by City Council Resolution R2022-098, the City Council approved and adopted an Addendum to the certified Environmental Impact Report for the City of Napa 2040 General Plan, which together are referred to herein as the "General Plan EIR"; and

WHEREAS, on October 18, 2022, by the same City Council Resolution R2022-098, the City Council adopted the City of Napa 2040 General Plan ("2040 General Plan"). The 2040 General Plan is the culmination of a three-year long process to identify, formulate and establish long-term goals, objectives and policies for the operation, maintenance, and development of the City and the City government through the year 2040; and

WHEREAS, the 2040 General Plan reflects the community's vision for its growth and evolution, addressing a wide range of topics that affect the character and quality of life in Napa; and

WHEREAS, the 2040 General Plan addresses future land uses and new development, and includes policies for sustainable development by, among other things, making more efficient use of available land by allowing higher density development and minimizing the adverse effects of new development on the environment to ensure that it does not unduly contribute to global warming and climate change; and

WHEREAS, to implement and promote the community vision for new development across the City, the 2040 General Plan establishes several new general plan land use designations and "Focus Areas" for which there are currently no applicable, corresponding zoning districts and development standards in Napa Municipal Code Title 17, the City's existing zoning ordinance ("Existing Zoning Ordinance"); and

WHEREAS, beyond the fact that the Existing Zoning Ordinance does not recognize and implement the 2040 General Plan's new land use designations and Focus Areas, many of the development standards and regulations in the Existing Zoning Ordinance that would apply outside the new land use designations and Focus Areas were adopted to implement outdated policies intended to promote lower density development in a manner that is inconsistent with the goals and policies of the 2040 General Plan; and

WHEREAS, the 2040 General Plan also establishes new City policies regarding the establishment of new zoning regulations limiting the construction of new fossil fuel stations and encouraging alternatives to traditional drive through facilities, with the goal of promoting compact, walkable development patterns that are integrated with a sustainable mobility system that emphasizes walking, biking, and using public transit, which new policies are not yet implemented by the City's Existing Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Napa as follows:

SECTION 1 FINDINGS.

The City Council hereby finds and determines, based on the consideration of all information related to this matter, including without limitation all information and testimony presented at all the public meetings and hearings conducted on the 2040 General Plan, and including any supporting reports by City staff, and any other information or evidence (in writing or oral testimony) as follows:

- A. The recitals to this Ordinance, set forth above, are true and correct and provide bases for the City Council's adoption of this Ordinance.
- B. The actions authorized by Section 3 of this Ordinance, establishing a temporary moratorium on new or expanded Service Stations and Drive-Through Uses, are exempt from the requirements of CEQA pursuant to Section 15160 of Chapter 3, Title 14, of the California Code of Regulations because it can be seen with certainty that there is no possibility that the moratorium may have a significant effect on the environment, and the actions authorized by Section 4 of this Ordinance, establishing new zoning districts and zoning regulations to implement the 2040 General Plan, were adequately analyzed by the General Plan EIR certified by the City Council on September 20, 2022, by City Council Resolution R2022-085.
- C. It is the policy of both the State of California and the City of Napa that all new development approved by the City be consistent with the approved 2040 General Plan and the City's approved Zoning Ordinance, and that the applicable zoning regulations for new development be consistent with the 2040 General Plan.
- D. Significant and substantial evidence was presented to the City Council in the months leading up to the adoption of the 2040 General Plan that many of the new goals, objectives and policies of the 2040 General Plan, including the new land use designations and Focus Areas and the new policies intended to limit the construction of new or expanded fossil fuel stations and drive through facilities, are not implemented by the City's Existing Zoning Ordinance, and the City's continued use of the Existing Zoning Ordinance to review and approve new permit applications would not adequately promote or implement the 2040 General Plan and could lead to development that is inconsistent with or contrary to the goals, objectives and policies of the 2040 General Plan.
- E. Ample and substantial evidence exists in the record to support the determination that updates to the Existing Zoning Ordinance are warranted and necessary to implement the goals, objectives and policies of the 2040 General Plan relating to the new land use

designations and Focus Areas and new policies regarding fossil fuel stations and drive through facilities, and the current absence of zoning regulations relating to the new land use designations, Focus Areas, and new policies regarding fossil fuel stations and drive through facilities creates the possibility of new development or uses that may be inconsistent, or in conflict, with the 2040 General Plan, which constitutes a current and immediate threat to the public health, safety and welfare.

- F. Consistent with Goal CCS-2 and Policy CCS 2-1 of the 2040 General Plan, the City Council has directed City staff to study and develop new regulations for the City Council's consideration to (i) limit the construction of new fossil fuel stations and limit the addition of new fossil fuel pumps at existing fossil fuel stations; (ii) encourage the accommodation of alternative fuels and alternative modes of transportation; and (iii) encourage alternative approaches to traditional drive through facilities at new and existing businesses.
- G. The approval of any application that proposes new fossil fuel pumps or drive through facilities, prior to the City Council's consideration of and action on new regulations consistent with Goal CCS-2 and Policy CCS 2-1 of the 2040 General Plan would constitute a substantial threat to the public health, safety and welfare, and therefore the adoption of this ordinance temporarily prohibiting the approval or development of any new fossil fuel pumps or drive through facilities is necessary for the immediate preservation thereof, as identified herein.
- H. The City Council previously directed City staff to take steps to implement the new land use designations and Focus Areas described in Sections 2.3 (Land Use Framework) and 2.5 (Focus Areas) of the 2040 General Plan and ensure that all new development in the City is consistent with the 2040 General Plan, and pursuant to such direction, City staff has developed and presented to the City Council the Interim Zoning Regulations set forth in this ordinance.
- I. Because the areas that are the subject of the new 2040 General Plan land use designations and Focus Areas are addressed in the Existing Zoning Ordinance and are subject to regulations in the Existing Zoning Ordinance that are inconsistent with the goals, objectives and policies of the 2040 General Plan, the approval of any application submitted in conformance with the Existing Zoning Ordinance could result in land use approvals and development that is inconsistent with the 2040 General Plan, and thereby represent an immediate threat to the public health, safety and welfare, as indicated herein.
- J. This ordinance is supported by (i) Section 62 of the City Charter of the City of Napa, in that it is an emergency ordinance necessary for the immediate preservation of public peace, property, health or safety and supported by an affirmative vote of at least four (4) members of the City Council; and (ii) California Government Code Sections 36937 and 65858, in that it is an interim ordinance adopted as an urgency measure for the immediate preservation of and to protect the public health, safety and welfare by prohibiting uses that may be in conflict with the 2040 General Plan, in the absence of this ordinance there is a current and immediate threat to the public health, safety and welfare, and it is supported by four-fifths (4/5) of the City Council.
- K. This ordinance is adopted in accordance with Article XI, section 7 of the Constitution of the State of California, by which the City is authorized to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and in accordance with Article XI, section 5 of said Constitution, which authorizes charter cities, such as the City of Napa, to make and enforce all ordinances and regulations respecting municipal affairs.

SECTION 2. DEFINITIONS

All definitions in the Existing Zoning Ordinance are incorporated by reference, except where expressly superseded by this Ordinance. As used in this Ordinance:

- A. “Best Fit Zoning District” refers to the zoning district(s) in the Existing Zoning Ordinance that most closely corresponds with the applicable 2040 General Plan Land Use Designation for a given Permit Application, as determined by the Director pursuant to the Permit Application Review Process set forth in Section 4.I of this Ordinance.
- B. “Chapters” and “Sections” with a “17” prefix refer to the respective chapters and sections in the Existing Zoning Ordinance.
- C. “Decision-Making Body” has the meaning set forth in Napa Municipal Code section 17.06.030.
- D. “Director” means the Community Development Director of the City of Napa, or his or her designee.
- E. “Discretionary processing” or “discretionary approval” means a process for approval of a Permit Application that requires the exercise of judgment or deliberation by the decision-maker to assess whether approval of the Permit Application would promote or impede adopted legislative policies and determine the wisdom or manner of carrying out the Project, regardless of whether the Project described in the Permit Application would satisfy the applicable, objective standards.
- F. “Drive-Through Use” has the meaning set forth in Napa Municipal Code section 17.06.030.
- G. “Existing Zoning District” means a Zoning District that was established by the Existing Zoning Ordinance, prior to the adoption of this Ordinance.
- H. “Existing Zoning Ordinance” means the ordinance codified in Title 17 of the City of Napa Municipal Code as it existed immediately prior to the effective date of this Ordinance.
- I. “General Plan” means the City of Napa 2040 General Plan adopted by the City Council by Resolution R2022-098 on October 18, 2022.
- J. “General Plan Land Use Designations” means the land use designations shown on and established by Figure 2-3 of the 2040 General Plan entitled “Land Use Diagram.”
- K. “Interim Zoning District” means a Zoning District that is established by Section 4.D of this Ordinance to implement the General Plan Land Use Designations.
- L. “Ministerial processing” or “ministerial approval” means a process for approval of a Permit Application involving no personal or subjective judgment by the decision-maker as to the wisdom or manner of carrying out the Project. The decision-maker merely ensures that the Project meets all the applicable objective standards in effect at the time that the Permit Application is submitted to the City, such standards being uniformly verifiable by reference to external and uniform benchmarks or criterion available and knowable by both the applicant and the decision-maker.
- M. “Ordinance” means this Ordinance adopted by the City Council on April 18, 2023.
- N. “Permit Application” means any application for a permit or approval required by Title 17 (Zoning) of the City of Napa Municipal Code that was received on or after October 19, 2022, and that has not been approved as of the effective date of this Ordinance, except for the following:

- a. An application for a ministerial approval which was received by the City and determined or deemed to be complete pursuant to Government Code section 65943 on or before October 18, 2022.
 - b. An application for a discretionary approval, which was received by the City and determined or deemed to be complete pursuant to Government Code section 65943 on or before October 18, 2022.
 - c. Any application for a permit or approval for which the City determines that the applicant has, under any applicable provision of state law or the Napa Municipal Code, a vested right to proceed with development in substantial compliance with the City's ordinances, policies, and standards in effect on October 18, 2022 prior to the City Council's approval of the 2040 General Plan, including without limitation applications for permits or approvals in accordance with an approved development agreement or an approved vesting tentative subdivision map or final map.
- O. "Project" means a proposal for a new or changed use or structure that is described in a Permit Application.
- P. "Service Station" has the meaning set forth in Napa Municipal Code section 17.06.030; provided, however, that for purposes of this Ordinance, the term "Service Station" shall not include any facility or use exclusively for recharging batteries of fully electric or plug-in hybrid vehicles.
- Q. "Zoning District" refers to each and every district established by the Zoning Ordinance, including both the zoning districts described in the Existing Zoning Ordinance and the Interim Zoning Districts described in the 2040 General Plan that are established by this Ordinance and delineated in Exhibit A.
- R. "Zoning Map" means a map or maps that are a part of the Zoning Ordinance and delineate the boundaries of zone districts.
- S. "Zoning Ordinance" means the Zoning Ordinance of the City of Napa, including both the Existing Zoning Ordinance and this Ordinance.

SECTION 3 ADOPTION OF A TEMPORARY MORATORIUM ON NEW OR EXPANDED SERVICE STATIONS AND DRIVE-THROUGH USES.

The City Council hereby adopts an uncodified temporary moratorium on the construction or development of new or expanded Service Stations and new Drive-Through Uses to read as follows:

- A. **Purpose and Scope.** The General Plan establishes as policies of the City of Napa to limit the construction of new fossil fuel stations and fossil fuel pumps and to encourage alternative approaches to traditional drive-through facilities at new and existing businesses. The City's Existing Zoning Ordinance does not implement these newly established policies, and as a result, the approval of Permit Applications consistent with the City's Existing Zoning Ordinance could lead to development that is inconsistent with or contrary to the General Plan. Therefore, this urgency interim ordinance is adopted to prohibit the approval or construction of new or expanded Service Stations and Drive-Through Uses (the "Moratorium") until the City has had an opportunity to develop and

consider new regulations to apply to Permit Applications for new and expanded Service Stations and Drive-Through Uses.

B. Uncodified Amendments to Zoning Regulations. The Moratorium includes the following elements:

1. Section 17.10.020 (Land Use Regulations) of Chapter 17.10 (Commercial Districts) of Title 17 of the Napa Municipal Code is hereby amended to change the designation for “Service Stations (including minor repairs)” in subsection A.6 (Motor vehicle sales and service) of Table A—Commercial Districts from “Conditional” (“C”) to “Not Allowed” (Blank), for all Zoning Districts.
2. Section 17.14.020 (Land Use Regulations) of Chapter 17.14 (Industrial Districts) of Title 17 of the Napa Municipal Code is hereby amended to change the designation for “Service Stations (including minor repairs)” in subsection B.6 (Commercial Uses, Motor vehicle sales and service) from “Conditional” (“C”) to “Not Allowed” (Blank), for all Zoning Districts.
3. Section 17.28.030 (Land Use Regulations) of Chapter 17.28 (MP O2006 17—Gasser Master Plan Districts) of Title 17 of the Napa Municipal Code is hereby amended to change the designation for “Service Stations (including minor repairs)” in subsection A.5 (Commercial Uses, Motor vehicle sales and service) from “Conditional” (“C”) to “Not Allowed” (Blank), for all Zoning Districts.
4. Section 17.52.160 (Drive-through facilities/uses) of Chapter 17.52 (Site and Use Regulations) of Title 17 of the Napa Municipal Code is hereby amended to add a new subsection F, as follows:

F. Temporary Moratorium on New or Expanded Drive Through Uses. All other provisions of this Section 17.52.160 to the contrary notwithstanding, during the effective period of the Moratorium, no permit, license, entitlement, or other type of approval shall be issued for new or expanded drive-through uses (as defined in Section 17.06.030) within the City of Napa, until the City has adopted new zoning regulations to implement Policy CCS 2-1 of the 2040 General Plan as it relates to drive through facilities.

C. Application of Moratorium to Non-Conforming Uses. This Moratorium prohibits the expansion or modification of existing Service Stations and Drive-Through Uses that are operating as non-conforming uses under Section 17.52.320 of the Existing Zoning Ordinance, such that the expansion or modification would require a Permit Application as defined by Section 2.N of this Ordinance. This Moratorium does not preclude or otherwise affect the continued operation of such non-conforming uses.

SECTION 4. ESTABLISHMENT OF INTERIM ZONING REGULATIONS.

- A. **Purpose.** The purpose of these Interim Zoning Regulations is to implement the General Plan.
- B. **Applicability.** The Interim Zoning Regulations set forth in Section 4 of this Ordinance shall apply citywide to all Permit Applications, as defined in this Ordinance. As they apply to the City’s review and consideration of Permit Applications, these Interim Zoning Regulations supersede any conflicting provisions of the Existing Zoning Ordinance in effect on the effective date of these Interim Zoning Regulations, and such conflicting provisions of the Existing Zoning Ordinance shall be ineffective during the effective period of this Ordinance.

- C. **Land Use Definitions to Implement Interim Zoning Regulations.** The following definitions are for purposes of implementing the Interim Zoning Regulations established by Section 4 of this Ordinance.

Artisan/Small-Scale Manufacturing. The artisan/small-scale manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hands tools or domestic mechanical equipment not exceeding five horsepower or kilns not exceeding 25 kilowatts, and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, and custom jewelry manufacturers.

Artist's Studio. Workspace for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of no more than 18 students per instruction. It does not include joint living and working units (See Live-Work).

- **Studio-Light.** Small-scale art production that is generally of a low impact and no more than a maximum floor area of 2,500 square feet. Typical uses include painting, photography, jewelry, glass, textile, and pottery studios.
- **Studio-Heavy.** Art production on a medium or large scale generally using heavy equipment and greater floor area than 2,500 square feet. Typical uses include large-scale metal and woodworking studios.

Brewpub. A full-service or limited-service restaurant with a micro-brewery as an accessory use. A brewpub may sell other supplier's beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises.

Breweries, Limited. Small-scale facilities that produce beer and similar beverages onsite.

- **Brewery, Brew-on-Premises.** A do-it-yourself brewery where customers produce craft style beer or wine on the premises of a brewery or micro-brewery. Customers also may purchase the ingredients, rent the equipment, time, and space, and be provided assistance by an on-site brewmaster.
- **Micro-brewery.** An establishment that produces annually less than 15,000 barrels of ales, beers, meads, hard ciders and/or similar beverages onsite. Micro-breweries may also serve beverages onsite and sell beverages for offsite consumption pursuant to the regulations of the California Department of Alcohol Beverage Control and the federal Bureau of Alcohol, Tobacco, and Firearms.

Catering Service. A business that prepares food for consumption on the premises of a client or at any other location separate from where the food was prepared.

Cultural Facility. Facilities engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries;

museums; and public art galleries. It does not include schools or institutions of higher education providing curricula of a general nature.

Media Production. Facilities for production of motion pictures, television, video, sound, computer, and other communications media production.

Offices for Walk-In Clientele. Offices providing direct services to patrons or clients without prior appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated.

Printing & Publishing. A use engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other activities serving the printing trade such as bookbinding, typesetting, engraving, photo-engraving and electrotyping. This use also applies to the publishing of newspapers, books, and periodicals; manufacturing business forms and binding devices. Quick printing services are included in the Printing and Copying use classification.

Research and Development. The research and development use type refers to establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but excludes uses that may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration or the storage of hazardous material or products, or uses that threaten public safety. Typical uses include biotechnology and software development firms.

Retail Sales.

- **General Retail Sales, Small-Scale.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 25,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware and garden supply/nurseries stores, and businesses retailing goods including, but not limited to, the following: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, private art galleries, art supplies and services, glass and windows, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.
- **General Retail Sales, Large-Scale.** Retail establishments with over 25,000 square feet of sales area that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs, where sales of grocery items do not occupy more than 25 percent of the floor area.
- **With Drive-Through.** A retail establishment with drive-through facilities.

- D. **Interim Zoning Districts Established.** The purpose of this subsection D is to establish the following Interim Zoning Districts consistent with the General Plan. The locations and boundaries of the Interim Zoning Districts are delineated in Exhibit A attached hereto and incorporated herein.
1. ***MU-R Residential Mixed Use.*** The Residential Mixed Use district prioritizes residential development with associated non-residential development, neighborhood-scale retail and office space. In addition to a mix of housing types, other uses like live/work units, artist studios, and businesses that are less than 10,000 square feet are permitted. The maximum FAR for all uses, inclusive of residential, shall be 1.0. Residential units are required with densities ranging between 16 and 40 housing units per gross acre.
 2. ***MU-CL Corridor Mixed Use Low.*** The Corridor Mixed Use Low district provides for developments that integrate residential and non-residential uses. It is intended for a mixture of uses in a single building; however, if a mixture of uses is infeasible due to site constraints or development costs, single uses are allowed, including neighborhood and community retail; eating and drinking establishments; small-scale commercial recreation; residential; financial, business, and personal services; educational and social services; and offices. The maximum FAR for all uses, inclusive of residential, shall be 1.5. No separate residential density standards shall apply.
 3. ***MU-CH Corridor Mixed Use High.*** The Corridor Mixed Use High district is intended to promote a vibrant and walkable environment with mid-rise (typically 55 feet or lower) mixed-use development and allows for more intensive development than the Corridor Mixed Use Low District. Permitted uses include neighborhood and community retail; eating and drinking establishments; commercial recreation; hotels and visitor services; residential; financial, business, and personal services; educational and social services; and office. The maximum FAR for all uses, including residential, shall be 2.0. For developments along Soscol, Lincoln, and Imola avenues, a minimum 0.15 FAR non-residential use is required. No separate residential density standards shall apply.
 4. ***AF Active Frontage Overlay.*** The Active Frontage Overlay district is intended to attract more pedestrians and create and promote an active street front along certain arterial streets within Focus Areas identified in the General Plan to unify and strengthen the streets where it applies. This will enhance the visual character of these streets and help attract more patronage for retail shops and local businesses.
- E. **Effect of Ordinance on Existing Zoning Districts.** To the extent that the Existing Zoning Ordinance applies a different zoning district designation to any area within the boundaries of an Interim Zoning District established by this Ordinance, the zoning district designation of the Existing Zoning Ordinance shall be superseded and have no force or effect during the term of this Ordinance.
- F. **Basis for Interim Zoning Map.** The Interim Zoning Districts established in Exhibit A are based on the General Plan Land Use Designations for Mixed Use and the overlay designations in the General Plan Focus Area maps for pedestrian-oriented development.
- G. **Interim Zoning District Regulations.** The purpose of this subsection G is to establish use and development regulations for the Interim Zoning Districts.

1. **Uses Permitted, Conditionally Permitted, and Prohibited.** Land uses, as classified in the Existing Zoning Ordinance and in this Ordinance, are permitted, conditionally permitted, or prohibited in the Interim Zoning Districts as indicated in Table 1. Permitted uses are indicated by a “P”, conditionally permitted uses are indicated by a “C”, uses subject to specific standards in Chapter 17.52 are indicated by a “S”, and prohibited uses are indicated by a blank. Where a subclassification, which is indented, has a different designation from the one given to the more general land use, that designation governs. An “L” designation followed by a number refers to a numbered list of specific limitations or permit requirements listed at the end of the table. Conditionally permitted uses are allowed upon the approval of a use permit pursuant to chapter 17.60 of the Zoning Ordinance and any additional findings that may be required by this Ordinance.

TABLE 1: DRAFT LAND USE REGULATIONS FOR MIXED USE ZONES

P = Permitted C = Conditional L = Limited; see notes at end of table

S = Specific Standards Apply; See Chapter 17.52 T = Temporary use permit Blank = Not Allowed

Zoning Districts	MU-R	MU-CL	MU-CH	Additional Regulations
A. Commercial Uses				
1. Animal care and sales				
Animal care facilities, excluding exterior pens or runs		P	P	
Animal retail sales and supplies, excluding exterior pens or runs	P*	P*	P*	*C if open after 10 PM or if > 5,000 sf
Taxidermy shops			P	
2. Business sales and service				
Locksmith		P	P	
Office furniture sales and rentals			P	
Office supply and equipment shops (incl. accessory repair)			P	
Printing and copy shops	P	P	P	
Printing and publishing			P	
3. Food and beverage service establishments, stores				
Food service establishments	<i>See subclassifications below</i>			For cocktail lounges and bars, see Sec, 17.52.070
With or without accessory serving of beer or wine	P	P	PC	
With a bar, live entertainment or dancing			CS	
With drive-through use				
Food and beverage stores, specialty	P	P	P	*C if operating 24 hours or before 7AM and/or adjacent to residential
Bakeries, retail	P*	P*	P*	
Brewpubs			C	
Catering service			P	
Convenience market	C	P	P	
Grocery stores and supermarkets	L1	P	P	
Liquor stores		C	C	

Zoning Districts	MU-R	MU-CL	MU-CH	Additional Regulations
4. Motor vehicle sales and service				
Sales, new or used vehicles (including repair accessory to sales)			C	
Sales, parts and supplies (and accessory service)		P	P	
5. Personal services				
Artist studio, light	P	P	P	*C if > than 5,000 sf
Artist's studio, heavy		P		
Barber shops, beauty salons, nail salons, personal grooming	P	P	P	
Check cashing, bail bond services			C	
Dry cleaning, laundromats, laundries	P*	P*	P*	
Mail services	P	P	P	
Shoe repair and shoeshine	P	P	P	
Tailor/seamstress	P	P	P	
Travel agencies	P	P	P	
Weight loss establishments	P	P	P	
6. Recreation facilities, commercial				
Health clubs/gyms	P*	P*	P*	*C if > than 5,000 sf
Health spas	P	P	P	
7. Retail uses				
Auctions				
General Retail Sales	See subclassifications below			
Large scale			C	
Small scale	L2	P	P	
With drive through uses				
Second hand and pawn shops			C	
Shopping centers			C	
8. Visitor accommodations				
Hotels, motels			C	
Visitor information centers			P	
B. Industrial Uses				
Artisan/small-scale manufacturing		P	P	
"Boutique" food processing with retail sales			C	
C. Offices and Related Uses				
1. Financial services				
Banks, savings and loans, and other financial institutions		L2	P	
Financial services offices			P	
2. Offices and Related Uses				
Clinics	C	C	C	
Media production		P	P	

Zoning Districts	MU-R	MU-CL	MU-CH	Additional Regulations
Medical, dental and health-related offices	L2	L2	P	
Office (administrative, business, and professional)		L3	P	
Offices with walk-in clientele	P	P	P	
D. Public and Quasi-Public Uses				
1. General				
Clubs and lodges, including for youth			C	
Cultural facility		C	C	
Other public/quasi-public uses of an administrative, educational, religious, communications or public service nature	C	C	C	
2. Schools				
Parochial, private	C	C		
Public	P	P		
Performing arts, art, martial arts, sports	L4	L4	P	
Vocational, business trades			P	
3. Transportation facilities				
Parking facilities, commercial or municipal (5+ spaces)		C	C	
Taxi stations			C	
Transit or bus stations	C	C	C	
E. Residential Uses				
Single-family attached	P	P	P	For condominiums, see Sec. 17.52.080
Multifamily residential	P	P	P	
Group residential, including SROs	CS	CS	CS	See standards Ch. 17.52
Live/work developments		C	C	
Residential care facilities				
Small (0-6 residents)	P	P	P	
Large (7 or more residents)	C	C	C	
Day care facility, child or adult (up to 14 children or 8 adults)	P	P	P	
Day care center (15 or more children or 9 or more adults)	C	C	C	
F. Accessory Structures and Uses				
Accessory structures and uses	P if principal use is permitted; C if principal use requires a use permit. See Chapter 17.52			
Automatic teller machines	L5	L5	L5	
Cottage food operations				See Sec. 17.52.105
Fences and hedges	PS	PS	PS	See standards in Ch. 17.52
Outdoor display or sales	PS	PS	PS	
Recycling facility, small	PS	PS	PS	

Zoning Districts	MU-R	MU-CL	MU-CH	Additional Regulations
Satellite dishes	PS	PS	PS	
Signs	PS	PS	PS	See Ch. 17.55
G. Other Uses				
Nonresidential condominiums				See standards Ch. 17.52
Temporary uses	P/T			See standards Ch. 17.52
In existing buildings only: other permitted or conditional uses listed in the Community Commercial District on a short term, interim basis until a specific plan or similar plan is adopted for the area.	C			C

Notes:

L1 Permitted; conditional use permit required if larger than 15,000 square feet.

L2 Permitted; conditional use permit required if larger than 5,000 square feet

L3 Permitted if located above the ground floor.

L4 Permitted; conditional use permit required if more than 18 students at any time or open after 10 p.m.

L5 Permitted.

2. Additional Land Use Regulations

- a. Mixed use development. Mixed use development is permitted on a site that (i) is designated for mixed uses by the General Plan, (ii) meets the development objectives of Section 17.52.280.C, iii) all of the proposed uses are permitted in the applicable zoning district, (iv) no density bonus is proposed, and iv) no conversion of an existing residential rental unit is proposed; otherwise a conditional use permit is required.
- b. Residential rental units. Conversion of existing residential rental units to nonresidential units is allowed only with a conditional use permit and is subject to the standards in Section 17.52.100.
- c. Grocery stores. Conversion of existing grocery stores, supermarkets, and convenience stores to other uses is allowed only with a conditional use permit.
- d. Commercial Development in MU-R District. Commercial-only development is not allowed. The area devoted to commercial uses cannot exceed 30 percent of the total

building floor area, and all non-residential uses must be located at the ground level.

- e. Home Occupations. Home occupations are subject to the provisions of the Zoning Ordinance.
- f. Temporary Uses. Temporary uses are permitted on individual properties, subject to applicable provisions of the Zoning Ordinance for the Best Fit zone corresponding to the Interim Zone established by this Ordinance.

3. **Development Standards.** The development standards for the Interim Zoning Districts are shown in Table 2.

TABLE 2: COMMERCIAL DISTRICTS — PROPERTY DEVELOPMENT STANDARDS

NA = Not Applicable

<i>Property Development Standards</i>	<i>MU-R</i>	<i>MU-CL</i>	<i>MU-CH</i>	<i>Additional Standards</i>
Maximum density (units/gross acre)	40	NA	NA	See Ch. 17.52 for calculation of FARs and densities
Maximum FAR	1.0	1.5	2.0	
Maximum Height (in feet)	40	45	55	
Maximum number of stories	3	4	5	
Minimum lot area (sq. ft)	5,000	5,000	10,000	
Lot width (feet) at front setback line	50	50	70	
Lot frontage (feet) at front property line	50	50	50	(1)
Front setback (feet)				
- Arterial or collector	15	15	15	(2)
- Local street	10	10	10	(2)
Street side setback (feet)				
- Arterial or collector	15			(3)
- Local street	10			(3)
Garage door setbacks from street (feet)	20	20	20	
Side and Rear setback (feet)	Non-residential: none, residential: see Sec. 17.08.030 standards for RM district			(4)

Notes:

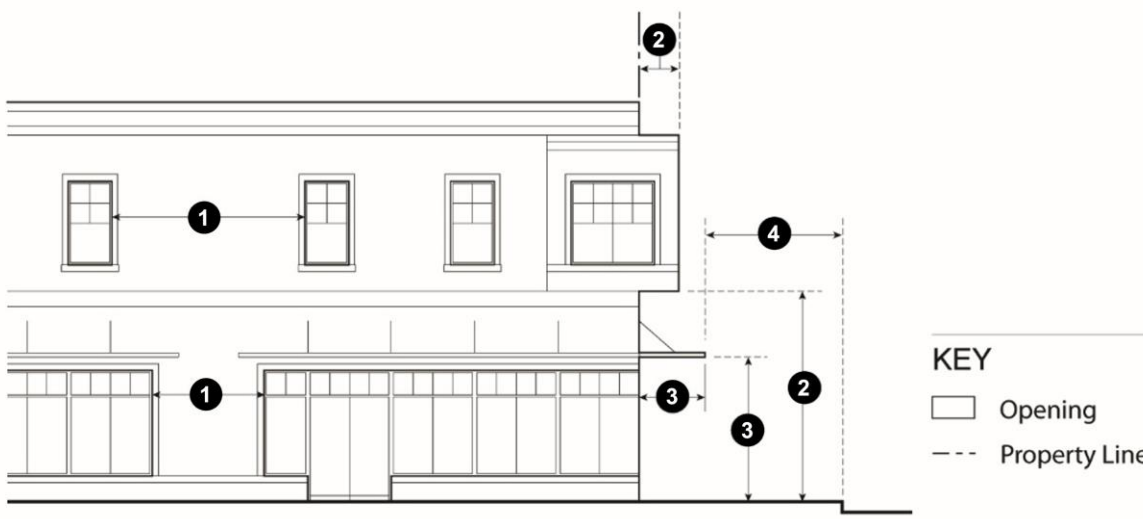
- (1) Lot frontage may be reduced to 40 feet for lots with divergent lot lines.
- (2) Front and street side setbacks may be reduced to 10 feet with design review when the reduction improves the overall site design,

design of the building or better integrates the building with its site and surroundings and a 10-foot wide sidewalk is provided.

- (3) Street side setbacks may be reduced to 5 feet for 2 story buildings and 10 feet for 3 story buildings with design review when the reduction improves the overall site design, design of the building or better integrates the building with its site and surroundings and a 6-foot wide sidewalk is provided.
 - (4) Commercial and mixed-use development on land that abuts a residential district is subject to transitional standards described in Section 17.10.040.
- 4. **Build-to Line.** Buildings shall be constructed at the street frontage or required setback line (the “build-to” line) for at least 60 percent of the building frontage. At least two-thirds of the area between the building and lot line shall be paved so that it functions as a wider public sidewalk. This requirement may be modified or waived by the Decision-Making Body upon finding that:
 - a. Substantial landscaping will be located between the build-to line and ground floor residential units to soften visual impact of buildings;
 - b. Entry courtyards, plazas, entries, or outdoor eating and display areas will be located between the build-to line and building, provided that the buildings will be built to the edge of the courtyard, plaza, or outdoor dining area; or
 - c. The building will incorporate an alternative entrance design that will create a welcoming entry feature facing the street.
- 5. **Required Side and Rear Yards for Residential Uses.** In order to provide light and air for residential units, the following minimum setbacks apply to any building wall containing windows for residential units and facing an interior side or rear yard.
 - a. For any wall containing windows, a setback of at least 5 feet shall be provided.
 - b. For any wall containing bedroom windows, a setback of at least 10 feet shall be provided.
 - c. For any wall containing living room or other primary room windows, a setback of at least 15 feet shall be provided.
 - d. The required setbacks apply to that portion of the building wall containing a window and extending three feet on either side of the window.
- 6. **Minimum Ground-floor Height.** The minimum ground-floor height shall be 12 feet for residential uses and 15 feet for non-residential uses.
- 7. **Exceptions to Maximum Height Limits.**
 - a. Architectural Features. A parapet wall, cornice or sloping roof or solar energy system may project up to four feet above the maximum height limit.

- b. Towers. If the project site is greater than 15,000 square feet, a tower or other projecting architectural elements may extend up to 12 feet above the top of a pitched roof, provided that the square footage of the element(s) do not total more than 15 percent of the building footprint. The area above the uppermost permitted floor of the element(s) shall not be habitable space.
 - i. The composition of the tower element shall be balanced, where the width of the tower has a proportional relationship to the height of the tower.
 - ii. The tower element shall be proportional to the rest of the building.
 - iii. The tower element shall not be stepped back at any point,
 - iv. The maximum horizontal dimension of the tower element shall not exceed 100 feet.
 - v. Fenestration shall be greater at the base of the tower than at the top.
 - vi. The roof shall include architectural detailing, such as a cornice or eave.
- 8. **Upper Story Limitations.** For the MU-CL and MU-CH zoning districts, the maximum allowable number of stories shall not exceed three when abutting a RS or RI residential zoning district. The top story of all four- and five-story buildings in MU-CL and MU-CH zoning districts shall contain only residential uses and shall be stepped back a minimum of 10 feet from the story below.
- 9. **Wide Buildings.** Any non-residential building over 50 feet wide shall be broken down to read as a series of buildings no wider than 50 feet each or 30 feet in the MU-R Zoning District. Increases in the maximum building width may be approved through design review if recesses, offsets, or other architectural articulation modulate a “box-like” appearance.
- 10. **Maximum Building Length and Length of Blank Walls.** The maximum building length is 100 feet. See Table 3. This limitation does not apply to buildings with unique design requirements, such as gyms and auditoriums. Increases in the maximum building length may be approved through design review if recesses, offsets, or other architectural articulation modulate a “box-like” appearance. The maximum length of blank walls is 10 feet on the ground floor and 25 feet on upper floors.

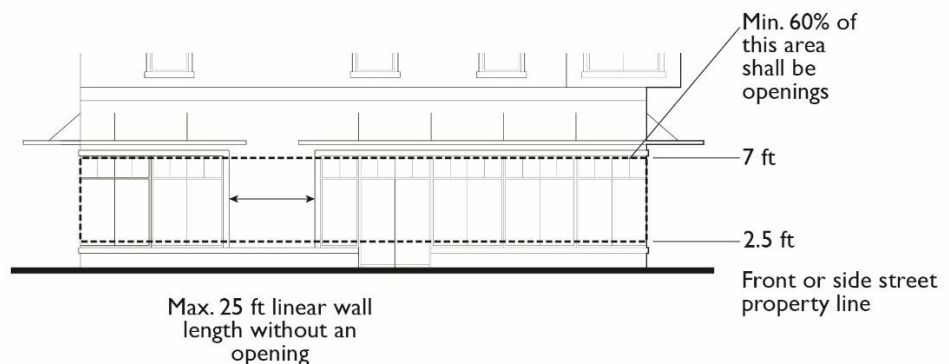
TABLE 3: BUILDING FORM STANDARDS – MIXED-USE DISTRICTS

 KEY Opening Property Line					
<i>District</i>	<i>MU-R</i>	<i>MU-CL</i>	<i>MU-CH</i>	<i>Additional Regulations</i>	<i>#</i>
Maximum Building Length (ft.)	100	100	100		
Maximum Length of Blank Wall (ft.)	10 for ground floor, 25 for upper floors	10 for ground floor, 25 for upper floors	10 for ground floor, 25 for upper floors		①
Bay Window	Max. 3 feet from primary façade and min. 12 feet above				②
Awnings & Overhangs (ft.)	Min. 4 feet from primary façade and 8 feet above sidewalk grade				③
Awning setback from Curb	Min. 2 feet clear				④

11. **Building Projections.** The maximum width of any projection, including bay windows, is 10 feet, and the total of all projections along a building face may not be more than 10 feet wide or 25 percent of the building frontage, whichever is greater.
12. **Building Orientation and Entrances.**
 - a. Buildings shall be oriented to face public streets or pedestrian-oriented areas.
 - b. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on or within 20 feet of a public sidewalk.

- c. At least one entrance shall be provided per 100 linear feet of building frontage unless the building has unique security needs.
 - d. Entrances located at corners shall generally be oriented at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.
 - e. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.
13. **Building Transparency; Required Openings for Non-Residential Uses.** Exterior walls facing and within 20 feet of a front or street side property line shall include windows, glass doors, or other openings for at least 60 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk (see Figure 1). No wall may run in a continuous plane for more than 25 feet without a window or other opening.

FIGURE 1: REQUIRED OPENINGS FOR NON-RESIDENTIAL USES IN MIXED USE DISTRICTS



- a. **Design of Required Openings.** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
- b. **Exceptions for Parking Garages.** Multi-level garages are not required to meet the building transparency requirement of this subsection. Instead, they must be screened with buffer landscaping.
- c. **Alternatives through Design Review.** Alternatives to the building transparency requirement may be approved if the Decision-Making Body finds that:

- i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
 - ii. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
- 14. **Building Design and Articulation.** Buildings shall provide adequate architectural articulation and detail to avoid a bulky and “box-like” appearance. Building design shall reflect and complement the architectural style of significant historic buildings within the city. This may be accomplished through the incorporation of architectural style, colors, and materials similar to those used for historic buildings in the City. The following standards apply to development projects in the Mixed-Use Districts:
 - a. **Massing.** Building massing shall align with the street grid of adjacent blocks.
 - b. **Relation to Existing Buildings.** Buildings shall be designed to appear integrated with existing buildings in the district.
 - c. **Vertical Relationship.** Buildings shall be designed to have a distinctive base (ground floor level), middle (intermediate upper floor levels), and top (either top floor or roof level). Cornices, balconies, roof terraces, and other architectural elements should be used, as appropriate, to terminate rooflines and accentuate setbacks between stories.
 - d. **Windows.**
 - i. Window frames shall be inset at least two inches from the face of the building to enhance shadow-line around opening.
 - ii. Snap-in vinyl mullions between double pane glass is prohibited. If a divided light appearance is desired, mullions must be made of dimensional material projecting in front of the panes on both the inside and outside of the window.
 - iii. Exceptions may be granted through the design review process to accommodate alternative window design complementary to the architectural style of the structure.
 - e. **Exterior Building Materials and Colors.**
 - i. A unified palette of materials shall be used on all sides of buildings.
 - ii. Exterior building materials shall be stone, brick, stucco, concrete block, painted wood

clap-board, painted metal clapboard or other quality, durable materials approved through the design review process.

- iii. A wainscoting of quality materials on the bottom of the ground floor façade is required.
- iv. Colors shall be used to help delineate windows and other architectural features to increase architectural interest.

f. Building Details.

- i. Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
- ii. All applied surface ornamentation or decorative detailing shall be consistent with the architectural style of the building.
- iii. All balconies shall have a minimum horizontal dimension of two feet.
- iv. Each side of the building that is visible from a public right-of-way shall be designed with a complementary level of detailing.

15. Pedestrian Access.

- a. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
- b. To Circulation Network. Regular connections between on-site walkways and the public sidewalk and other pedestrian walkways within the project shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
- c. To Neighbors. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible, while still providing for safety and security.
- d. To Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
- e. Interior Pedestrian Walkway Design.
 - i. Walkways shall have a minimum clear, unobstructed width of six feet, where feasible, but at least four feet, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.

- ii. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
 - iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.
- 16. **Limitations on Location of Parking.** Parking may be located within 40 feet of the street facing property line in accordance with Table 4 and the following standards.
 - a. Underground and Partially Submerged Parking. Parking completely or partially underground, may match the setbacks of the main structure. The maximum height of a parking podium visible from a street is five feet from finished grade.
 - b. Surface Parking. Above ground surface parking may be located within 40 feet of a street facing property line if the Decision-Making Body makes all of the following findings:
 - i. Buildings are built close to the public sidewalk to the maximum extent feasible;
 - ii. The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping; and
 - iii. The site is small and constrained such that underground, partially submerged, or surface parking located more than 40 feet from the street frontage is not feasible.
- 17. **Residential Open Space.** Residential open space is required for any mixed use development with dwelling units (see Table 5); it may be provided as common or private open space. Private areas consist of balconies, decks, patios, or fenced yards directly accessible from the residence. Common areas consist of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, rooftop areas, or other such improvements as are appropriate to enhance the outdoor living environment of the development. Landscaped courtyard entries that are oriented towards the public street which create a welcoming entry feature are also considered common areas. All areas not improved with buildings, parking, vehicular accessways, trash enclosures, and similar items or devoted to perimeter landscaping shall be developed as common areas with the types of attributes described above.

TABLE 4: PARKING AND LOADING STANDARDS – MIXED-USE DISTRICTS

KEY --- Property Line ▨ Parking Area ⋯ Loading Area Primary Street						
District	MU-R	MU-CL	MU-CH		Additional Regulations	#
Setback from Street Property Line (ft)	40; Buildings shall be placed as close to the street as possible, with parking underground, behind a building, or on the interior side or rear of the site.					①
Setback from Buildings and Public Plazas (ft)	5 ft walkway plus 3 ft landscaping; Applicable only to above ground parking.					②
Access Location	Side street or alley wherever possible					
Curb Cuts	Minimized and in area least likely to impede					③
Loading/Service Area	Side or rear of lot; must be screened from public ROW					④

TABLE 5: LANDSCAPING AND OPEN SPACE STANDARDS – MIXED-USE DISTRICTS

District	MR-R	MU-CL	MU-CH	Additional Regulations
Minimum Residential Private Open Space (sq ft per unit)	75	75	60	
Minimum Public Open Space	For residential and mixed-use development: 200 sq. ft. per unit; For non-residential development: 10% of site			

TABLE 5: LANDSCAPING AND OPEN SPACE STANDARDS – MIXED-USE DISTRICTS				
<i>District</i>	<i>MR-R</i>	<i>MU-CL</i>	<i>MU-CH</i>	<i>Additional Regulations</i>
Minimum Amount of Landscaping (% of site)	10	15	15	

a. **Minimum Dimensions.**

- i. *Private Open Space.* Private open space located on the ground level (e.g., yards, decks, patios) shall have no horizontal dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.
- ii. *Common Open Space.* Minimum horizontal dimension of 20 feet.

b. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The maximum slope shall not exceed 10 percent.

c. **Accessibility.**

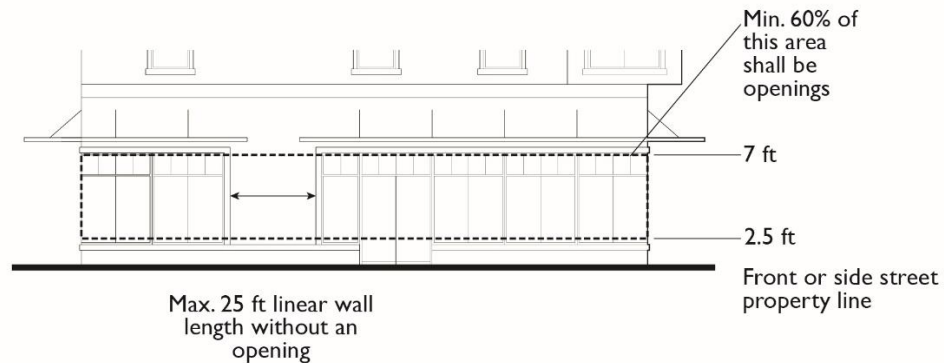
- i. *Private Open Space.* The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- ii. *Common Open Space.* The space shall be accessible to all of the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.

H. **Active Frontage (AF) Overlay District.** The Active Frontage (AF) Overlay district applies to frontages on arterial streets that are designated for a pedestrian orientation in the General Plan Focus Areas. This designation is intended to unify and strengthen the corridors where it applies by establishing standards that will create active street fronts with widened sidewalks and improved pedestrian connections.

1. **Prohibitions of Drive-through Uses.** No drive-through uses are allowed on frontages subject to an AF Overlay District. This prohibition also applies to motor vehicle Service Stations and vehicle charging facilities.
2. **Street Frontage Improvements.** New development subject to an AF Overlay District shall provide street frontage improvements in accordance with the following:

- a. **Between the Property Line and Curb.**
 - i. *Sidewalks.* Sidewalks that are six to ten feet wide shall be provided if none exist or if the existing sidewalks are in poor condition.
 - ii. *Street Furniture.* Trash receptacles, benches, bike racks, and other street furniture shall be provided.
 - iii. *Street Trees.* Shade trees shall be planted no more than 30 feet on center. Tree guards shall be provided. Trees shall be of a type approved by the Community Development Department, a minimum of 15 gallons in size, and at least 10 percent of the required trees shall be 24-inch box size or larger.
 - b. **Interior from Property Line.** Except where occupied by a building or necessary for parking access, the street frontage, for a depth of 10 feet from the property line, shall be utilized for pedestrian circulation or active outdoor uses, including, but not limited to outdoor dining; paved for public uses so that it functions as part of a wider public sidewalk; or improved with landscaping, public art, and/or pedestrian amenities, such as outdoor seating.
 3. **Building Orientation and Entrances.**
 - a. Buildings shall be oriented to face public streets.
 - b. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on or within 20 feet of a public sidewalk.
 - c. At least one entrance shall be provided per 100 linear feet of building frontage unless the building has unique security needs.
 - d. Entrances located at corners shall generally be oriented at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.
 - e. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.
 4. **Building Transparency; Required Openings for Non-Residential Uses.** Exterior walls facing and within 20 feet of a front or street side property line shall include windows, glass doors, or other openings for at least 60 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. No wall may run in a continuous plane for more than 25 feet without a window or other opening.

FIGURE 2: REQUIRED OPENINGS FOR NON-RESIDENTIAL USES IN ACTIVE FRONTAGE OVERLAY DISTRICT



- a. **Design of Required Openings.** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
- b. **Exceptions for Parking Garages.** Multi-level garages are not required to meet the building transparency requirement of this subsection. Instead, they must be screened with buffer landscaping.
- c. **Alternatives through Design Review.** Alternatives to the building transparency requirement may be approved through the design review process in Chapter 17.62 if the *Decision-Making Body* makes all of the following findings:
 - i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
 - ii. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

5. Pedestrian Access.

- a. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
- b. **To Circulation Network.** Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes and trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

- c. To Neighbors. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible, while still providing for safety and security.
- d. To Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
- e. **Interior Pedestrian Walkway Design.**
 - i. Walkways shall have a minimum clear, unobstructed width of six feet, where feasible, but at least four feet, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
 - ii. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
 - iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

I. **Permit Application Review Process.** The purpose of this Permit Application Review Process is to ensure that all new development is consistent with the General Plan, by providing a process for reconciling inconsistencies between the Existing Zoning Ordinance and the General Plan. Should any provisions of this Ordinance be determined to be inconsistent with the General Plan, the General Plan shall prevail. For purposes of carrying out the Permit Application Review Process, the Director shall prepare a General Plan Consistency Assessment checklist, which shall identify the General Plan policies applicable to various categories of development (e.g., residential, commercial, industrial).

1. **Process for Review of Permit Applications.** During the effective period of this Ordinance, each Permit Application (as defined in Section 2.N) shall be subject to the review procedure set forth below.

- a. **Step 1.A: Preliminary Determination of General Plan Consistency.** Under Step 1.A of this Permit Application review process, the Director shall make a preliminary determination regarding whether the Project described in the Permit Application is consistent with the General Plan by determining whether the Project (i) is permitted under the applicable General Plan Land Use Designation, and (ii) considering all its aspects, will further the goals, objectives and policies of the General Plan and not obstruct their attainment. In making the preliminary determination required by this Section 4.I.1.a, the Director shall refer to and rely on the General Plan Consistency Assessment checklist developed by the Director in accordance with this Subsection I.

If the Director determines that the Project described in the Permit Application is not consistent with the General Plan,

the Permit Application shall not be further reviewed or processed until the applicant revises the Project to be consistent with the General Plan and/or files an application for a General Plan Amendment. If the Director determines that the Project described in the Permit Application is consistent with the General Plan, the Permit Application shall proceed to Step 1.B.

- b. Step 1.B: Preliminary Determination of Applicable Zoning District. Under Step 1.B, the Director shall make a preliminary determination of the applicable Zoning District for the Project described in the Permit Application.

If the property that is the subject of the Permit Application is within an Interim Zoning District established by this Ordinance, the Permit Application shall be reviewed and processed in accordance with the zoning regulations for that Interim Zoning District established by this Ordinance.

If the property that is the subject of the Permit Application is within an Existing Zoning District, the Director shall determine whether the Existing Zoning District has been previously determined to be an Existing Zoning District that is consistent with the General Plan, as shown on the General Plan—Zoning Correspondence table incorporated and attached hereto as Exhibit B. If the Existing Zoning District has been previously determined to be consistent with the General Plan, the Permit Application shall be reviewed and processed in accordance with the applicable development standards of the Existing Zoning District, including whether the proposed use is permitted by right, conditionally permitted, or not allowed.

If the property that is the subject of the Permit Application is within an Existing Zoning District that has not been previously determined to be consistent with the General Plan, the Director shall determine the “Best Fit” Zoning District that best corresponds to the applicable General Plan Land Use Designation, from among the Existing Zoning Districts listed in General Plan—Zoning Correspondence table attached hereto as Exhibit B and the Interim Zoning Districts established by Section 4.D of this Ordinance. In determining the Best Fit Zoning District, the Director shall consider the characteristics of the Project including the use/activity/facility type, the density and/or intensity of the proposed use, the land uses and other relevant characteristics of the surrounding properties and area, and any relevant policies of the General Plan. After the Director has determined the applicable Zoning District for the property described in the Permit Application, the Permit Application shall proceed to Step 1.C.

- c. Step 1.C: Preliminary Determination that Proposed Land Use is Allowed Under Applicable General Plan and Zoning District Designations. General Plan land use designations and zoning districts established by the Zoning Ordinance identify uses that are permitted, conditionally permitted, and not permitted; however, the General Plan and Zoning Ordinance do not specify each and every use or activity that may be permitted, conditionally, or not permitted under each General Plan land use designation or within each zoning district. Therefore, if the proposed use is not specified in the applicable General Plan land use designation and Zoning District provisions, the Director shall preliminarily determine whether the proposed use is substantially similar to one of the specified uses. In making these preliminary determinations, the Director shall consider the character of the proposed use as compared to the uses identified in the General Plan and Zoning Ordinance, and the purposes of the applicable General Plan land use designation and Zoning District.
- d. Upon completion of Steps 1.A, 1.B, and 1.C, the Permit Application shall be reviewed and processed in accordance with all of the applicable land use and development standards of the applicable Zoning District (either an Interim Zoning District, an Existing Zoning District, or a Best Fit Zoning District) as determined in Step 1.B.
- e. Appeal of Step 1 Preliminary Determinations. Upon completion of this Step 1, including Step 1.A, Step 1.B, and Step 1.C, the Director shall issue to the applicant written notice of its Step 1 determinations (the "Preliminary Determinations Notice"). Not later than ten (10) days following the issuance of the Preliminary Determinations Notice, the applicant may file a single appeal to any or all of the Step 1 determinations set forth in the Preliminary Determinations Notice in accordance with the appeal procedures set forth in Chapter 17.70 of the Existing Zoning Ordinance. Any appeal by the applicant must address all of the Step 1 determinations set forth in the Preliminary Determinations Notice, and failure to address any Step 1 determination in an applicant's appeal will result in the applicant's waiver of its right to appeal such determination. No appeal of a Step 1 determination may be made by an applicant unless and until the Director has issued the Preliminary Determinations Notice.

If no appeal is filed within ten (10) days of the issuance of the Preliminary Determination Notice, the Permit Application will proceed to the Decision-Making Body for review and action on the Permit Application.
- f. Step 2: Final Review and Action by Decision-Making Body; Required Findings to Support Approval of Permit

Application. Upon completion of Step 1 above, including the completion of any appeal from a Preliminary Determinations Notice, the Permit Application shall be reviewed and processed in accordance with all of the applicable land use and development standards of the applicable Zoning District as determined in Step 1.B (either an Interim Zoning District, an Existing Zoning District, or a Best Fit Zoning District), and acted upon by the appropriate Decision-Making Body. During the effective period of this Ordinance, no Permit Application may be approved unless and until the Decision-Making Body makes each and all of the following findings regarding the Project described in the Permit Application, in addition to any other findings required by the applicable provisions of the Existing Zoning Ordinance and this Ordinance:

- i. The Project will further the goals, objectives and policies of the General Plan and not obstruct their attainment; and
- ii. The Project substantially conforms to the Zoning Ordinance requirements of the applicable Zoning District determined in accordance with this Section 4.I of this Ordinance.

2. **Appeal of Action by Decision-Making Body on Permit Application.** Any action on a Permit Application by the Decision-Making Body pursuant to this Ordinance may be appealed in accordance with the procedures set forth in Chapter 17.70 of the Existing Zoning Ordinance.

3. **Relation of Permit Application Review Process to Existing Zoning Ordinance.** Should any provisions of the Permit Application Review Process set forth in this Section 4.I. of this Ordinance be inconsistent with the Existing Zoning Ordinance, the provisions of this Ordinance shall prevail, subject to the following.

- a. Relation of Permit Application Review Process to Chapter 17.04 of Existing Zoning Ordinance.
 - i. During the effective period of this Ordinance, the following sections and subsections of Chapter 17.04 of the Existing Zoning Ordinance are superseded by this Ordinance:
 - (1) Section 17.04.030.E.
 - (2) Section 17.04.050.B.
 - (3) Section 17.04.050.D.
 - ii. During the effective period of this Ordinance, the term “this title” as used in Section 17.04.030.B shall mean Title 17 of the Napa Municipal Code as amended, modified or superseded by this Ordinance.

- iii. During the effective period of this Ordinance, as applied to each Permit Application, the term “zoning clearance” as used in Section 17.04.030.C shall mean completion of the Permit Application Review Process set forth in this Section 4.I of this Ordinance.
 - iv. During the effective period of this Ordinance, Section 17.04.040.B shall be amended to add the following zoning districts, as more fully described in Section 4.D of this Ordinance, to the base zoning districts set forth therein:
 - (1) MU-R Residential Mixed Use.
 - (2) MU-CL Corridor Mixed Use Low.
 - (3) MU-CH Corridor Mixed Use High.
 - v. During the effective period of this Ordinance, Section 17.04.040.C shall be amended to add the following overlay district, as more fully described in Section 4.D of this Ordinance, to the overlay zoning districts set forth therein:
 - (1) AF Active Frontage Overlay District.
4. **Generally Applicable Laws.** Nothing in this Ordinance shall be interpreted as exempting Permit Applications or development proposals from compliance with generally applicable state or local laws or regulations, including without limitation the California Environmental Quality Act. Nothing in this Ordinance shall be construed to limit the rights of a property owner to apply to the City for a zoning amendment or general plan amendment pursuant to the procedures set forth in the Existing Zoning Ordinance.

SECTION 5. SEVERABILITY.

If any section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE.

This Ordinance is declared to be an urgency ordinance for the preservation of the public health, safety and welfare, and shall take effect and be enforced immediately upon adoption pursuant to California Government Code Sections 36937 and 65858 and City Charter Section 62. This Ordinance shall be of no further force and effect 45 days from the date of its adoption, and the City Council may extend the term of this Ordinance for ten (10) months and fifteen (15) days, after conducting a duly noticed public hearing.

ATTACHMENT 1

City of Napa, a municipal corporation

MAYOR: _____

ATTEST:

CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public regular meeting of the City Council on the 18th day of April, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Tiffany Carranza
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney