

Town of Yountville

6550 Yount Street, Yountville, CA 94599

*** IMPORTANT NOTICE ***

THIS MEETING IS BEING CONDUCTED UTILIZING TELECONFERENCING AND ELECTRONIC MEANS
CONSISTENT WITH STATE OF CALIFORNIA EXECUTIVE ORDER N-29-20 REGARDING THE COVID-19 PANDEMIC



Town of Yountville

"The Heart of the Napa Valley"

Meeting Agenda - Final

Tuesday, May 19, 2020

6:00 PM

Remote Teleconference

Town Council

Mayor John Dunbar

Vice Mayor Kerri Dorman

Council Member Margie Mohler

Council Member Marita Dorenbecher

Council Member Jeffrey Durham

The Town of Yountville is committed to complying with the Americans with Disabilities Act (ADA) and other similar federal and state laws in all respects. If, as an attendee or participant in this meeting, or in meetings on a regular basis, you will need special assistance beyond what is provided, the Town will provide reasonable accommodations for you. Individuals who need auxiliary aids or services for effective communication or participation in programs and services of the Town of Yountville are invited to make their needs and preferences known by contacting the Town Clerk at (707) 944-8851 at least 72 hours prior to the meeting. This notice is available in accessible alternate formats from the ADA Coordinator.

1. CALL TO ORDER; CONVENE REGULAR MEETING - 6:00 P.M.**2. ROLL CALL****3. PLEDGE OF ALLEGIANCE****4. ADOPTION OF AGENDA****5. PROCLAMATIONS AND RECOGNITIONS**

- A. [20-2566](#) Proclamation recognizing May 3 through May 9, 2020 as Municipal Clerks Week.

Attachments: [Proclamation](#)

6. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA

Individuals will be limited to a three-minute presentation. No action will be taken by the Council as a result of any item presented at this time.

- [20-2584](#) How to Participate during Public Comment at Town Council Meetings During the COVID-19 Emergency Declaration.

Attachments: [Public Comment Participation Instructions](#)

7. CONSENT CALENDAR

- A. [20-2497](#) Receive and file Quarterly Investment Report for March 2020.

Attachments: [Quarterly Investment Report](#)

- B. [20-2583](#) Second Reading and Adoption of Ordinance Number 20-497 Amending Sections 17.177.015, 17.177.020, 17.177.030, and 17.177.050 of the Yountville Municipal Code regarding the Public Art Program.

Attachments: [Ordinance](#)
 [Ordinance - Redlined](#)
 [Council Staff Report from 4-15-2016](#)

- C. [20-2545](#) Second Reading and Adoption of Ordinance 20-492 Amending Chapters 17.08 Definitions, 17.16 Zoning by Land Use Designation, 17.36 PF Public Facilities, 17.48 PC Primary Commercial, and 17.52 RSC Residential-Scaled Commercial of Title 17 and Chapter 18.40 Commercial Buildings of Title 18; adding Chapter 17.82 MU Mixed Use Overlay to Title 17 and Chapter 18.42 Public Facilities Buildings and Chapter 18.46 Building Height Exceptions to Title 18 of the Yountville Municipal Code;

Second Reading and Adoption of Ordinance 20-493 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to Incorporate Reclassification of a portion of the property located at 6462 Washington Street (APN 036-090-052) from Residential-Scaled Commercial (RSC) to Planned Development (PD);

Second Reading and Adoption of Ordinance 20-494 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to Incorporate Reclassification of two vacant parcels located at the northeast corner of the intersection of Jefferson and Humboldt Streets (APNs 036-054-022 and 03-054-023) from Old Town Historic (H) to Residential-Scaled Commercial (RSC);

Second Reading and Adoption of Ordinance 20-495 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to Incorporate the Creekside (C) Overlay District, the Gateway (G) Overlay District, and to reclassify the properties located at 6644, 6670, 6690, 6702, 6706 and 6712 Washington Street (APNs 036-035-009, 036-035-018, 036-035-014, 036-034-008, 036-034-009 and 036-034-001) to include the Mixed Use (MU) Overlay District; and

Second Reading and Adoption of Ordinance 20-496 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to Prezone a portion of the Property Located at 1 California Drive (APN 034-140-022) to Primary Commercial (PC).

Attachments: [Ordinance 20-492](#)
 [Ordinance 20-493](#)
 [Ordinance 20-493 Exhibit](#)
 [Ordinance 20-494](#)
 [Ordinance 20-494 Exhibit](#)
 [Ordinance 20-495](#)
 [Ordinance 20-496](#)
 [Ordinance 20-496 Exhibit](#)
 [Exhibit A Zoning Map](#)
 [EIR Addendum](#)

- D. [20-2573](#) Adopt Resolution Number 20-3988 Approving the 2020 Multi-Jurisdictional Hazard Mitigation Plan for Napa County as its Official Plan.

Attachments: [Resolution](#)
 [Jurisdictional Annex - Section 4. Yountville](#)
 [Hyperlink to Napa County Hazard Mitigation Plan 2020](#)

8. PRESENTATIONS

- A. [20-2464](#) Presentation regarding overview and local preparations for SB 1383 Short-Lived Climate Pollutants Regulations.

Attachments: [Presentation](#)

9. PUBLIC HEARINGS - NONE

10. ADMINISTRATIVE / REGULAR ITEMS

- A. [20-2579](#) CHAMBER OF COMMERCE AGREEMENT
 Consider Adoption of Resolution Number 20-3989 Authorizing the Town Manager to sign Amendment to Professional Services Agreement between the Town of Yountville and the Yountville Chamber of Commerce for the Provision of Marketing and Promotional Services and Operation of Visitor Information Center from July 1, 2020 through June 30, 2023 to fund additional coordinated Up Valley COVID-19 Reopening Marketing Campaign and to provide additional \$25,000 from the unassigned fund balance.

Attachments: [Resolution](#)
 [Business Recovery Destination Marketing Campaign](#)

- B. [20-2580](#) CANNABIS ORDINANCE DISCUSSION**
Discussion and possible direction regarding Town Council placing two ballot measures on the November 2020 election regarding cannabis retail businesses.

Attachments: [Commercial Cannabis Ballot Measure \(5-13-2020\) \(Redline\)](#)
 [Commercial Cannabis Ballot Measure \(5-13-2020\) \(Clean\)](#)
 [Cannabis Business License Tax Ordinance](#)
 [Potential Cannabis Overlay Zone Locations](#)

11. STAFF INFORMATIONAL REPORTS

12. COUNCIL MEETING REPORTS, COMMENTS AND AGENDA ITEM REQUESTS

- A. Napa County Flood Control & Water Conservation District (Dunbar/Dorman)
- B. League of California Cities Update (Dunbar, Dorman, Mohler, Dorenbecher)
- C. Council Ad Hoc and Standing Committee Reports (All Council)
- D. Reports and Announcements

13. CLOSED SESSION - NONE

14. ADJOURNMENT

Adjourn to the Town Council Budget Workshop Special Meeting Thursday, May 21, 2020 at 9:30 a.m. being held via remote Teleconference.

I certify that a copy of this Town Council Agenda was posted at a location freely-accessible to the public at Yountville Town Hall, 6550 Yount Street within the Town of Yountville, the Friday before the meeting.

/s/ Michelle Dahme

Michelle Dahme, Town Clerk



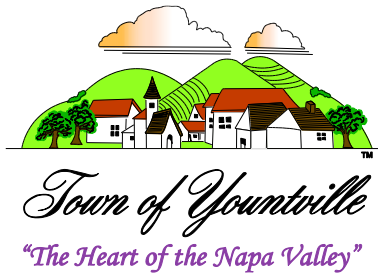
Town of Yountville

6550 Yount Street
Yountville, CA 94599

Staff Report

File #: 20-2566, Version: 1

Proclamation recognizing May 3 through May 9, 2020 as Municipal Clerks Week.



PROCLAMATION

Municipal Clerks Week May 3 - 9, 2020

WHEREAS, the office of the Municipal Clerk, a time-honored and vital part of local government, exists throughout the world. It provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service with a high level of integrity to all; and

WHEREAS, Municipal Clerks stay abreast of the affairs of the office through participation in educational programs, such as, New Law Workshops and City Clerk's Association annual meetings of their state, county and international professional organizations; and

WHEREAS, Municipal Clerks strive constantly to improve the administration of the affairs of the office consistent with applicable laws and through sound management practices to fulfill responsibilities to the community and others; and

WHEREAS, the Municipal Clerk for the Town of Yountville serves as the Town's Election Official, Political Reform Act Filing Officer, oversees the Town's Records Management Program, distributes Town Council Agendas in accordance with the Brown Act, maintains the legislative record of Council proceedings, oversees Board and Commission appointments, provides support to the Town Council and Town Manager, and acts as the custodian of the Town Seal; and

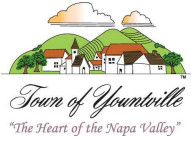
WHEREAS, the Municipal Clerk, during the current COVID-19 pandemic, has modified the on-site Town Council Meetings to be held by remote video and teleconference in conformance with the Governor's Executive Order(s) and the Napa County Health Official in adherence to social distancing requirements ensuring the safety of our residents and staff.

WHEREAS, the Municipal Clerk and Management Fellow have reached out to the Yountville community via social media platforms and other means to encourage on-line public comment in support of the Town's commitment to public participation in Town government during the COVID-19 pandemic.

WHEREAS, Michelle Dahme has served as the Town of Yountville Town Clerk since July of 2006 and has worked in municipal government since 1997. Michelle is also a member of the International Institute of Municipal Clerks (IIMC), the City Clerks Association of California (CCAC), and the Municipal Management Association of Northern California (MMANC).

NOW, THEREFORE BE IT RESOLVED THAT, I, John F. Dunbar, Mayor of the Town of Yountville do recognize the week of May 3 through 9, 2020, as Municipal Clerks Week and extend appreciation to all Municipal Clerks for the vital services they perform and their exemplary dedication to the community they represent.

John F. Dunbar, Mayor



Staff Report

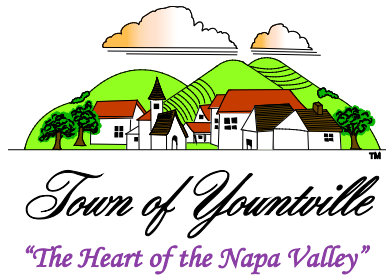
File #: 20-2584, Version: 1

How to Participate during Public Comment in Town Council Meetings during the COVID-19 Emergency Declaration

The Town of Yountville is committed to public comment participation in Town government in a manner that is consistent with guidance provided by the Napa County Public Health official. These guidelines relate to social distancing, and are intended to protect everyone, especially those over 65 and those with other medical conditions.

The Town of Yountville has taken steps to utilize technology to encourage full public comment participation during Town Council Meetings in order to comply with public health guidance.

Please see attachment on how to provide public comment remotely.



THE TOWN OF YOUNTVILLE ENCOURAGES ONLINE PUBLIC COMMENT PARTICIPATION IN TOWN COUNCIL MEETINGS AND OTHER TOWN MEETINGS BEING HELD IN CONFORMANCE WITH THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-25-20 AND SUBSEQUENT N-29-20

Yountville, CA – The Town of Yountville is committed to public participation in Town government in a manner that is consistent with guidance provided by the Governor and Napa County Public Health officials. These guidelines relate to social distancing, and are intended to protect everyone, especially those over 65 and those with other medical conditions.

The Town of Yountville has taken the following steps to utilize technology and to encourage full public comment participation during Town Council Meetings and Other Town Meeting Bodies in order to comply with public health guidance.

1. The Town Council meetings and other Town Meeting bodies can be observed live on the Town's website at www.townofyountville.com or on our local cable TV Channel 28. *Parks & Recreation Advisory are viewable on Channel 28 Only.
2. Meetings are live-streamed via the Town's website by selecting this link directly <https://townofyountville.legistar.com/Calendar.aspx> and clicking on the "In Progress" button. Anyone with a computer, laptop, or mobile device and internet access can view our Town Council meetings live online.
3. If you would like to comment on an item, public comments may be emailed to publiccomment@yville.com. Please include in the subject line "COMMENT TO COUNCIL" or "COMMENT TO ZDRB". Any written testimony submitted will be provided to the Council members electronically, may be read into the record, and will become part of the meeting archive as long as it is received during public comment and prior to the Council's vote on the item.

Town staff will continue to evaluate these steps after meetings in order to improve our remote public participation process. These steps are designed to make our meeting accessible to everyone, but if you need additional accommodations for remote participation, please contact the Town Clerk at 707-944-8851 or by email at mdahme@yville.com.

If you are a member of the public, and have questions regarding COVID-19 testing, hygiene or other recommended guidance, please visit the Town's website at <http://www.townofyountville.com/about-yountville/covid-19-information-and-updates>

Thank you in advance for your cooperation and understanding!



Staff Report

File #: 20-2497, **Version:** 1

Yountville Town Council Staff Report

DATE: May 19, 2020

TO: Mayor and Town Council

FROM: Sheila McCrory, Project Advisor; Celia King, Finance Director

TITLE

Receive and file Quarterly Investment Report for March 2020.

DISCUSSION/BACKGROUND

This report represents the Town's investment portfolio for the quarter ending March 31, 2020. The report includes all Town funds. All investments are in compliance with the Town's adopted Investment Policy.

The Town's investments are guided by an Investment Policy, which is reviewed and approved by the Council annually. The Investment Policy was last approved by the Town Council on June 17, 2019. The policy directs that investment goals, in order by priority, are safety, liquidity, and yield. This conservative approach ensures assets are available for use while also allowing the Town to earn additional resources on idle funds. The Town currently participates in the State investment pool known as the Local Agency Investment Fund (LAIF).

LAIF began in 1977 as an investment alternative for California's local governments and special districts and is administered by the State of California's Treasurer. The enabling legislation for LAIF is Section 16429.1 et seq. of the California Government Code.

This program offers local agencies the opportunity to participate in a major portfolio, which invests hundreds of millions of dollars, using the investment expertise of the Treasurer's Office investment staff at no additional cost to local agencies or taxpayers. LAIF is part of the Pooled Money Investment Account (PMIA). The PMIA began in 1955 and oversight is provided by the Pooled Money Investment Board (PMIB) and an in-house Investment Committee. The PMIB members are the State Treasurer, State Director of Finance, and State Controller.

The Town established a Section 115 Trust for Other Post Employment Benefits and Pension Rate Stabilization with Public Agency Retirement Services (PARS). Town Council adopted a moderate investment strategy and funds are invested in a diversified portfolio. The interest rates shown are for the quarter reported.

All Town funds are invested in accordance with the approved Investment Policy with an emphasis on safety, liquidity and yield (in that order). The Town's investment strategy of balancing the investment portfolio between short-term investments (to meet cash flow needs) and longer-term maturities (to realize a higher rate of return) is appropriate given the current market conditions.

The investment portfolio will continue to be closely monitored to ensure the avoidance of risk and to respond

to changes in market conditions.

This staff report is presented as informational.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? Yes

Where is it Budgeted? Interest Income

Is it Mandatory or Discretionary? Mandatory

Is there a Staff Resource Impact? N/A

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Responsible Fiscal Policy:** The Town maintains its fiscal health through policies designed to maximize economic opportunities, manage expenses, and ensure prudent reserves.

Briefly Explain Relationship to Strategic Plan Goal and Objective. Monthly budget and actual revenue and expense reports provide timely information and financial transparency; Timely financial information can help control costs by guiding policy and spending decisions.

ALTERNATIVES

N/A

RECOMMENDATION

Receive and File.

TOWN OF YOUNTVILLE
QUARTERLY INVESTMENT REPORT
AS OF March 31, 2020

Fund No.	Fund Name	3/31/2020	12/31/2019	Difference
		Cash Balance	Cash Balance	
01	General Fund	4,713,848	4,845,462	(131,614)
02	OPEB (Retiree Benefits)	62,839	94,848	(32,008)
03	PERS UAL Reserve Fund	90,419	181,202	(90,783)
04	Emergency Reserve Fund	2,029,578	2,021,618	7,959
05	Revenue Stabilization Fund	2,029,578	2,021,618	7,959
20	State Gas Tax	36,182	28,457	7,725
21	Public Education & Govmnt TV	42,971	39,337	3,635
22	Tourism Improvement District	498,471	494,098	4,373
23	Public Arts Program Fee	101,256	104,065	(2,809)
24	Housing Grant Fund	37,291	16,790	20,501
25	Measure T Transportation Imp	91,321	(49,754)	141,075
26	SB1, 2017 Road Repair Act	23,753	10,848	12,905
27	Measure T Equivalent (MTE)	36,781	0	36,781
28	Fire Services	31	31	0
30	Disability Access Fee SB 1186	145	1,942	(1,797)
41	Civic Facilities Impact Fees	9,946	5,827	4,118
42	Drainage Impact Fees	1,644	964	680
43	Park Impact Fees	3,801	2,225	1,575
44	Public Safety Impact Fees	1,571	922	649
45	Traffic Facilities Impact Fees	15,580	9,127	6,453
46	Utility Underground Impact Fees	106,416	-	106,416
50	Capital Projects	1,140,912	1,368,178	(227,266)
52	2008 Lease Bond Comm. Ctr.	-	-	-
53	2013 Lease Bond Town Hall/M&Y	373,892	373,274	617
54	2017 Lease Bond-CommCtrRfnd	151,564	150,953	611
57	Draught Water Reserve	1,939,754	1,932,147	7,607
58	Water Impct Fees	58,738	53,332	5,406
60	Water Capital Improvements	459,596	496,402	(36,805)
61	Water Utility Operations	(54,037)	(64,821)	10,784
62	Wastewater Utility Operations	2,139,323	1,996,769	142,554
63	Joint Treatment Capital Fund	1,474,960	1,455,066	19,894
64	Wastewater Utility Capital	273,677	272,416	1,261
65	Sewer Impact Fees	19,736	11,479	8,257
70	Housing Opportunity Fund	208,772	234,351	(25,580)
71	Measure S, Affordable Housing	687,740	573,330	114,410
75	Measure A Maintenance Fund	466,049	279,040	187,009
76	Floodwall Capital Maint.	-	185,181	(185,181)
77	Measure A Debt Service	-	-	-
80	Youth Programs	-	-	-
81	Facilities Repair/Replacement	940,307	936,619	3,688
82	Fleet,Tools,Equip RepairReplc	1,003,246	1,045,476	(42,230)
92	OPEB Trust Fund Retiree Ben.	4,293,917	4,796,888	(502,971)
93	PRSP Trust Fund - Pension	2,294,619	2,548,270	(253,651)
95	Tallent Lane Benefit District	17,785	17,715	70
96	Mesa Ct. Drainage Ben. Dist.	49,568	49,374	194
		27,873,540	28,541,068	(667,528)

	3/31/2020	12/31/2019	Interest Rate
Cash Balance	Cash Balance		
Cash on Hand/Petty Cash	425	425	0%
Westamerica Bank Checking & Savings	4,175,814	4,671,559	0.070%
LAIF	17,107,557	16,522,739	1.787%
Bank of New York Mellon (Trust)	1,209	1,187	0.000%
PRSP Trust Investments ¹	2,294,619	2,548,270	4.680%
PARS OPEB Trust Investments ²	4,293,917	4,796,888	3.100%
		27,873,540	28,541,068

Activity	# Issued	From	To	Amount
Accounts Payable check range for the period:				
Amount of Accounts Payable checks issued	424	53643	54070	2,751,299.06
Payroll check range for the period:				
Amount of Payroll checks/direct deposits issued	429	26092	26099	598,529.95
Amount of purchase orders issued for the period:	19	624	643	259,503.84

¹ 1-Year Average Return

² 5-year Annualized Return



Staff Report

File #: 20-2583, **Version:** 1

Yountville Town Council Staff Report

DATE: May 19, 2020

TO: Mayor and Town Council

FROM: Samantha Holland, Parks & Recreation Director

TITLE

Second Reading and Adoption of Ordinance Number 20-497 Amending Sections 17.177.015, 17.177.020, 17.177.030, and 17.177.050 of the Yountville Municipal Code regarding the Public Art Program.

DISCUSSION/BACKGROUND

In 2016, the Town Council Approved Municipal Code Section 17.177 creating the Yountville Public Art Program. The intent of this program was to assess a 1% valuation of any commercial building permit and require the applicant to either use that 1% to place public art on their property or pay the in lieu fee. The Ordinance was drafted by a previous Town Attorney in collaboration with staff.

The program has been well received and is achieving the goal of supporting the Public Art Walk in Yountville. After review by the Planning & Building Director, Parks & Recreation Director and Town Manager, staff requested the Town Attorney review the language to ensure it could not be challenged by an applicant because the ordinance did not specifically call out "Building Permit" as a trigger for the assessment.

Staff reviewed the original staff reports and meeting recordings from the original presentation on April 19, 2016 with the second reading on May 3, 2016, it is clear that the intent of the Council and staff was to apply the Public Art Fund Requirement to all Commercial Building Permit Applications.

Presented this evening for your review and approval is updated language amending Municipal Code Sections 17.177.015, 17.177.020, 17.177.030 and 17.177.050. A red line version of the suggested changing is attached for your review as well as the clean version of the proposed Ordinance Update.

During the First Reading on April 21, 2020 the Town Council Introduced and waived the reading of the Municipal Code Amendment approving the updates noting that in code section 17.177.030 opening paragraph, continue to say AND MAINTAIN which was redlined in the draft version.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

Is there a Fiscal Impact? No

Is it Currently Budgeted? No

Where is it Budgeted? N/A

Is it Mandatory or Discretionary? N/A

Is there a Staff Resource Impact? N/A

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Indirectly

If yes, Identify Strategic Goal and Objective. **Responsible Fiscal Policy:** The Town maintains its fiscal health through policies designed to maximize economic opportunities, manage expenses, and ensure prudent reserves.

Briefly Explain Relationship to Strategic Plan Goal and Objective. By assuring the Public Art Program maintains its ability to support the Public Art Program, the Town is maintaining fiscal health for that program.

ALTERNATIVES

Conduct second reading of Ordinance as proposed.

Reject Ordinance updates as proposed.

Provide direction to staff for additional changes to the proposed Ordinance updates.

RECOMMENDATION

Second Reading and Adoption of Ordinance Number 20-497 Amending Sections 17.177.015, 17.177.020, 17.177.030, and 17.177.050 of the Yountville Municipal Code regarding the Public Art Program.

Town of Yountville

Ordinance Number 20-497

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE AMENDING SECTIONS 17.177.015, 17.177.020, 17.177.030, AND 17.177.050 OF CHAPTER 17.177 OF TITLE 17 OF THE YOUNTVILLE MUNICIPAL CODE REGARDING THE PUBLIC ART PROGRAM

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

SECTION 1. CODE AMENDMENT: The definition of “Applicant” in Section 17.177.015 of Chapter 17.177 of Title 17 of the Yountville Municipal Code is hereby amended to read as follows:

“Applicant” means any property owner or developer who applies to the Town for any commercial development entitlement including, but not limited to, a building permit, a use permit, and/or a master development permit.

SECTION 2. CODE AMENDMENT: Section 17.177.020 of Chapter 17.177 of Title 17 of the Yountville Municipal Code is hereby amended to read as follows:

An applicant shall either directly provide public art or make a contribution towards the placement of public art. An applicant has three ways in which to comply with the requirement to place public art or make a contribution towards the placement of public art:

- A. Install and maintain approved public art on property which has a value equal to *or* exceeding the in-lieu art fee deposit. Prior to installation of public art in satisfaction of this chapter, the applicant shall comply with all procedures set forth in this chapter for selection and approval of public art.
- B. Install and maintain approved public art which has a value less than the in-lieu art fee deposit and pay the difference as an additional in-lieu fee. Prior to installation of public art in satisfaction of this chapter, the applicant shall comply with all procedures set forth in this chapter for selection and approval of public art.
- C. Direct payment of the in-lieu art fee deposit into the dedicated art program fee fund managed by the Yountville Arts Commission in accordance with Section 17.177.050.

SECTION 3. CODE AMENDMENT: The first sentence of Section 17.177.030 of Chapter 17.177 of Title 17 of the Yountville Municipal Code is hereby amended to read:

If choosing to install public art, the applicant shall submit an application to the Yountville Arts Commission which shall include:

SECTION 4. CODE AMENDMENT: The first sentence of Section 17.177.050 of Chapter 17.177 of Title 17 of the Yountville Municipal Code is hereby amended to read as follows:

An applicant shall pay an in-lieu art fee deposit at the time of applying for any commercial development entitlement, including, but not limited to, a building permit, a use permit, and/or a master development permit, in support of the requirement to provide public art in accordance with Sections 17.177.020 through 17.177.040.

SECTION 5. CEQA: The Town Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the Town Council, and hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. This Ordinance will not result in a significant foreseeable environmental impact.

SECTION 6. 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 7. Effective Date: This Ordinance shall take effect 30 days after final adoption.

SECTION 8. 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 21st day of April, 2020.

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Ordinance Number 20-497

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 19th day of May, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

Gary Bell
Town Attorney

17.177.015 Definitions.

“Applicant” means a person or entity who applies to the Town for any development entitlement, including, **but not limited to, a building permit**, a use permit **and/or** master development permit.

“Commercial unit” means a structure or enclosed portion of a structure intended for occupation by a commercial use.

“In-lieu art fee deposit” means a deposit in an amount equal to the in-lieu fee calculated pursuant to Section **17.177.060**.

“Public art” means physical and permanent artwork, installed on private property for public view as required in this chapter. (Ord. 16-449; Ord. 18-473)

17.177.020 Provision of public art or contribution towards placement of public art—Required.

An applicant ~~for commercial development within the Town~~ shall either directly provide public art or make a contribution towards the placement of public art. An applicant has three ways in which to comply with the requirement to place public art or make a contribution towards the placement of public art:

- A. Install and maintain approved public art on property which has a value equal to or exceeding the in-lieu art fee deposit. Prior to installation of public art in satisfaction of this chapter, the property owner or developer shall comply with all procedures set forth in this chapter for selection and approval of public art.
- B. Install and maintain approved public art which has a value less than the in-lieu art fee deposit and pay the difference as an additional in-lieu fee. Prior to installation of public art in satisfaction of this chapter, the property owner or developer shall comply with all procedures set forth in this chapter for selection and approval of public art.
- C. Direct payment of the in-lieu art fee deposit into the dedicated art program fee fund managed by the Yountville Arts Commission in accordance with Section **17.177.050**. (Ord. 16-449; Ord. 18-473)

17.177.030 Application for public art.

If choosing to install **and maintain public art**, ~~the property owner or developer~~ **the applicant** shall submit an application to the Yountville Arts Commission which shall include:

- A. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art, the résumé of the artist as well as evidence of previous work and efforts of the artist;
- B. An independent appraisal or other similar evidence of the value of the proposed artwork, including acquisition and installation costs;

C. Preliminary plans containing such detailed information as may be required by the Yountville Arts Commission to adequately evaluate the location of the public art in relating to the proposed development, and its compatibility with the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal; and

D. A narrative statement and maps or diagrams demonstrating that the public art will be only exterior to all structures and accessible and visible to the public at all times. (Ord. 16-449; Ord. 18-473)

17.177.050 In-lieu art fee deposit and refund thereof for installation of public art.

~~A property owner or developer~~ The Applicant shall pay an in-lieu art fee deposit at the time of applying for a ~~building permit for commercial development~~, any commercial development entitlement, including, but not limited to, a building permit, use permit, and/or a master development permit, in support of the requirement to provide public art in accordance with Sections 17.177.020 through 17.177.040. All fees paid pursuant to this chapter shall be deposited into an art program fee fund. If the applicant opts to install and maintain public art, the applicant is eligible for a refund of the in-lieu art fee deposit up to the maximum appraised value of the art upon completion of the art installation. If the applicant opts not to place public art, the in-lieu art fee deposit shall remain in the art program fee fund and shall be exclusively used for the acquisition, installation, improvement, and maintenance of physical artwork to be displayed in the Town for public view. The revenue deposited into this fund shall also be used for the administration of the public art program. This fund shall be maintained by the Town Treasurer. (Ord. 16-449; Ord. 18-473)



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File #:	16-660	Version: 1	Name:	
Type:	Ordinance		Status:	Second Reading
File created:	1/28/2016		In control:	Town Council
On agenda:	4/19/2016		Final action:	
Title:	Introduce and Waive Full Reading of Ordinance No. 16-449 Adding Chapter 17.177 "Public Art Program" to the Yountville Municipal Code			
Attachments:	1. Ordinance , 2. AEP4 NationalHighlightsBrochure , 3. AEP4 NationalSummaryReport			

[History \(1\)](#) [Text](#)

Yountville Town Council Staff Report

DATE: April 19, 2016

TO: Mayor and Town Council

FROM: Preya Nixon, Management Fellow
Samantha Holland, Parks and Recreation Director

TITLE

Introduce and Waive Full Reading of Ordinance No. 16-449 Adding Chapter 17.177 "Public Art Program" to the Yountville Municipal Code

DISCUSSION/BACKGROUND

In 2009 the Yountville Arts Commission was established to provide vision, leadership, inspiration and support to artists and their art in Yountville. Today, Yountville is renowned for having one of the most active and program-focused Arts Commissions in Napa County. Yountville has become a mecca for flourishing wine, food and hotel industries, and art has played an important role in the character and image of our Town.

Residents and visitors can experience the Yountville Art Walk, the Gallery at the Community Center, the literary arts programs and other events that the Yountville Arts Commission hosts throughout the year. With the recent approval of the underpass fine art installation and the success of 'Art, Sip and Stroll' it is clear that public art enhances the quality of life in Yountville. The balanced development of cultural and artistic resources preserves and improves the quality of the urban environment and increases real property values. Public art makes spaces more welcoming, and it creates a deeper level of interaction in the Town.

A recent study from Americans in the Arts indicates that the presence of art positively impacts local businesses and increases real property values; "[c]ommunities that draw cultural tourists experience an additional boost of

economic activity. Tourism industry research has repeatedly demonstrated that arts tourists stay longer and spend more than the average traveler...The message is clear: a vibrant arts community not only keeps residents and their discretionary spending close to home, but it also attracts visitors who spend money and help local businesses thrive.”

In an effort to sustain the development of our cultural and artistic assets, the Commission has identified the need for a program to assist in financing the availability of the community’s resources. The establishment of a public art program fee and fund will promote the general welfare through balancing the community’s physical growth and revitalization and its cultural and artistic resources.

The advantage of sustained and ongoing funding would allow the Commission to consider expanding programming opportunities such as literary arts, music, the payment of artist participation fees and installation of rotating art, the purchasing of permanent pieces and to build up reserves for future projects. This would also help offset the need for fundraising on a regular basis which is very time consuming and variable based on the activity level of citizen volunteers.

Traditionally, public art ordinances derive their funding from a percentage of the project valuation for commercial and residential projects as stated on the building permit. However, Yountville has unique environmental challenges that do not fit the traditional 1% of commercial projects valuing \$100,000 or more. Taking this into consideration, staff researched three (3) years of building permit history for commercial and residential projects at various project valuations and calculated different funding levels based on different percentages of project valuation.

A building permit is issued to any type of commercial or residential construction project. A building permit requires an inspector to visit the site throughout the construction phase to verify that the conditions of the permit are being met and that the project is up to Town code. The project valuation is determined by the applicant and the amount is verified by Town staff adhering to the International Conference of Building Officials (ICBO) standards.

Staff reviewed building permit history from 2012, 2013 and 2014. For commercial projects, staff calculated percent of project valuation for projects greater than \$100,000 and \$200,000 at 1% .5% and .25% of the project valuation. For residential projects, staff calculated percent of project valuation for projects at \$25,000 \$50,000 \$100,000 and \$200,000 at 1% .5% and .25% of project valuation. The findings were presented to the Arts Commission to determine which percentage of project valuation would be the best fit for the Town.

In addition to this research, staff also reviewed ordinances and guidelines from a variety of public agencies; City of Palm Desert, Walnut Creek, Santa Fe Springs, City of Oakland, City of Pomona, City of San Mateo, Emeryville, Missoula, MT, Albany, CA, Indio, and the City of Coral Gables.

The Commission is recommending that 1% of project valuations for any commercial applicants applying for a building permit be required to participate in the Public Art Program Fee. Applicants may satisfy this requirement by either placing art on site, or by paying an in-lieu fee. For example, a commercial applicant with a project valuing \$2.4 million dollars, can pay 1% of the \$2.4 million (\$24,000) as in-lieu fee. The applicant also has the option to place art on site in a publicly visible location. If the applicant chooses to place art, the art must be valued at the 1% of the project valuation. Of course, applicants may place art at a higher value if they choose. The option to place art on site allows the applicant to increase the scope of work of a particular project or feature within the development.

Funds generated from the in-lieu fee option will allow the Commission to continue the growth of the public art walk and shall be exclusively used for the acquisition, installation, improvement, and maintenance of physical artwork to be displayed in the Town for public view.

It is important to note that the Arts Commission thoughtfully discussed whether to include residential projects. The inclusion of residential permits would require the Town to offer both the in-lieu fee and the option to place art. Art would be placed on residential property. Upon reviewing three years of building permit history, staff identified that residential permits with projects valuations around \$25,000 included small remodel projects such as deck installation, reroofs, HVACs and small projects. The Commission felt very strongly that it was important not to include small projects like these. After considerable discussion, the Commission agreed that including residential applicants to participate in this program would not further the Commission’s goals.

Therefore, the Commission recommends the adoption of the proposed ordinance establishing 1% Public Art Program Fee on all commercial building permits (1% of project valuation).

The Town Manager and Town Attorney have reviewed the proposed program requirements and the proposed ordinance language for form and legal compliance.

Environmental Review

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? No

Where is it Budgeted? Click here to enter text.

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. 2.0 Community Character; 2.1 Maintain & Enhance the Appearance of Yountville.

Briefly Explain Relationship to Strategic Plan Goal and Objective. The proposed ordinance will preserve the Town’s community and character by establishing a fund for public art.

ALTERNATIVES

- 1. Introduce and hold first reading of Ordinance as proposed.
- 2. Reject Ordinance as proposed.
- 3. Provide direction to staff for additional changes to the proposed Ordinance.

RECOMMENDATION Recommendation

- 1. Receive staff report and direct questions to staff.
- 2. Receive public comment.
- 3. Conduct Town Council discussion on proposed Ordinance.
- 4. Introduce and Waive Full Reading of Ordinance Number 16-449 Adding Chapter 17.177 Public Art Program to the Town of Yountville Municipal Code.

End



Staff Report

File #: 20-2545, **Version:** 1

Yountville Town Council Staff Report

DATE: May 19, 2020

TO: Mayor and Town Council

FROM: Sandra Liston, Planning & Building Director

TITLE

Second Reading and Adoption of Ordinance 20-492 Amending Chapters 17.08 Definitions, 17.16 Zoning by Land Use Designation, 17.36 PF Public Facilities, 17.48 PC Primary Commercial, and 17.52 RSC Residential-Scaled Commercial of Title 17 and Chapter 18.40 Commercial Buildings of Title 18; adding Chapter 17.82 MU Mixed Use Overlay to Title 17 and Chapter 18.42 Public Facilities Buildings and Chapter 18.46 Building Height Exceptions to Title 18 of the Yountville Municipal Code;

Second Reading and Adoption of Ordinance 20-493 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to Incorporate Reclassification of a portion of the property located at 6462 Washington Street (APN 036-090-052) from Residential-Scaled Commercial (RSC) to Planned Development (PD);

Second Reading and Adoption of Ordinance 20-494 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to Incorporate Reclassification of two vacant parcels located at the northeast corner of the intersection of Jefferson and Humboldt Streets (APNs 036-054-022 and 03-054-023) from Old Town Historic (H) to Residential-Scaled Commercial (RSC);

Second Reading and Adoption of Ordinance 20-495 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to incorporate the Creekside (C) Overlay District, the Gateway (G) Overlay District, and to reclassify the properties located at 6644, 6670, 6690, 6702, 6706 and 6712 Washington Street (APNs 036-035-009, 036-035-018, 036-035-014, 036-034-008, 036-034-009 and 036-034-001) to include the Mixed Use (MU) Overlay District; and

Second Reading and Adoption of Ordinance 20-496 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to Prezone a portion of the Property Located at 1 California Drive (APN 034-140-022) to Primary Commercial (PC).

DISCUSSION/BACKGROUND

On April 21, 2020 the Town Council voted 4-0, with Councilmember Dorenbecher excused, to introduce and waive the first reading of Ordinances 20-492, 20-493, 20-494, 20-495, and 20-496. Ordinance 20-492 was amended to remove reference to "new" when describing the intent of development. No changes were made to the other ordinances.

There was one change to an associated resolution (20-3978) that was approved by the Town Council on April 21, 2020. It is shared here for informational purposes only. That resolution defined and provided examples of

Substantial Community Benefit as it relates to the third-floor bonus. The Council modified the language of two of the examples to read as follows:

- #4. Provision of commercial retail building space that results in increased business diversity.
- #8. Incorporation and use of clean energy technologies and environmentally responsible building techniques that significantly reduce greenhouse gas emissions beyond existing code requirements.

The five Ordinances are now before the Town Council for second reading and adoption and shall take effect thirty (30) days after the date of adoption.

A copy of the staff report from the April 21 meeting is on file with the Town Clerk and is available on the Town's website at www.townofyountville.com <<http://www.townofyountville.com>> under the Town Council tab for "Agendas, Minutes, Webstreaming."

ENVIRONMENTAL REVIEW

Addendum to the General Plan EIR has been prepared. The proposed Zoning Ordinance Update project would bring components of the Town's Zoning Ordinance, Design Standards, and Zoning Districts Map into 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 mitigations measures would be required. The Zoning Ordinance Update 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 and Building

Is it Mandatory or Discretionary? Mandatory

Is there a Staff Resource Impact? Yes

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Visionary Leadership:** The Town's leadership maintains an open-minded, forward-thinking decision-making process. The Town values engagement and participation from all members of the community as we work together to create policies and plan for the future.

Briefly Explain Relationship to Strategic Plan Goal and Objective. By updating the Yountville Municipal Code to implement the General Plan and to ensure the documents are internally consistent with one another, 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.

ALTERNATIVES

Approve the Ordinances and Resolution as presented.

Do not approve and provide feedback to staff.

RECOMMENDATION

Second Reading and Adoption of Ordinance 20-492 Amending Chapters 17.08 Definitions, 17.16 Zoning by Land Use Designation, 17.36 PF Public Facilities, 17.48 PC Primary Commercial, and 17.52 RSC Residential-Scaled Commercial of Title 17 and Chapter 18.40 Commercial Buildings of Title 18; adding Chapter 17.82 MU Mixed Use Overlay to Title 17 and Chapter 18.42 Public Facilities Buildings and Chapter 18.46 Building Height Exceptions to Title 18 of the Yountville Municipal Code;

Second Reading and Adoption of Ordinance 20-493 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to Incorporate Reclassification of a portion of the property located at 6462 Washington Street (APN 036-090-052) from Residential-Scaled Commercial (RSC) to Planned Development (PD);

Second Reading and Adoption of Ordinance 20-494 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to Incorporate Reclassification of two vacant parcels located at the northeast corner of the intersection of Jefferson and Humboldt Streets (APNs 036-054-022 and 03-054-023) from Old Town Historic (H) to Residential-Scaled Commercial (RSC);

Second Reading and Adoption of Ordinance 20-495 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to incorporate the Creekside (C) Overlay District, the Gateway (G) Overlay District, and to reclassify the properties located at 6644, 6670, 6690, 6702, 6706 and 6712 Washington Street (APNs 036-035-009, 036-035-018, 036-035-014, 036-034-008, 036-034-009 and 036-034-001) to include the Mixed Use (MU) Overlay District; and

Second Reading and Adoption of Ordinance 20-496 Amending Section 17.16.010 Zoning Map of the Yountville Municipal Code to Prezone a portion of the Property Located at 1 California Drive (APN 034-140-022) to Primary Commercial (PC).

Town of Yountville

Ordinance Number 20-492

AN ORDINANCE OF THE TOWN COUNCIL OF YOUNTVILLE AMENDING CHAPTERS 17.08 DEFINITIONS, 17.16 ZONING BY LAND USE DESIGNATION, 17.36 PF PUBLIC FACILITIES, 17.48 PC PRIMARY COMMERCIAL, AND 17.52 RSC RESIDENTIAL-SCALED COMMERCIAL OF TITLE 17 AND CHAPTER 18.40 COMMERCIAL BUILDINGS OF TITLE 18; ADDING CHAPTER 17.82 MU MIXED USE OVERLAY TO TITLE 17 AND CHAPTER 18.42 PUBLIC FACILITIES BUILDINGS AND CHAPTER 18.46 BUILDING HEIGHT EXCEPTIONS TO TITLE 18 OF THE YOUNTVILLE MUNICIPAL CODE

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

SECTION 1. CODE AMENDMENT: Section 17.08.010 of Title 17 of the Yountville Municipal Code is hereby amended to add the following:

17.08.010 Definitions.

“Building Frontage” means the facade of a building most nearly parallel to abutting public rights-of-way.

“Developable Lot Area” means the total horizontal area measured in a horizontal plane within the lot lines bordering the property, excluding easements for common driveways and accessways and excluding portions of the lot which cannot realistically be developed with buildings and improved parking areas due to minimal property dimensions, presence of natural features or other similar constraints to development.

“Quasi-public Service” means facilities and uses operated by nonprofit organizations or associations offering services commonly provided by governmental agencies to segments of the local community, including but not limited to educational, cultural, health care, and transit services.

“Street Frontage” means the dimension of a lot or portion of a lot abutting public rights-of-way.

SECTION 2. CODE AMENDMENT: Section 17.16.060 of Title 17 of the Yountville Municipal Code is hereby amended to read as follows:

17.16.060 Composite and Overlay Designations.

The following composite and overlay designations shall apply to all lands within the Town of Yountville as established by the land use designations:

- A. C Creekside overlay;
- B. F Floodplain overlay;
- C. MU Mixed Use overlay;
- D. G Gateway overlay. (Ord. 231-92 § 3.6)

SECTION 3. CODE AMENDMENT: Chapter 17.36 of Title 17 of the Yountville Municipal Code is hereby repealed and replaced to read as follows:

Chapter 17.36 PF, PUBLIC FACILITIES

17.36.010 Purpose and application.

The land use designation PF, Public Facilities, is created to accommodate governmental, public utility and public educational facilities, and public services provided by private operators. This designation shall apply to specified parcels as indicated on the Zoning Map, in Figure 1. The following specific rules and regulations established in this chapter shall apply to such designated lands. (Ord. 231-92 § 4.5.a)

17.36.020 General conditions.

The following general conditions apply to all land designated as PF, Public Facilities:

- A. All new uses and expanded uses listed in Section 17.36.040 shall require a Use Permit subject to the provisions of Section 17.36.050 and Chapter 17.156; new development proposals shall require approval of a Master Development Plan subject to the provisions of Chapter 17.148; expansion or exterior remodeling of a structure shall require Design Review approval subject to the provisions of Chapter 17.144; and all commercial operations shall be subject to the provisions of Chapter 17.100, Regulations for Impact on Adjacent Uses; and
- B. The area and frontage of the lot involved shall be sufficient for the specific intended use.

17.36.025 Site-specific conditions.

The following conditions shall apply to the parcel on the west side of Highway 29 (that is, APN 034-140-012) as shown on General Plan Figure LU-1:

- A. Floor Area Bonus. An additional 0.15 FAR bonus allowed in Section 17.36.060 may be granted by the Town Council through approval of a Master Development Plan for retail and service-oriented uses that the Town Council determines will likely increase business diversity and provide community benefits.
- B. Height Bonus. A third-story height bonus up to a maximum height of 35 feet may be granted by the Town Council through approval of a Master Development Plan. The community benefit to qualify for the height bonus must be something above and beyond the base project and shall be solely determined by the Town Council. In order to be considered for a limited three-story height incentive, the project applicant must submit its proposal outlining in detail the specific elements of the project that the applicant believes qualify as a Substantial Community Benefit (SCB).

Examples of what might constitute a SCB shall be provided by resolution of the Town Council.

To minimize visual impacts of increased height, the Town Council shall require architectural techniques such as modulating building forms, partial upper stories, upper-story step-backs, variation in roof forms and sufficient setbacks from public rights-of-way.

C. Street Frontage. For application of design standards applicable to street frontages in Section 18.42.010, the portion of the parcel facing California Drive shall be considered the property's street frontage.

17.36.030 Permitted uses.

The following uses are permitted in the PF, Public Facilities, designation:

- A. All facilities operated by the Town of Yountville, the County of Napa, the State of California, the government of the United States, the Napa Valley Unified School District, any other public district, or any public utility as defined by the Public Utilities Code of the State of California, when such facilities and uses provide public and quasi-public services in conformity with the Yountville General Plan; and
- B. Emergency shelters as defined by Chapter 17.08 and as regulated by Chapter 17.130. (Ord. 231-92 § 4.5.c; Ord. 427-14)

17.36.040 Uses requiring a Use Permit.

The following uses shall be required to obtain a Use Permit as established in Chapter 17.156 and shall be subject to Design Review approval as provided in Chapter 17.144 of this title:

- A. State-licensed day care centers and nursing homes;
- B. Facilities operated by a non-profit organization when the facilities and uses provide public or quasi-public services;
- C. Recreational and open space facilities which are privately owned and/or operated but open to the public with or without a fee, such as golf courses, driving ranges, parks, arboretums or other similar uses of an open space nature. Uses of an open space nature shall be defined as uses with an FAR not to exceed 0.005;
- D. Congregate residences;
- E. Rooftop uses, subject to the provisions in Chapter 18.46; and
- F. Any other private or quasi-public use as determined by the Town Council. (Ord. 231-92 § 4.5.d; Ord. 278-97; Ord. 342-04; Ord. 427-14)

17.36.050 Criteria for a Use Permit.

In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed use listed in Section 17.36.040:

- A. The proposed use is consistent with the intent of the General Plan;
- B. The proposed use is consistent with Section 17.36.010; and
- C. The proposed use is not detrimental to the existing or proposed uses in the surrounding area. (Ord. 231-92 § 4.5.e)

17.36.060 General development standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed and maintained in compliance with the requirements in Table 17.36-1, in

addition to the applicable development standards (e.g., landscaping, parking, etc.) in Chapters 17.88, 17.92, 17.94, 17.96, 17.98, 17.128, and 18.42.

Table 17.36-1

<i>Development Standard</i>	<i>Requirement for PF District</i>	<i>Notes</i>
Maximum Floor Area Ratio (FAR)	0.25 ¹ Additional 0.15 for retail and service-oriented uses subject to 17.36.025.A	An exception may be granted for existing commercial buildings subject to Section 18.40.060
Minimum Setbacks		See Section 18.16.050 for allowed encroachments into yards
Front	15 feet	
Side	As determined by Master Development Plan	An exception may be granted for existing commercial buildings subject to Section 18.40.060
Side (street fronting)	As determined by Master Development Plan	
Rear	As determined by Master Development Plan	An exception may be granted for existing commercial buildings subject to Section 18.40.060
Height Limit	Two stories maximum One-story buildings: max. 15 feet to plate and 20 feet to peak Two-story buildings: max. 22 feet to plate and 30 feet to peak	See Section 17.36.025.B for available height bonus
Top Story Floor Area Limit	No more than 40% of the floor area of any building may be on the top floor	Exceptions to these requirements may be granted by the Town Council through approval of the Master Development Plan if warranted by site and surrounding conditions and mitigated by design techniques to avoid heavy or bulky forms (such as modulating building mass, partial upper stories, setbacks for upper story

		volume, variety of roof forms).
Minimum Open Space	Lots > 20,000 sf: min. 20% of gross area Lots 10,000-20,000 sf: min. 15% of gross area Lots < 10,000 sf: min. 10% of gross area	Open space does not include the area of public sidewalks in the public right-of-way
Parking	As required by Chapter 17.88 Off-Street Parking and Loading	
Signage	As allowed by Chapter 17.92 Signs	

¹ In the PF District, FAR calculations shall be based on the Developable Lot Area, which is defined as the total horizontal area measured in a horizontal plane within the lot lines bordering the property, excluding easements for common driveways and accessways and excluding portions of the lot which cannot realistically be developed with buildings and improved parking areas due to minimal property dimensions, presence of natural features or other similar constraints to development.

SECTION 4. CODE AMENDMENT: Chapter 17.48 of Title 17 of the Yountville Municipal Code is hereby repealed and replaced to read as follows:

Chapter 17.48 PC, PRIMARY COMMERCIAL

17.48.010 Purpose and application.

The land use designation PC, Primary Commercial, is primarily intended to reinforce Washington Street as the main commercial street in Yountville and to promote the economic health and diversity of businesses throughout the Town. This designation shall apply to properties on the west side of Washington Street as indicated on the Zoning Map, Figure 1. The following specific rules and regulations set forth in this chapter shall apply to lands designated as PC, Primary Commercial. (Ord. 231-92 § 4.8.a)

17.48.020 Supplemental definitions.

The following term applicable to this chapter shall be defined herein. Other definitions can be found in Section 17.08.010, Definitions, of this title.

“Live work building or unit” means a building or portion of building (unit) utilized for the combination of working and living in which the workspace is a minimum of 35% of the total floor area. (Ord. 231-92 § 4.8.b; Ord. 397-11)

17.48.030 General conditions.

The following general conditions apply to all land designated as PC, Primary Commercial:

- A. All new uses and expanded uses listed in Section 17.48.050 shall require a Use Permit subject to the provisions of Section 17.48.060 and Chapter 17.156; new development proposals shall require approval of a Master Development Plan subject to the provisions of Chapter 17.148; expansion or exterior remodeling of a structure shall require Design Review approval subject to the provisions of Chapter 17.144; and all commercial operations shall be subject to the provisions of Chapter 17.100, Regulations for Impact on Adjacent Uses;
- B. Development shall be of an intensity and scale which preserves and enhances Yountville's small-town character, and integrates well with the surrounding areas and natural setting;
- C. Parking shall be accommodated in ways which limit its visibility and prominence, typically in small lots screened from public view, as established in Section 18.08.030 and Section 18.40.020;
- D. Development shall contribute to a well-integrated mix of uses that create an attractive, vibrant, and walkable Washington Street experience; and
- E. Development shall maintain an appropriate balance between the needs of residents, visitors, and businesses to assure a livable community for residents. (Ord. 231-92 § 4.8.c)

17.48.040 Site-specific conditions.

The following conditions apply to parcels on the west side of Washington Street between Mulberry and Humboldt Streets (that is, APNs 036-330-006, -009; a portion of 036-330-010; and 036-081-004 and -011 as shown on General Plan Figure LU-1):

- A. Floor Area Bonus. An additional 0.15 FAR bonus allowed in Section 17.48.070 may be granted by the Town Council through approval of a Master Development Plan for retail and service-oriented uses that the Town Council determines will likely increase business diversity and provide community benefits; and
- B. Height Bonus. A third-story height bonus up to a maximum height of 35 feet may be granted by the Town Council through approval of a Master Development Plan. The community benefit to qualify for the height bonus must be something above and beyond the base project and shall be solely determined by the Town Council. In order to be considered for a limited three-story height incentive, the project applicant must submit its proposal outlining in detail the specific elements of the project that the applicant believes qualify as a Substantial Community Benefit (SCB).

Examples of what might constitute a SCB shall be provided by resolution of the Town Council.

To minimize visual impacts of increased height, the Town Council shall require architectural techniques such as modulating building forms, partial upper stories, upper-story step-backs, variation in roof forms and sufficient setbacks from public rights-of-way.

17.48.050 Uses requiring a Use Permit.

The following uses require a Use Permit as provided in Chapter 17.156, and are subject to Design Review approval as provided in Chapter 17.144 of this title:

- A. All primary uses commercial in nature including such uses as bakeries, food stores, variety shops, wine shops, services, full-service and limited-service restaurants, mobile food vendors, wine tasting rooms, bars, nightclubs, inns, and other uses deemed by the Town Council to be similar in kind;
- B. Accessory uses which are subordinate and complementary to the primary use;
- C. Commercial facilities for processing or retail sale of agricultural products that are grown on the premises;
- D. Residential uses in combination with commercial uses, including residential units over or behind commercial uses;
- E. Live/work units or buildings which meet the design standards outlined in Section 18.40.040;
- F. Home occupations as established in Chapter 17.120;
- G. Congregate residences;
- H. Rooftop uses, subject to the provisions in Chapter 18.46; and
- I. Exterior display of merchandise. (Ord. 231-92 § 4.8.d; Ord. 342-04; Ord. 397-11; Ord. 404-12; Ord. 408-12; Ord. 427-14)

17.48.055 Permitted use.

The professional office use (subject to retail overlay restrictions) is permitted to be approved at staff level without a public hearing provided the specific proposed use is qualified by Town staff and issued an administrative use permit (notice of pending action required to be posted), are subject to review for compliance by Town staff following a six-month period of full operation, and are subject to design review approval as provided in Chapter 17.144 of this title. (Ord. 404-12)

17.48.060 Criteria for a use permit.

In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for a proposed use listed in Section 17.48.050:

- A. The proposed use is consistent with the provisions outlined in Chapter II, Section D.3.c of the General Plan;
- B. The proposed use is consistent with Sections 17.48.010 and 17.48.030;
- C. The proposed use provides benefit to residents;
- D. The proposed use will not be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area;
- E. The street network is suitable and adequate to carry projected traffic generated by the proposed use;
- F. The design of the structure or structures for the proposed use is compatible with the character of the surrounding area;
- G. The existing or proposed utility, police and fire services are adequate to serve the proposed use;

- H. The proposed use conforms with the design standards as established in Title 18, Division 2, Sections 18.40.020 and 18.40.040;
- I. The proposed use will not generate a significant increase in truck traffic on the local street network;
- J. The proposed use will not require excessive amounts of water;
- K. The proposed use will not generate excessive wastes which result in offensive or noxious odors or excessive burden on the Town's waste disposal capacity; and
- L. The proposed use will not result in excessive levels of noise for any period of time. (Ord. 231-92 § 4.8.e)

17.48.070 General development standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed and maintained in compliance with the requirements in Table 17.48-1, in addition to the applicable development standards (e.g., landscaping, parking, etc.) in Chapters 17.88, 17.92, 17.94, 17.96, 17.98, 17.128, and 18.40.

Table 17.48-1

<i>Development Standard</i>	<i>Requirement for PC District</i>	<i>Notes</i>
Maximum Floor Area Ratio (FAR)	0.25 Additional 0.15 for housing uses, professional office uses subject to Section 18.40.070, and retail and service-oriented uses subject to 17.48.040.A There shall only be one additional FAR bonus of 0.15 and it may include a combination of the uses listed here	An exception may be granted for existing commercial buildings subject to Section 18.40.060
Minimum Setbacks		See Section 18.16.050 for allowed encroachments into yards
Front	15 feet	
Side	As determined by Master Development Plan	An exception may be granted for existing commercial buildings subject to Section 18.40.060
Side (street fronting)	As determined by Master Development Plan	
Rear	As determined by Master Development Plan	An exception may be granted for existing commercial buildings

		subject to Section 18.40.060
Height Limit	Two stories maximum One-story buildings: max. 15 feet to plate and 20 feet to peak Two-story buildings: max. 22 feet to plate and 30 feet to peak	See Section 17.48.040.B for available height bonus
Top Story Floor Area Limit	No more than 40% of the floor area of any building may be on the top floor, except for buildings located more than 100 feet from the front property line	Exceptions to these requirements may be granted by the Town Council through approval of the Master Development Plan if warranted by site and surrounding conditions and mitigated by design techniques to avoid heavy or bulky forms (such as modulating building mass, partial upper stories, setbacks for upper story volume, variety of roof forms).
Minimum Open Space	Lots > 20,000 sf: min. 20% of gross area Lots 10,000-20,000 sf: min. 15% of gross area Lots < 10,000 sf: min. 10% of gross area	Open space does not include the area of public sidewalks in the public right-of-way
Parking	As required by Chapter 17.88 Off-Street Parking and Loading	
Signage	As allowed by Chapter 17.92 Signs	

SECTION 5. CODE AMENDMENT: Chapter 17.52 of Title 17 of the Yountville Municipal Code is hereby repealed and replaced to read as follows:

Chapter 17.52 RSC, RESIDENTIAL-SCALED COMMERCIAL

17.52.010 Purpose and application.

The land use designation RSC, Residential-Scaled Commercial, is intended to reinforce Washington Street as the main commercial street in Yountville, and to encourage an appropriate transition to adjacent residential neighborhoods. This designation shall apply to specified parcels fronting on the east side of Washington Street, as indicated on the Zoning Map, in Figure 1. The following rules and regulations established in this chapter shall apply to lands designated as RSC, Residential-Scaled Commercial. (Ord. 231-92 § 4.9.a; Ord. 258-96)

17.52.020 General conditions.

The following general conditions apply to all land designated as RSC, Residential-Scaled Commercial:

- A. All new uses and expanded uses listed in Section 17.52.030 shall require a Use Permit subject to the provisions of Section 17.52.040 and Chapter 17.156; new development proposals shall require approval of a Master Development Plan subject to the provisions of Chapter 17.148; expansion or exterior remodeling of a structure shall require Design Review approval subject to the provisions of Chapter 17.144; and all commercial operations shall be subject to the provisions of Chapter 17.100, Regulations for Impact on Adjacent Uses;
- B. Development shall be of an intensity and scale which preserves and enhances Yountville's small-town character and integrates well with the surrounding neighborhood and natural setting. Commercial uses on the east side of Washington Street should be less intense than those on the west side of the street;
- C. Buildings shall be residential in scale, and generally street-oriented with pedestrian entrances from the street. Building height, massing and size shall be compatible with residential development, and comply with the design standards established in Section 18.40.030;
- D. Parking shall be accommodated in ways which limit its visibility and prominence, typically in small lots screened from public view as established in Section 18.08.030 and Section 18.40.030;
- E. Development shall contribute to a well-integrated mix of uses that create an attractive, vibrant, and walkable Washington Street experience; and
- F. Development shall maintain an appropriate balance between the needs of residents, visitors, and businesses to assure a livable community for residents. (Ord. 231-92 § 4.9.b; Ord. 258-96)

17.52.022 Site-specific conditions.

The following conditions shall apply to APNs 036-054-022 and -023:

- A. Lot size shall be a minimum of 10,000 square feet;
- B. A minimum of two (2) second-story residential rental units shall be required as part of any development proposal. One of these residential units may be owner-occupied subject to the granting of a Use Permit as provided in Chapter 17.156; and
- C. Wine tasting rooms are a prohibited use.

17.52.025 Prohibited uses.

The following uses are prohibited:

- A. Full-service restaurant;
- B. Hotel, inn, bed and breakfast inn and other transient uses;
- C. Wine tasting bar;
- D. Bar;
- E. Nightclub;
- F. Winery production;
- G. Adult oriented entertainment business;
- H. Cannabis-related business; and
- I. Other uses deemed by the Town Council to be similar in kind. (Ord. 398-11)

17.52.030 Uses requiring a Use Permit.

The following uses require a Use Permit as provided in Chapter 17.156, and are subject to Design Review approval as provided in Chapter 17.144 of this title:

- A. Small bakery;
- B. Limited-service restaurant;
- C. Mobile food vendor;
- D. Wine tasting room (except for APNs 036-054-022 and -023);
- E. Wine shop;
- F. Exterior display of merchandise;
- G. Food store;
- H. Confectionery shop with production;
- I. Ice cream store;
- J. Service-oriented business (note: listed permitted uses below are excepted);
- K. Art gallery;
- L. Tattoo or piercing salon;
- M. Tanning salon;
- N. Rooftop uses, subject to the provisions in Chapter 18.46;
- O. Residential uses in combination with commercial uses, including residential units over or behind commercial uses;
- P. Live/work units or buildings which meet the design standards outlined in Title 18, Division 2, Section 18.40.040;
- Q. Home occupations as established in Chapter 17.120; and
- R. Other uses deemed by the Town Council to be similar in kind. (Ord. 231-92 § 4.9.c; Ord. 258-96; Ord. 289-99; Ord. 319-01; Ord. 397-11; Ord. 398-11; Ord. 408-12)

17.52.035 Permitted uses.

The following uses are permitted to be approved at staff level without a public hearing provided the specific proposed use is qualified by Town staff and issued an administrative use permit (notice of pending action required to be posted), are subject to review for compliance by Town staff following a six-month period of full operation, and are subject to design review approval as provided in Chapter 17.144 of this title:

- A. General merchandise retail—Non-food or wine;
- B. Book store;
- C. Barber shop/beauty shop;
- D. Professional office (subject to retail overlay restrictions);
- E. Chamber of commerce office (first floor location permitted);
- F. Real estate office (first floor location permitted);
- G. Confectionery shop—Non-production;
- H. Dry cleaners, drop-off and pick-up only;
- I. Florist;
- J. Hardware store;
- K. Furniture store;
- L. Interior design service with interior decorating retail;
- M. Hobby, toy, and/or game store;
- N. Music store;
- O. Opticians and optometrist shop;
- P. Pharmacy and drugstore;
- Q. Fabric store;
- R. Shoe store;
- S. Stationery supply store;
- T. Tailor and dressmaking shop;
- U. Clothing store (limited to sale of new clothing and other than souvenir clothing);
- and
- V. Other uses deemed by the Town Council to be similar in kind. (Ord. 398-11)

17.52.040 Criteria for a Use Permit.

In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a Use Permit for a proposed use designated as RSC, Residential-Scaled Commercial:

- A. The proposed use is consistent with the provisions outlined in Chapter II, Section D.3.c, of the General Plan;
- B. The proposed use is consistent with Sections 17.52.010 and 17.52.020;
- C. The proposed use provides benefit to residents;
- D. The proposed use will not be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area;

- E. The street network is suitable and adequate to carry projected traffic that is generated by the proposed use;
- F. The design of the structure or structures is compatible with the character of the Town;
- G. The existing or proposed utility, police and fire services are adequate to serve the proposed use; and
- H. The proposed use conforms with the design standards as established in Title 18, Division 2, Section 18.40.030. (Ord. 231-92 § 4.9.d)

17.52.050 General development standards.

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed and maintained in compliance with the requirements in Table 17.52-1, in addition to the applicable development standards (e.g., landscaping, parking, etc.) in Chapters 17.88, 17.92, 17.94, 17.96, 17.98, 17.128, and 18.40.

Table 17.52-1

<i>Development Standard</i>	<i>Requirement for RSC District</i>	<i>Notes</i>
Maximum Floor Area Ratio (FAR)	0.25 Additional 0.15 for housing uses and professional office uses subject to Section 18.40.070 There shall only be one additional FAR bonus of 0.15 and it may include a combination of the uses listed here	An exception for existing commercial buildings may be granted subject to Section 18.40.060
Minimum Setbacks		See Section 18.16.050 for allowed encroachments into yards
Front	15 feet	
Side	As determined by Master Development Plan	An exception for existing commercial buildings may be granted subject to Section 18.40.060
Side (street fronting)	As determined by Master Development Plan	
Rear	As determined by Master Development Plan	An exception for existing commercial buildings may be granted subject to Section 18.40.060

Height Limit	Two stories maximum. One-story buildings: max. 15 feet to plate and 20 feet to peak Two-story buildings: max. 22 feet to plate and 30 feet to peak	
Top Story Floor Area Limit	No more than 40% of the floor area of any building may be on the top floor	Exceptions to these requirements may be granted by the Town Council through approval of the Master Development Plan if warranted by site and surrounding conditions and mitigated by design techniques to avoid heavy or bulky forms (such as modulating building mass, partial upper stories, setbacks for upper story volume, variety of roof forms).
Minimum Open Space	Lots > 20,000 sf: min. 20% of gross area Lots 10,000-20,000 sf: min. 15% of gross area Lots < 10,000 sf: min. 10% of gross area	Open space does not include the area of public sidewalks in the public right-of-way
Parking	As required by Chapter 17.88 Off-Street Parking and Loading	
Signage	As allowed by Chapter 17.92 Signs	

SECTION 6. CODE AMENDMENT: Chapter 17.82 is hereby added to Title 17 of the Yountville Municipal Code to read as follows:

Chapter 17.82 MU, MIXED USE OVERLAY

17.82.010 Purpose and application.

The overlay designation MU, Mixed Use overlay, is intended to provide opportunities for mixed-use development, including live-work, office, service and under-represented retail uses in addition to required residential uses, either within existing structures or in redeveloped buildings that reflect the character of the Old Town Historic District. For the purposes of this chapter, the application of this overlay designation encompasses parcels on the east side of

Washington Street between Creek and Pedroni Streets. In recognition that this area along Washington Street is an extension of the primary retail commercial area of the Town but is also part of the Old Town Historic neighborhood, it is the intent of this designation to: (A) continue the attractive, walkable and active Washington Street experience; (B) to provide additional opportunities for small-scale commercial uses; and (C) and integrate these commercial uses in a way that complements the existing character of Old Town.

This designation shall apply to the specified parcels/areas indicated on the Zoning Map, in Figure 1.

17.82.020 General conditions.

The following general conditions are required on lands where the overlay designation MU, Mixed Use overlay, is shown on the Zoning Map in Figure 1:

- A. All new uses and expanded uses listed in Section 17.82.030 shall require a Use Permit subject to the provisions of Chapter 17.156; new development proposals shall require approval of a Master Development Plan subject to the provisions of Chapter 17.148; expansion or exterior remodeling of a structure shall require Design Review approval subject to the provisions of Chapter 17.144; and all commercial operations shall be subject to the provisions of Chapter 17.100, Regulations for Impact on Adjacent Uses; and
- B. The proposed commercial or nonresidential use shall conform to the design standards and development regulations established in Chapters 17.32, 18.20, and 18.36.

17.82.030 Uses requiring a Use Permit.

The following non-residential uses require a Use Permit as provided in Chapter 17.156:

- A. Professional office;
- B. Service-oriented business;
- C. Under-represented retail;
- D. Live/work units; and
- E. Accessory uses which are subordinate to and complementary to the primary use.

17.82.050 Criteria for a Use Permit.

The Town Council, after a public hearing, shall make the findings contained in Section 17.156.020 before granting a Use Permit for a proposed use in the overlay designation MU, Mixed Use overlay.

SECTION 7. CODE AMENDMENT: Chapter 18.46 is hereby added to Title 18 of the Yountville Municipal Code to read as follows:

Chapter 18.46 BUILDING HEIGHT EXCEPTIONS

18.46.010 Architectural, mechanical and utility features.

Architectural features, vents, mechanical equipment, cooling towers, and equipment screening shall not exceed the building height limit of the applicable zoning district. Elevator equipment, stair overruns and chimneys may exceed the building height limit of the applicable zoning district by a maximum of five (5) feet subject to Design Review approval, except where a greater height is authorized by the Town Council through the Master Development Plan approval, provided that no such feature or structure in excess of the height limit shall be used for habitable space or for any commercial or advertising purposes.

18.46.020 Rooftop uses.

Rooftop pools, decks, gardens and similar recreational facilities may be located in the Primary Commercial, Residential-Scaled Commercial and Public Facilities districts subject to Design Review and Use Permit approval, and subject to the following limitations:

- A. Rooftop pools, accessible decks and gardens and similar recreational facilities may be allowed atop the first or second floors of buildings in the Primary Commercial and Public Facilities Districts, with the exception of parcels in the Public Facilities District identified in Section 17.36.025, which may be allowed on the third floor. In the Residential-Scaled Commercial District such uses may only be allowed atop the first floor;
- B. No habitable space may be permitted in excess of the building height limit of the applicable zoning district;
- C. Non-habitable structures, including but not limited to permanently affixed umbrellas, shade structures, cabanas, outdoor bars, pool slides, pool equipment enclosures and mechanical equipment, shall not exceed the building height limit of the applicable zoning district. Temporary structures, such as unaffixed umbrellas or mobile heaters, which comprise a total area no greater than twenty (20) percent of the roof area may exceed the building height limit of the applicable zoning district by a maximum of eight (8) feet subject to Design Review approval, except where a greater height or coverage is authorized by the Town Council through the Master Development Plan approval; and
- D. Perimeter safety barriers which are clear or more than fifty (50) percent open may exceed the building height limit of the applicable zoning district by a maximum of five (5) feet, subject to Design Review approval.

SECTION 8. CODE AMENDMENT: Chapter 18.40.020 of Title 18 of the Yountville Municipal Code is hereby repealed and replaced to read as follows:

18.40.020 Design standards for Primary Commercial buildings.

- A. Primary Commercial buildings on the east side of Highway 29 are intended to reinforce Washington Street as Yountville's commercial main street, while accommodating the needs of merchants, visitors and residents. Therefore, the design standards outlined herein encourage commercial uses that will be compatible with Yountville's small-town character. Buildings should face Washington Street, promote walkability and create courtyards and passageways to encourage public use.
- B. Design Standards. The following design standards apply to development in the Primary Commercial district. These design standards and descriptions are intended to guide the project design and the design review process and inform the public about Yountville's unique built environment. It is acknowledged that each property is different,

and this condition is considered when applying these standards. All development proposals are considered on a case-by-case basis, which provides flexibility for decision-making based on existing conditions.

1. Building Scale and Massing:

- a. Use massing techniques that mitigate heavy or bulky forms, such as modulating building mass, partial upper stories, setbacks for upper story volume, and varying roof forms;
- b. Break down the massing of buildings and the scale of long facades to fit the rhythm of the surrounding block where appropriate; and
- c. Avoid placement of structures or dense landscaping which obstructs public view corridors as defined in the General Plan.

2. Street Frontages:

- a. Buildings should be pedestrian oriented, creating an attractive and active sidewalk and street frontages;
- b. Create or reinforce a well-defined rhythm of intervals of built and open spaces. Pedestrian passageways between buildings should generally be at least twelve (12) feet in width;
- c. Where possible, provide open spaces adjacent to the sidewalk and design public frontages to support direct engagement with the street to encourage pedestrian activity and informal community gathering;
- d. Support adjacent sidewalks and public spaces with active ground floor uses and amenities such as seating and public art;
- e. Create a human-scale environment at street level with architectural detailing that adds variety and rhythm to the façade;
- f. Give prominence to pedestrian entrances over vehicle access; and
- g. Create focal points and integrated public spaces at prominent corner sites.

3. Parking:

- a. Locate at-grade parking and vehicular access away from active pedestrian areas wherever possible and screen at-grade parking from public view. Limit the amount of Washington Street frontage that can be used for parking or vehicular access;
- b. In larger developments, parking should be provided in smaller lots, rather than one large lot;
- c. Provide bicycle parking near access points and active areas to maximize visibility and convenience; and
- d. Consider measures that maximize the amount of onsite and offsite parking, including valet, tandem, parking structures and other creative solutions provided they take into account neighborhood context, view corridors, setbacks, screening and massing.

4. Open Space:

- a. Use landscape design to connect a network of open spaces, appropriate to the project context. This open space network could include the streetscape and building frontages, spaces between buildings, or a series of planted areas and hardscape intended for outdoor use and pedestrian circulation;
- b. Encourage interaction between the building's interior uses and exterior public space, including plazas, seating areas and other hardscape areas to support public activities appropriate to the site context and building use;
- c. Choose plantings that complement the proportions and scale of the building, offer color and interest throughout the year, and are water-efficient and fire-resistant;
- d. Locate deciduous trees to complement passive solar strategies, providing shade in summer and allowing sun in the winter; and
- e. Use public art as required by Section 17.177 to enhance entrances to buildings and public spaces.

5. Utilities:

- a. Locate utility areas away from public areas and adjacent sensitive uses; and
- b. Integrate utilities and service functions into the architectural concept, screening mechanical equipment and trash facilities from view. Screen rooftop equipment from view and group roof penetrations to the extent feasible.

(Ord. 232-92 Ch. II § D.1; Ord. 235-93; Ord. 242-94 Ch. II § D.1; Ord. 399-11; Ord. 400-11; Ord. 17-458)

SECTION 9. CODE AMENDMENT: Chapter 18.40.030 of Title 18 of the Yountville Municipal Code is hereby repealed and replaced to read as follows:

18.40.030 Design Standards for Residential-Scaled Commercial buildings.

A. Residential-Scaled Commercial buildings are intended to provide an appropriate transition between commercial and residential areas. Typically, these buildings are similar in size to single-family houses and other residential buildings. The design standards outlined below intend to encourage the development of multiple, small, pedestrian-oriented buildings that combine to form publicly accessible courtyards and passageways, with parking at the rear of the site.

B. Design Standards. The following design standards apply to development in the Residential-Scaled Commercial District. These design standards and descriptions are intended to guide the project design and the design review process and inform the public about Yountville's unique built environment. It is acknowledged that each property is different, and this condition is considered when applying these standards. All development proposals are considered on a case-by-case basis, which provides flexibility for decision-making based on existing conditions.

1. Building Size: Where possible proposed development should consist of multiple small buildings rather than one large building. If proposed individual building square footage exceeds 5,000 square feet, consideration and preference shall be given to multiple

buildings. Building size and location should take into account existing trees or similar site conditions which are considered important to the Town's character.

2. Building Scale and Massing:

- a. Use massing techniques that mitigate heavy or bulky forms, such as modulating building mass, partial upper stories, setbacks for upper story volume, and varying roof forms;
- b. Break down the massing of buildings and the scale of long facades to fit the rhythm of the surrounding block where appropriate; and
- c. Avoid placement of structures or dense landscaping which obstructs public view corridors as defined in the General Plan.

3. Street Frontages:

- a. Buildings should be pedestrian oriented, creating an attractive and active sidewalk and street frontages;
- b. Create or reinforce a well-defined rhythm of intervals of built and open spaces. Pedestrian passageways between buildings should generally be at least twelve (12) feet in width;
- c. Where possible, provide open spaces adjacent to the sidewalk and design public frontages to support direct engagement with the street to encourage pedestrian activity and informal community gathering;
- d. Support adjacent sidewalks and public spaces with active ground floor uses and amenities such as seating and public art;
- e. Create a human-scale environment at street level with architectural detailing that adds variety and rhythm to the façade;
- f. Give prominence to pedestrian entrances over vehicle access; and
- g. Create focal points and integrated public spaces at prominent corner sites.

4. Parking:

- a. Locate at-grade parking and vehicular access away from active pedestrian areas wherever possible and screen at-grade parking from public view. Limit the amount of Washington Street frontage that can be used for parking or vehicular access;
- b. In larger developments, parking should be provided in smaller lots, rather than one large lot;
- c. Provide bicycle parking near access points and active areas to maximize visibility and convenience; and
- d. Consider measures that maximize the amount of onsite and offsite parking, including valet, tandem, parking structures and other creative solutions provided they take into account neighborhood context, view corridors, setbacks, screening and massing.

5. Open Space:

- a. Use landscape design to connect a network of open spaces, appropriate to the project context. This open space network could include the streetscape and building frontages, spaces between buildings, or a series of planted areas and hardscape intended for outdoor use and pedestrian circulation;
 - b. Encourage interaction between the building's interior uses and exterior public space, including plazas, seating areas and other hardscape areas to support public activities appropriate to the site context and building use;
 - c. Choose plantings that complement the proportions and scale of the building, offer color and interest throughout the year, and are water-efficient and fire-resistant;
 - d. Locate deciduous trees to complement passive solar strategies, providing shade in summer and allowing sun in the winter; and
 - e. Use public art as required by Section 17.177 to enhance entrances to buildings and public spaces.
6. Utilities:
- a. Locate utility areas away from public areas and adjacent sensitive uses; and
 - b. Integrate utilities and service functions into the architectural concept, screening mechanical equipment and trash facilities from view. Screen rooftop equipment from view and group roof penetrations to the extent feasible.

(Ord. 232-92 Ch. II § D.2; Ord. 253-93; Ord. 242-94 Ch. II § D.2; Ord. 259-96; Ord. 343-04; Ord. 399-11; Ord. 400-11; Ord. 17-458)

SECTION 10. CODE AMENDMENT: Chapter 18.40.040 of Title 18 of the Yountville Municipal Code is hereby repealed and replaced to read as follows:

18.40.040 Combined commercial and residential buildings.

- A. There are several types of buildings which historically have accommodated the combination of commercial and residential uses. It is intended that regulating documents provide flexibility and include various combinations of working with dwelling. These types of buildings could enrich the Town and accommodate the diverse needs of its citizens. The permitted locations for the combined use is as established in Chapters [17.48](#) and [17.52](#) of Title 17, Zoning, and is limited so that commercial usage does not usurp housing or encroach on residential neighborhoods. The building types include housing over or behind commercial space; commercial buildings combined with detached residential buildings on the same parcel; and live/work buildings.
- B. Design Standards. The following design standards apply to development throughout the Town:
- 1. Floor Area Ratio. The maximum permitted floor area ratio shall be 0.25 FAR. An additional 0.15 FAR for multifamily dwellings located on-site is allowed.

2. Minimum Commercial Floor Area. Residential units in combination with commercial units and live/work units or buildings shall have a minimum of 35% of the floor area devoted to commercial use.
 3. Building Height. The building height shall not exceed two stories. One-story buildings shall not exceed 15 feet to the plate height or an overall height of 20 feet. Two-story buildings shall not exceed 22 feet to the plate height or an overall height of 30 feet. No more than one-third of the total permitted FAR for a commercial development may occupy the second level.
 4. Open Space. A minimum of 20% of the gross area of parcels exceeding 20,000 square feet; 15% for lots less than 20,000 square feet; and 10% for lots less than 10,000 square feet shall be provided as open space. The open space requirement may be met by providing a series of connected smaller areas which have a minimum area of 400 square feet each. Residential uses shall have no less than 100 square feet of private open space for each unit, half of which shall be directly adjacent to its unit.
 5. Parking. Parking ratios shall be as established in Chapter [17.88](#) of Title 17, Zoning. Parking lots shall be adequately screened, and comply with design standards established in Division 1, Section [18.08.030](#).
 6. Signage. All signage shall comply with Chapter [17.92](#) of Title 17, Zoning.
 7. Design Review Special Requirements. Drawings, models, renderings, or perspectives which illustrate the three-dimensional massing and architectural character of proposed new buildings, including adjacent existing buildings, shall be required, in addition to the requirements established in Chapter [17.144](#), Design Review, of Title 17, Zoning.
- (Ord. 232-92 Ch. II § D.3; Ord. 242-94 Ch. II § D.3; Ord. 343-04; Ord. 399-11; Ord. 400-11)

SECTION 11. CODE AMENDMENT: Chapter 18.42 is hereby added to Title 17 of the Yountville Municipal Code to read as follows:

Chapter 18.42 PUBLIC FACILITIES BUILDINGS

18.42.010 Design Standards for Public Facilities buildings.

A. Public Facilities buildings are intended to accommodate uses that provide a public service or otherwise benefit the community on a Town-wide scale. The types of buildings in the Public Facilities district vary greatly depending on use. Buildings that directly serve the public, like Town Hall, the Post Office, the Community Center/Library, and Yountville Elementary School, form Yountville's civic core and have building styles that reinforce and enhance Yountville's small-town character. Other Public Facilities buildings, like the wastewater treatment plant and the water pump station, serve the public indirectly and so these uses are screened and isolated from residential and commercial areas. Historic and legacy uses which predate the Town, like the Veterans Home and Pioneer Cemetery, are also included in the Public Facilities designation. New buildings in this designation should, where appropriate, strengthen the cohesion of the civic core or otherwise be sympathetic to existing uses as well as historic and environmental resources.

B. The following design standards apply to development on sites designated PF, Public Facilities. These design standards and descriptions are intended to guide the project design and the design review process and inform the public about Yountville's unique built environment. It is acknowledged that each property is different, and this condition is considered when applying these standards. All development proposals are considered on a case-by-case basis, which provides flexibility for decision-making based on existing conditions.

1. Building Scale and Massing:

- a. Use massing techniques that mitigate heavy or bulky forms, such as modulating building mass, partial upper stories, setbacks for upper story volume, and varying roof forms;
- b. Break down the massing of buildings and the scale of long facades to fit the rhythm of the surrounding block where appropriate; and
- c. Avoid placement of structures or dense landscaping which obstructs public view corridors as defined in the General Plan.

2. Street Frontages:

- a. Buildings should be pedestrian oriented, creating an attractive and active sidewalk and street frontages;
- b. Create or reinforce a well-defined rhythm of intervals of built and open spaces. Pedestrian passageways between buildings should generally be at least twelve (12) feet in width;
- c. Where possible, provide open spaces adjacent to the sidewalk and design public frontages to support direct engagement with the street to encourage pedestrian activity and informal community gathering;
- d. Support adjacent sidewalks and public spaces with active ground floor uses and amenities such as seating and public art;
- e. Create a human-scale environment at street level with architectural detailing that adds variety and rhythm to the façade;
- f. Give prominence to pedestrian entrances over vehicle access; and
- g. Create focal points and integrated public spaces at prominent corner sites.

3. Parking:

- a. Locate at-grade parking and vehicular access away from active pedestrian areas wherever possible and screen at-grade parking from public view. Limit the amount of Washington Street frontage that can be used for parking or vehicular access;
- b. In larger developments, parking should be provided in smaller lots, rather than one large lot;
- c. Provide bicycle parking near access points and active areas to maximize visibility and convenience; and

d. Consider measures that maximize the amount of onsite and offsite parking, including valet, tandem, parking structures and other creative solutions provided they take into account neighborhood context, view corridors, setbacks, screening and massing.

4. Open Space:

a. Use landscape design to connect a network of open spaces, appropriate to the project context. This open space network could include the streetscape and building frontages, spaces between buildings, or a series of planted areas and hardscape intended for outdoor use and pedestrian circulation;

b. Encourage interaction between the building's interior uses and exterior public space, including plazas, seating areas and other hardscape areas to support public activities appropriate to the site context and building use;

c. Choose plantings that complement the proportions and scale of the building, offer color and interest throughout the year, and are water-efficient and fire-resistant;

d. Locate deciduous trees to complement passive solar strategies, providing shade in summer and allowing sun in the winter; and

e. Use public art as required by Section 17.177 to enhance entrances to buildings and public spaces.

5. Utilities:

a. Locate utility areas away from public areas and adjacent sensitive uses; and

b. Integrate utilities and service functions into the architectural concept, screening mechanical equipment and trash facilities from view. Screen rooftop equipment from view and group roof penetrations to the extent feasible.

SECTION 12. CEQA: The Town Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the Town Council, and hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. This Ordinance will not result in a significant foreseeable environmental impact.

SECTION 13. 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 14. Effective Date: This Ordinance shall take effect 30 days after final adoption.

SECTION 15. 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 21st day of April 2020.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 19th day of May 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

Gary Bell
Town Attorney

Town of Yountville

Ordinance Number 20-493

AN ORDINANCE OF THE TOWN COUNCIL AMENDING THE YOUNTVILLE MUNICIPAL CODE TO AMEND SECTION 17.16.010 ZONING MAP TO INCORPORATE RECLASSIFICATION OF A PORTION OF THE PROPERTY LOCATED AT 6462 WASHINGTON STREET (APN 036-090-052) FROM RESIDENTIAL-SCALED COMMERCIAL (RSC) TO PLANNED DEVELOPMENT (PD)

Recitals

- A. The Town Council determines that the Zoning Ordinance amendment is necessary to update and reflect the reclassification of a portion of the property located at 6462 Washington Street (APN 036-090-052) from Residential-Scaled Commercial to Planned Development, consistent with the existing zoning on the remainder of the property and consistent with the Land Use Map of the Yountville General Plan.
- B. An Environmental Impact Report was prepared and certified by the Town Council on May 7, 2019, which included analysis of this amendment in accordance with CEQA requirements and incorporates mitigations that will avoid or reduce potentially-significant effects and mitigate the effects to result in no significant effect on the environment.
- C. Notice of the Town Council public hearing was prepared and displayed in accordance with state law.
- D. The Town Council conducted a duly noticed public hearing on April 7, 2020 to receive comments and input from the public.

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

SECTION 1. CODE AMENDMENT: The Yountville Zoning Ordinance and Zoning Map are hereby amended to classify a portion of 6462 Washington Street as indicated on Exhibit A as Planned Development.

SECTION 2. EFFECTIVE DATE: This Ordinance shall take effect 30 days after final adoption.

SECTION 3. 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 21st day of April 2020.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 19th day of May 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

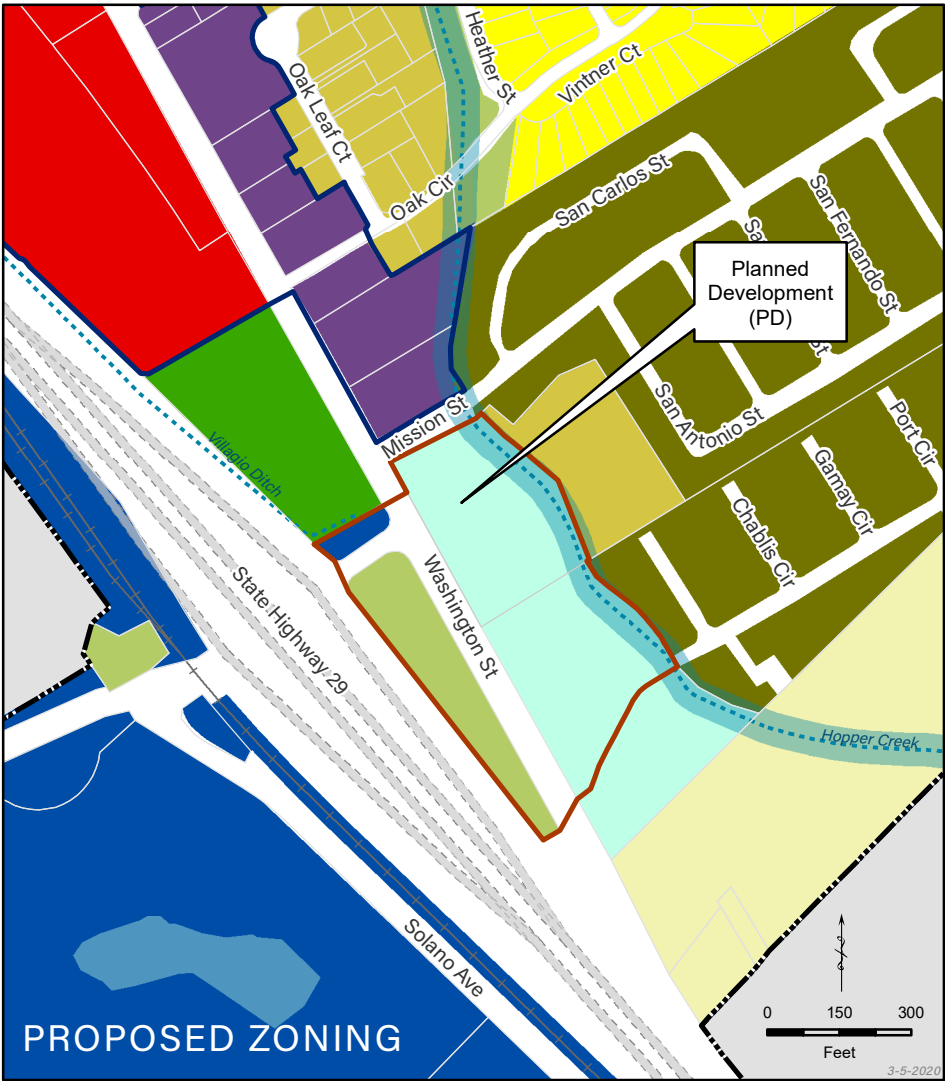
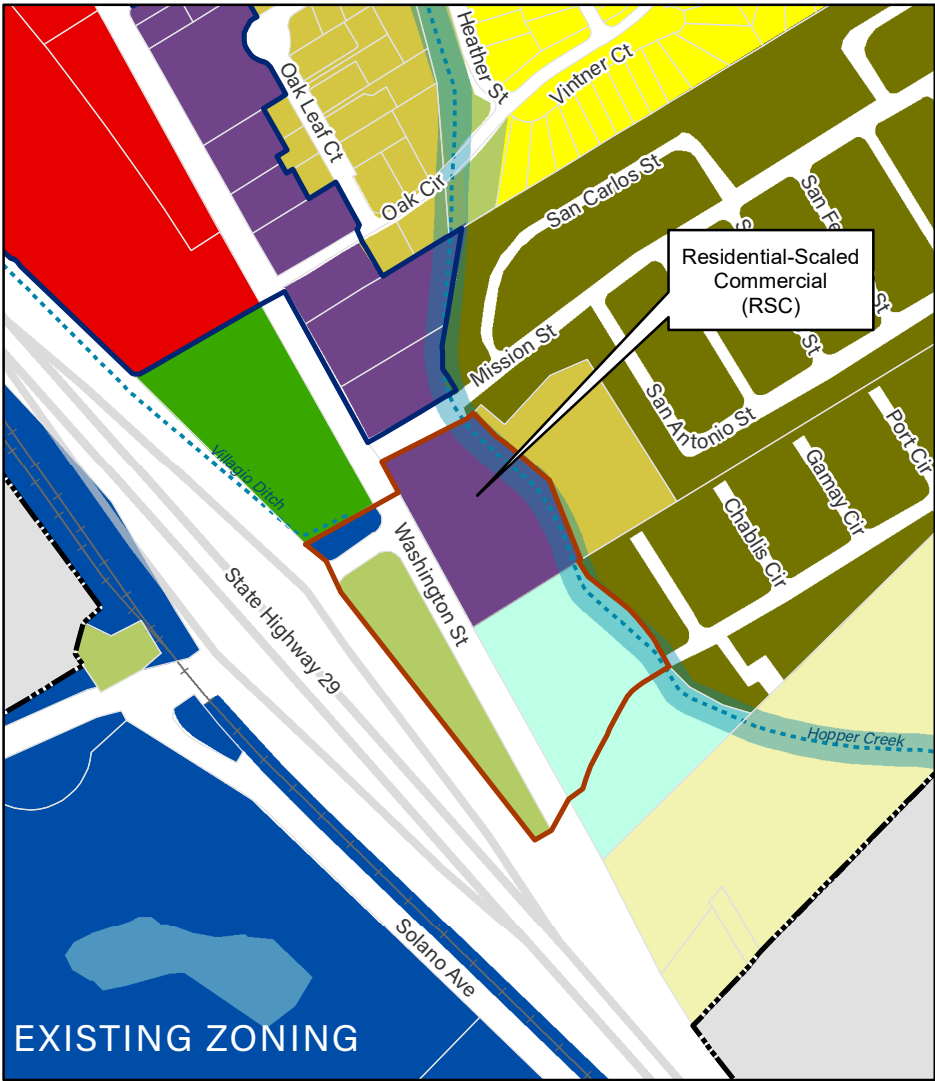
John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

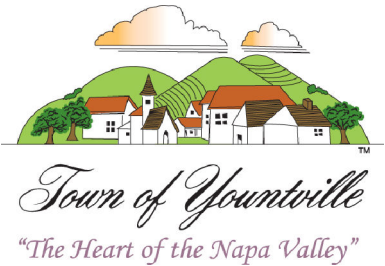
Gary Bell
Town Attorney

EXHIBIT 1



LEGEND

- | | | |
|----------------------------------|-------------------------------------|------------------------|
| Agricultural (A) | Planned Development (PD) | Creekside Overlay (-C) |
| Master Planned Residential (MPR) | Primary Commercial (PC) | Retail Overlay (-R) |
| Mixed Residential (MR) | Public Facilities (PF) | Gateway Overlay (-G) |
| Mobile Home Park (MHP) | Residential-Scaled Commercial (RSC) | Yountville Town Limits |
| Parks and Playfields (P) | Single-Family Residential (RS) | |



Town of Yountville

Ordinance Number 20-494

AN ORDINANCE OF THE TOWN COUNCIL AMENDING THE YOUNTVILLE MUNICIPAL CODE TO AMEND SECTION 17.16.010 ZONING MAP TO INCORPORATE RECLASSIFICATION OF TWO VACANT PARCELS LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF JEFFERSON AND HUMBOLDT STREETS (APNs 036-054-022 and 036-054-023) FROM OLD TOWN HISTORIC (H) TO RESIDENTIAL-SCALED COMMERCIAL (RSC)

Recitals

- A. The Town Council determines that the Zoning Ordinance amendment is necessary to update and reflect the reclassification of two vacant parcels located at the northeast corner of the intersection of Jefferson and Humboldt Streets (APNs 036-054-022 and 036-054-023) from Old Town Historic to Residential Scaled Commercial, consistent with Program LU-6.2b of the Yountville General Plan.
- B. An Environmental Impact Report was prepared and certified by the Town Council on May 7, 2019, which included analysis of this amendment in accordance with CEQA requirements and incorporates mitigations that will avoid or reduce potentially-significant effects and mitigate the effects to result in no significant effect on the environment.
- C. Notice of the Town Council public hearing was prepared and displayed in accordance with state law.
- D. The Town Council conducted a duly noticed public hearing on April 7, 2020 to receive comments and input from the public.

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

SECTION 1. CODE AMENDMENT: The Yountville Zoning Ordinance and Zoning Map are hereby amended to classify two parcels as indicated on Exhibit A as Residential Scaled Commercial.

SECTION 2. EFFECTIVE DATE: This Ordinance shall take effect 30 days after final adoption.

SECTION 3. 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 21st day of April 2020.

Ordinance No. 20-494

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 19th day of May 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

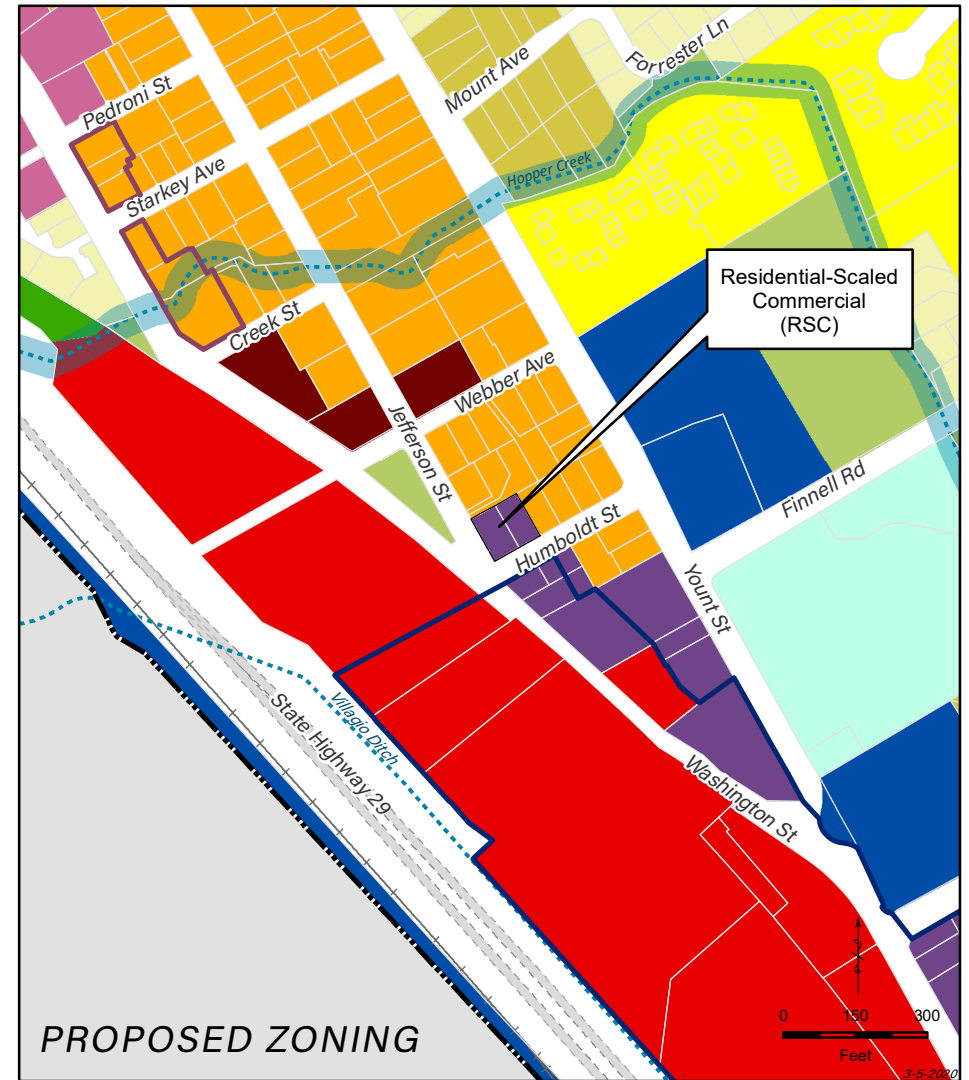
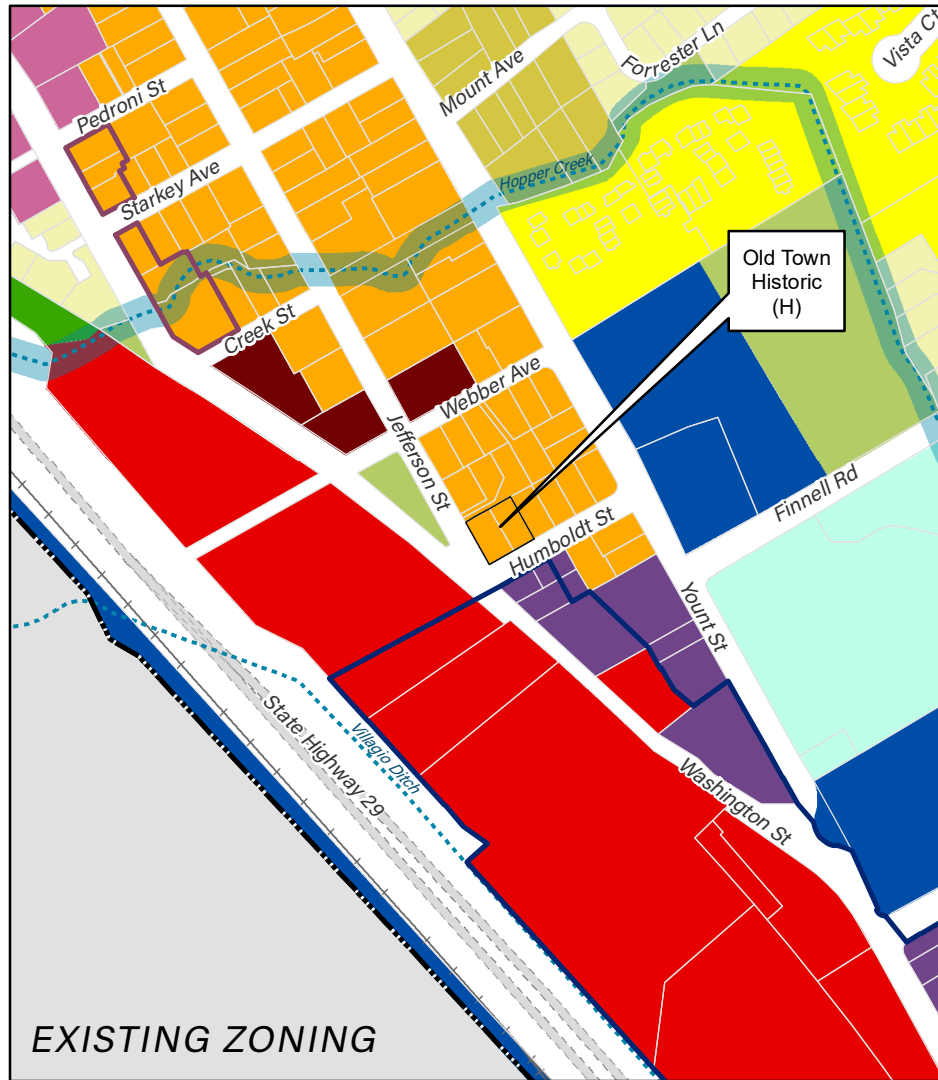
John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

Gary Bell
Town Attorney

EXHIBIT 2



LEGEND

■ Agricultural (A)	■ Planned Development (PD)	■ Creekside Overlay (-C)
■ Master Planned Residential (MPR)	■ Primary Commercial (PC)	■ Mixed Use Overlay (-MU)
■ Mixed Residential (MR)	■ Public Facilities (PF)	■ Retail Overlay (-R)
■ Old Town Commercial (OTC)	■ Residential-Scaled Commercial (RSC)	■ Gateway Overlay (-G)
■ Old Town Historic (H)	■ Retained Commercial (RC)	■ Yountville Town Limits
■ Parks and Playfields (P)	■ Single-Family Residential (RS)	



Town of Yountville
"The Heart of the Napa Valley"

Town of Yountville

Ordinance Number 20-495

AN ORDINANCE OF THE TOWN COUNCIL AMENDING THE YOUNTVILLE MUNICIPAL CODE TO AMEND SECTION 17.16.010 ZONING MAP TO INCORPORATE THE CREEKSIDE (C) OVERLAY DISTRICT, THE GATEWAY (G) OVERLAY DISTRICT, AND TO RECLASSIFY THE PROPERTIES LOCATED AT 6644, 6670, 6690, 6702, 6706 and 6712 WASHINGTON STREET (APNs 036-035-009, 036-035-018, 036-035-014, 036-034-008, 036-034-009 and 036-034-001) TO INCLUDE THE MIXED USE (MU) OVERLAY DISTRICT

Recitals

- A. The Town Council determines that the Zoning Ordinance amendment is necessary to update and reflect the existing Creekside and Gateway Overlay Districts and to add a new Mixed Use Overlay applied to properties at 6644, 6670, 6690, 6702, 6706 and 6712 Washington Street (APNs 036-035-009, 036-035-018, 036-035-014, 036-034-008, 036-034-009 and 036-034-001), consistent with Program LU-6.2a of the Yountville General Plan.
- B. An Environmental Impact Report was prepared and certified by the Town Council on May 7, 2019, which included analysis of this amendment in accordance with CEQA requirements and incorporates mitigations that will avoid or reduce potentially-significant effects and mitigate the effects to result in no significant effect on the environment.
- C. Notice of the Town Council public hearing was prepared and displayed in accordance with state law.
- D. The Town Council conducted a duly noticed public hearing on April 7, 2020 to receive comments and input from the public.

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

SECTION 1. CODE AMENDMENT: The Yountville Zoning Ordinance and Zoning Map are hereby amended to incorporate existing Creekside and Gateway Overlay Districts and to reclassify properties at 6644, 6670, 6690, 6702, 6706 and 6712 Washington Street as indicated on Exhibit A as Mixed Use Overlay (MU).

SECTION 2. EFFECTIVE DATE: This Ordinance shall take effect 30 days after final adoption.

SECTION 3. 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 21st day of April 2020.

Ordinance No. 20-495

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 19th day of May 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

Gary Bell
Town Attorney

Town of Yountville

Ordinance Number 20-496

AN ORDINANCE OF THE TOWN COUNCIL AMENDING THE YOUNTVILLE MUNICIPAL CODE TO AMEND SECTION 17.16.010 ZONING MAP TO PREZONE A PORTION OF THE PROPERTY LOCATED AT 1 CALIFORNIA DRIVE (APN 034-140-022) TO PRIMARY COMMERCIAL (PC)

Recitals

- A. The Town Council determines that the Zoning Ordinance amendment is necessary to update and reflect the prezone of an approximately 10-acre portion of the property located at 1 California Drive (APN 034-140-022) to Primary Commercial, consistent with Policy LU-9.3 of the Yountville General Plan.
- B. The Local Agency Formation Commission (LAFCO) of Napa County approved the expansion of the Town's Sphere of Influence boundary to incorporate the subject parcel area on April 3, 2017.
- C. An Environmental Impact Report was prepared and certified by the Town Council on May 7, 2019, which included analysis of this prezone in accordance with CEQA requirements and incorporates mitigations that will avoid or reduce potentially-significant effects and mitigate the effects to result in no significant effect on the environment.
- D. Notice of the Town Council public hearing was prepared and displayed in accordance with state law.
- E. The Town Council conducted a duly noticed public hearing on April 7, 2020 to receive comments and input from the public.

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

SECTION 1. CODE AMENDMENT: The Yountville Zoning Ordinance and Zoning Map are hereby amended to prezone a portion of 1 California Drive as indicated on Exhibit A as Primary Commercial.

SECTION 2. EFFECTIVE DATE: This Ordinance shall take effect 30 days after final adoption.

SECTION 3. 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 21st day of April 2020.

Ordinance No. 20-496

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 19th day of May 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

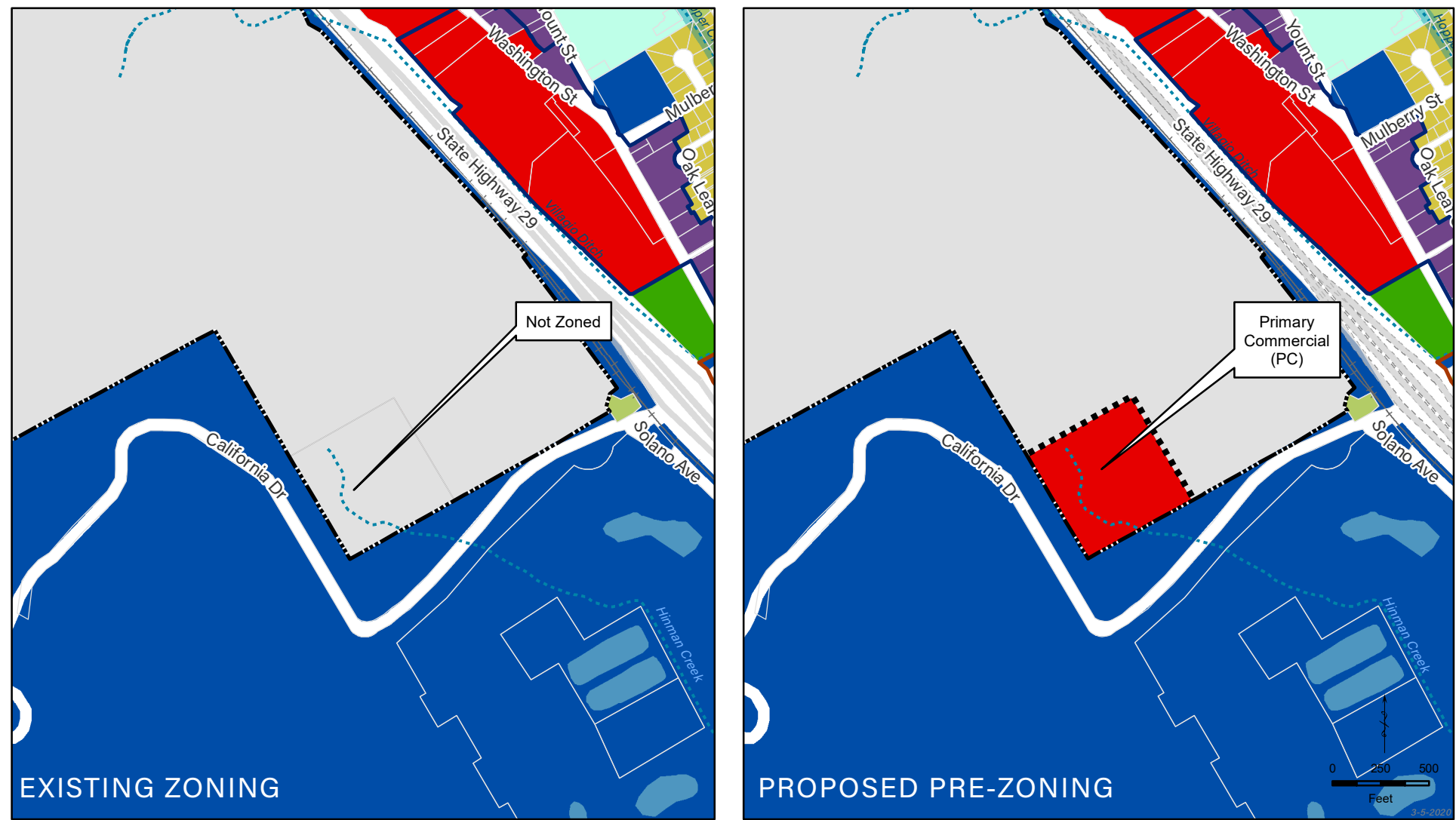
John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

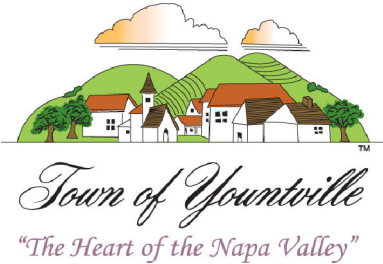
Gary Bell
Town Attorney

EXHIBIT 3



LEGEND

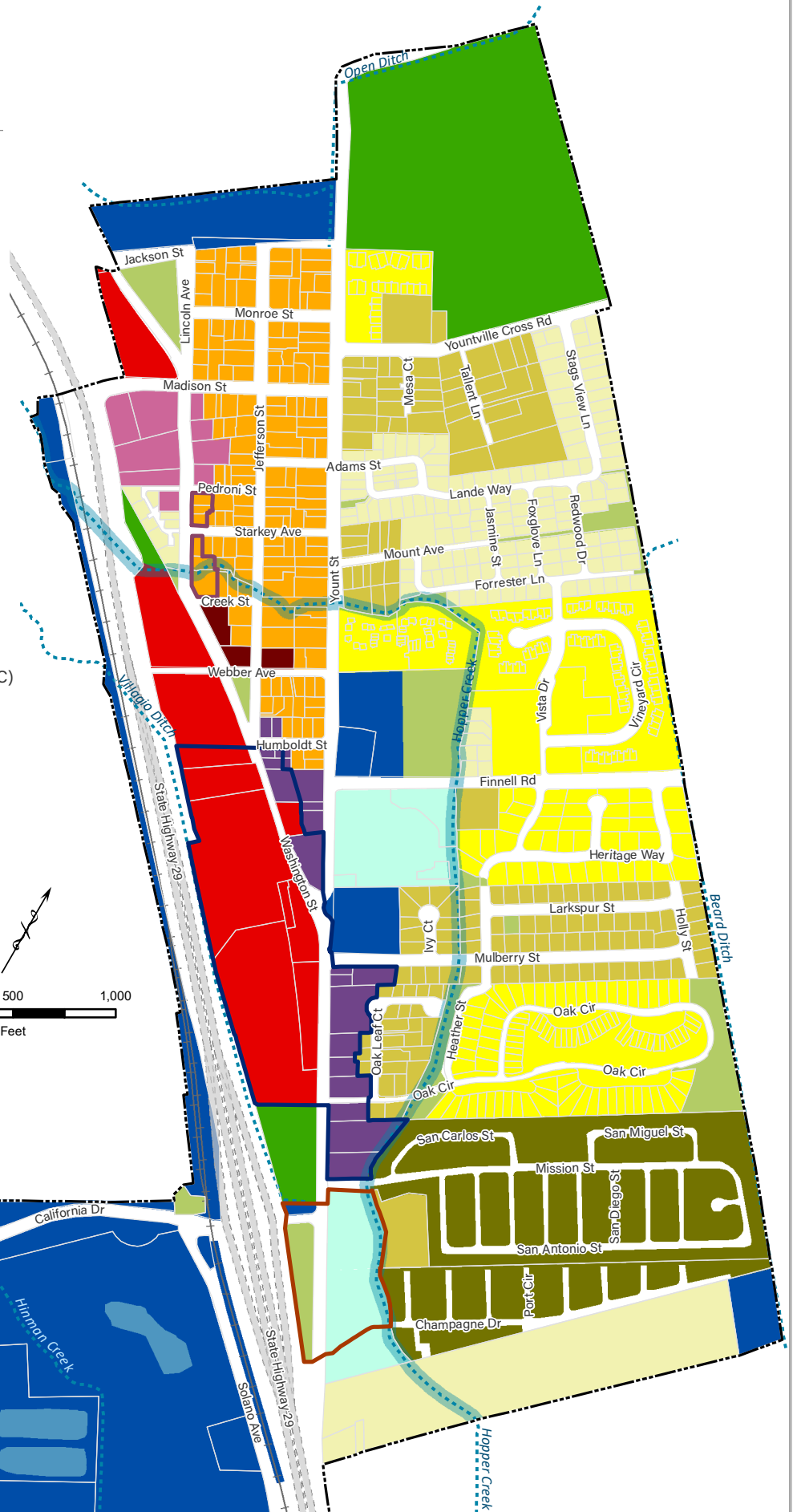
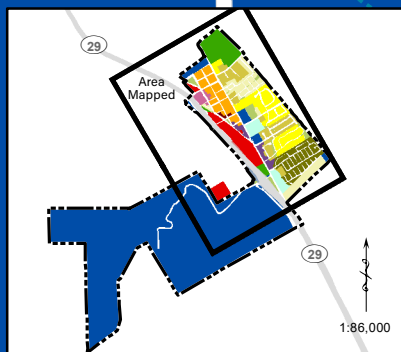
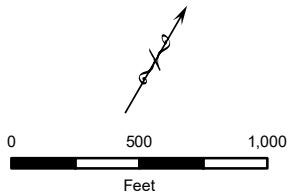
- | | | |
|--------------------------|-------------------------------------|------------------------|
| Agricultural (A) | Public Facilities (PF) | Creekside Overlay (-C) |
| Parks and Playfields (P) | Residential-Scaled Commercial (RSC) | Retail Overlay (-R) |
| Planned Development (PD) | Single-Family Residential (RS) | Gateway Overlay (-G) |
| Primary Commercial (PC) | Yountville Town Limits | Proposed SOI Boundary |





Town of Yountville
"The Heart of the Napa Valley"
ZONING DISTRICTS
2020

- Town Limit
- Sphere of Influence
- Agricultural (A)
- Master Planned Residential (MPR)
- Mixed Residential (MR)
- Mobile Home Park (MHP)
- Old Town Commercial (OTC)
- Old Town Historic (H)
- Parks and Playfields (P)
- Planned Development (PD)
- Primary Commercial (PC)
- Public Facilities (PF)
- Residential-Scaled Commercial (RSC)
- Retained Commercial (RC)
- Single-Family Residential (RS)
- Creekside Overlay (-C)
- Mixed Use Overlay (-MU)
- Retail Overlay (-R)
- Gateway Overlay (-G)





ADDENDUM TO ENVIRONMENTAL IMPACT REPORT

FOR THE

ENVISION YOUNTVILLE GENERAL PLAN UPDATE
(SCH: 2018082008)

APRIL 2020

Prepared for:

Town of Yountville
6550 Yount Street
Yountville, CA 94599

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762



D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm



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1.0 INTRODUCTION

This Addendum was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. This document has been prepared to serve as an Addendum to the certified Environmental Impact Report (EIR) for the Envision Yountville General Plan Update (State Clearinghouse Number 2018082008). The Town of Yountville (Town) is the lead agency for the environmental review of the proposed Zoning Ordinance Update project.

This Addendum addresses the Proposed Project in relation to the previous environmental review prepared for the Envision Yountville General Plan Update (General Plan). CEQA Guidelines Section 15164 describes the circumstances that require preparation of an Addendum as:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

.....A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record.

Information and technical analyses from the Envision Yountville General Plan Update EIR are utilized throughout this Addendum. Relevant passages from the Envision Yountville General Plan Update EIR (consisting of the Envision Yountville General Plan Update Draft EIR and Final EIR) are cited herein and are available for review at:

Available online:

<http://www.townofyountville.com/departments-services/planning-building/general-plan>

or

By appointment at
Town of Yountville
6550 Yount Street
Yountville, CA 94599

To schedule appointment: call (707)948-2625 or email sliston@yville.com

1.1 BACKGROUND AND PURPOSE OF THE EIR ADDENDUM

The Envision Yountville General Plan Update EIR was certified by the Town Council on May 7, 2019. The General Plan, as analyzed in the EIR was adopted by the Town Council on May 7, 2019. The proposed Zoning Ordinance Update project implements goals, policies, and programs established by the General Plan to ensure that development in the Town is consistent with the vision of the General Plan through revising zoning districts to reflect allowed land uses, densities, and intensities, implement overlay districts, and revise standards as discussed in the General Plan. This subsequent Zoning Ordinance Update project updates Municipal Code Title 17, Zoning Ordinance, and Municipal Code Title 18, Design Standards, to be consistent with the General Plan, remove outdated information, and clarify and streamline zoning and design standard provisions. The Zoning Ordinance Update was anticipated as a subsequent project to implement the General Plan. Chapter 2 of the Envision Yountville General Plan Update Draft EIR indicated that projects or activities successive to the EIR may include revision to the Yountville Zoning Ordinance.

The CEQA analysis approach to the Zoning Ordinance Update project is to prepare an Addendum to the Envision Yountville General Plan EIR, which will focus on the potential environmental effects of the subsequent Zoning Ordinance Update project through considering whether the Zoning Ordinance Update meets the criteria for an Addendum, as established by CEQA and the CEQA Guidelines. In determining whether an Addendum is the appropriate document to analyze the proposed modifications to the project and its approval, CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) states:

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

1.2 BASIS FOR DECISION TO PREPARE AN ADDENDUM

When an EIR has been certified for a project, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164 set forth the criteria for determining whether a subsequent EIR, subsequent negative declaration, addendum, or no further documentation be prepared in support of further agency action on the project. Under these Guidelines, a subsequent EIR or negative declaration shall be prepared if any of the following criteria are met:

- (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
 - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.

Based on review of the subsequent Zoning Ordinance Update project, no new significant environmental effects, no substantial increase in the severity of previously identified environmental effects, and no new information of substantial importance that would require major changes to the Envision Yountville General Plan Update EIR pursuant to CEQA Guidelines Section 15162(a) have been identified. Therefore, a subsequent EIR is not warranted for this project.

The Zoning Ordinance Update project is consistent with the General Plan and would not increase the density or intensity of development beyond that envisioned in the General Plan. In general, it is anticipated that impacts related to aesthetics, air quality, agricultural, biological, and cultural resources, geology and soils, greenhouse gas emissions, hazards, hydrology and water quality, land use and planning, population and housing, public services, transportation and traffic, and utilities would be comparable under the Zoning Ordinance Update when compared to the General Plan previously analyzed in the Envision Yountville General Plan EIR.

As demonstrated in the environmental analysis provided in Section 3.0 (Environmental Analysis), the proposed changes do not meet the criteria for preparing a subsequent EIR or negative declaration. An addendum is appropriate here because, as explained in Section 3.0, none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred.

2.0 PROJECT DESCRIPTION

This section provides a detailed description of the Zoning Ordinance Update project. The reader is referred to Section 3.0 (Environmental Analysis) for the analysis of environmental effects of the proposed modifications in relation to the analysis contained in the certified Envision Yountville General Plan EIR.

2.1 PROJECT LOCATION

The Zoning Ordinance Update applies to lands within the extent of the Town and its Sphere of Influence (SOI). The location of the Town and SOI is described in Section 2.2 of the Draft EIR and shown on Draft EIR Figure 2.0-2. The Zoning Ordinance Update would not make any modifications to the Town or SOI boundaries or location of the project.

2.2 PROJECT CHARACTERISTICS AND DESCRIPTION

The Town of Yountville initiated a comprehensive update to its Zoning Ordinance (Municipal Code Title 17) and Design Standards (Municipal Code Title 18) for the primary purpose of ensuring consistency with the Envision Yountville General Plan. The Zoning Ordinance Update project includes both text amendments to Title 17, Zoning Ordinance, the Zoning District Map, and Title 18, Design Standards, to reflect the goals, policies, and implementation programs in the General Plan and to streamline and clarify Titles 17 and 18.

The Envision Yountville General Plan included changes to land use designations and new overlay districts, which require modifications to the Zoning Ordinance, Zoning Map, and Design Standards to ensure consistency between the General Plan and Municipal Code. Envision Yountville General Plan policies and programs informing the changes to the Zoning Ordinance, Design Standards, and Zoning Districts Map include the following:

- Policy LU-1.1 Implementation of Land Use Map. Implement the Land Use Map (Figure LU-3) by approving new development and conservation projects consistent with the adopted land use definitions, densities, and intensities. Ensure consistency between the General Plan, Zoning Ordinance, and other land use regulations.
 - Program LU-1.1a: Land Use. Use the Zoning Ordinance to specify uses allowed in each zoning district, consistent with Table LU-2.
 - Program LU-1.1b Density and Intensity of Development. Allow development at any density or intensity within the range shown by the Land Use Map (Figure LU-3) and Land Use Designations (Table LU-2) provided applicable objectives, policies, and programs of all chapters of the General Plan are met.
 - Program LU-1.1c Zoning Code Amendment. Amend the Zoning Code to simplify and consolidate development standards and design guidelines and to ensure consistency with General Plan policies.
- Policy LU-2.4 Building Massing. Require use of massing techniques that mitigate heavy or bulky forms (such as modulating building mass, partial upper stories, setbacks for upper story volume, variety of roof forms), building placement that does not obstruct view corridors, and building design that is compatible with adjacent structures to ensure that new buildings do not overwhelm their sites or their neighborhoods.
- Policy LU-2.5 Maximum Building Height. Permit two-story buildings. All buildings shall adhere to the requirements for massing in Policy LU-2.4.
- Policy LU-2.6 Consideration of Limited Three-story Building Elements. The Town is open to consideration of limited three-story building elements on the west side of Washington Street between Mulberry and Humboldt Streets and on the west side of Highway 29 between California

Drive and Humboldt Street as shown in Figure LU-1. Three-story buildings will be considered only if a significant portion of the project and its uses provide a community benefit such as affordable housing and/or under-represented businesses and services that provide an opportunity for resident use. Such buildings shall not exceed 35 feet at the highest point, shall adhere to the requirements for massing in Policy LU-2.4, shall be stepped-back, located near the center of the development, and avoid flat, vertical planes and three-story development fronting Washington or other streets or highways, and shall address parking requirements and placement. Three-story elements are discretionary and not a matter of right.

- Program LU-2.6a Design Standards Ordinance Amendment. Develop an incentive-based program that offers a third-story bonus on the west side of Washington Street between Humboldt and Mulberry Streets and, on the west side of Highway 29, between Humboldt Street and California Drive in the area shown in Figure LU-1 on the condition that the project and its uses will provide a community benefit such as affordable housing, underrepresented retail, stand-alone office, or services.
- Policy LU-2.7 Courtyard Design. For commercial and multifamily development, encourage multiple, smaller buildings that combine to form courtyard-like spaces.
- Policy LU-6.1 Washington Street. Maintain policies, land use designations, and design standards that create a viable, vibrant and attractive central Washington Street business area that is characterized by walkability, view corridors, low intensity development, and an active streetscape.
- Policy LU-6.2 Mix of Uses. Encourage a well-integrated mix of uses that will create an attractive, vibrant, and walkable Washington Street experience.
 - Program LU-6.2a North Washington. Create an overlay district to allow mixed-use, including live-work, office, service, and under-represented retail uses in addition to required residential uses, and apply the new district to the six residential parcels on the east side of North Washington, as shown in Figure LU-2. New mixed uses may be allowed within the existing structures and in redeveloped buildings that reflect the Old Town character.
 - Program LU-6.2b Humboldt Rezoning. Rezone two vacant residential parcels at the northeast intersection of Humboldt Street and Jefferson Street from Old Town Historic to Residential-Scaled Commercial with a minimum lot size of 10,000 square feet. Food and wine use incidental to a related retail use, such as a pharmacy soda fountain, may be acceptable as determined by the Town Council. Full-service restaurant, cannabis businesses, tasting rooms, wine bars, and similar uses are not permitted. Require at least two second-story rental housing units in any development proposal. One of the units may be used as a primary dwelling by either the owner or the owner's immediate family subject to a use permit.
 - Program LU-6.2c Hotel Yountville Rezoning. Rezone the Residential-Scaled Commercial portion of the site (APN 036-090-026) to Planned Development.
- Policy LU-6.5 Parking on Frontages. Limit the amount of Washington Street frontage that can be used for onsite parking or parking access.
- Policy LU-6.7 Parking Efficiency. Allow greater use of measures that maximize the amount of onsite and offsite parking, including valet, tandem, parking structures, and other creative

solutions provided they consider neighborhood context, view corridors, setbacks, screening, and massing.

- Policy LU-7.4 Intensity of Commercial Uses. Allow a greater intensity of commercial development and uses on the west side of Washington Street and a lesser intensity on the east side.
- Policy LU-7.5 FAR Bonus. Provide a Floor Area Ratio (FAR) bonus for retail, professional office, and services uses that increase business diversity and offer benefit to residents. This would not apply to restaurant, alcohol or cannabis-related uses.
 - Program LU-7.5a Design Standards Ordinance Amendment. Amend the Design Standards Ordinance to allow an FAR bonus for retail and service uses on the west side of Washington Street between Humboldt and Mulberry Streets, and, on the west side of Highway 29, between Humboldt Street and California Drive as shown in the area in Figure LU-1.
- Policy LU-7.6 Project Review. Address potential conflicts between businesses and residents in or adjacent to commercial areas by establishing specific, project-related conditions of approval when granting Master Development Plan Permits and Conditional Use Permits.
- Policy HO-1.3 Multifamily Design. Encourage the design of multifamily units to integrate with the Town's character.
 - Program HO-1.3a Mixed Residential Uses. Continue to create a range of use types in the mixed residential (RM) zoning district. Description: Sites zoned for mixed residential use are currently assigned a density range of 8 to 10 units per acre. The Town's Zoning Ordinance intends to create a mix of residential use types in the RM zone; thus a minimum of 50 percent of the site area of a project must be reserved for single-family development and 25 percent must be reserved for multifamily development except under the following conditions:
 - The project site is subject to the Affordable Housing Overlay and a lower percentage is required to accommodate the proposed number of affordable units; or,
 - The project has received a density bonus under the State density bonus program and a lower percentage is required to accommodate the proposed number of affordable units.
- Policy HO-5.2 Mixed Use on Commercial Sites. Provide enhanced opportunities for mixed residential and commercial uses on commercial sites.
 - Program HO-5.2a Development Standards. Maintain standards for residential development in commercial zones, including evaluation of floor area ratio (FAR) incentives. Description: The Town currently allows residential development on commercial parcels and provides a 0.15 FAR increase for mixed-use projects. This program evaluates the various standards applicable to mixed use on commercial sites, with an emphasis on potential increases in FAR and/or to allow rezoning of a portion of a site with an Affordable Housing Overlay to accommodate affordable housing units.
- Policy HO-9.4 Zoning for Emergency Shelters and Transitional, Supportive and Employee Housing. Permit emergency shelters, transitional housing, supportive housing, and employee housing in keeping with State law.

- Policy MO-10.2 Parking Standards. Continue to review and update parking ratios in the Zoning Ordinance, and design standards in the Design Ordinance to reflect trends in vehicular size, use, and emerging technology.
 - Program MO-10.2a Project Review. Evaluate parking demand for all new commercial development and require onsite parking that addresses the parking demand as determined by the Town during project review. In making this determination, the Town may require the following:
 - Maximum onsite parking.
 - Submittal of Parking Management Plans to addresses customer and employee parking, both on- and offsite.
 - Preparation of Parking Impact Studies to evaluate parking impacts associated with a proposed use.

The Zoning Ordinance Update implements the General Plan goals, policies, and programs, including those described above. In addition to modifications to ensure consistency between the General Plan and Zoning Ordinance, the Zoning Ordinance Update also refines uses, development standards, and other requirements to better reflect current conditions, desired trends, and best planning practices as well as clarify and streamline the Zoning Ordinance, where appropriate.

The primary components of the Zoning Ordinance Update are summarized by chapter below:

Chapter 17.36 PF, Public Facilities

- Revise Section 17.36.010 to add public services provided by private operators to the type of facilities and uses accommodated by the PF district.
- Revise Section 17.36.020 to require a Use Permit for all new and expanded uses listed in Section 17.36.040, a Master Development Plan for all new development proposals, and Design Approval for expansion or exterior remodeling of a structure and to require commercial operations to be subject to the provisions of Chapter 17.100.
- Add Section 17.36.025 to establish site-specific standards for APN 034-140-012 (the Napa Valley Wine Train station west of Highway 29) that include the potential for a 0.15 increase in floor area ratio (FAR) for eligible retail- and service-oriented uses and a third-story height bonus, to a maximum of 35 feet, for projects that provide a substantial community benefit as determined by the Town Council.
- Revise Section 17.36.030 to limit permitted facilities to those providing public and quasi-public services that are operated, rather than owned, leased, or operated, by the Town and other specific public entities.
- Revise Section 17.36.040 to modify the list of uses requiring a Use Permit to add rooftop uses and to limit non-profit facilities to those providing public or quasi-public services.
- Add Section 17.36.060 to establish development standards for the PF district, including maximum FAR, minimum setbacks, top story floor area, and minimum open space requirements.
- Add Section 17.36.070 to establish design standards for public facilities buildings that address building scale and massing, street frontages, parking, open space and, utilities.

Chapter 17.48 PC, Primary Commercial

- Revise Section 17.48.030 to require a Master Development Plan for all new development proposals and Design Approval for expansion or exterior remodeling of a structure, require commercial operations to be subject to the provisions of Chapter 17.100, address parking and the character of development in the district, require development to contribute to a well-integrated mix of uses that create an attractive, vibrant, and walkable Washington Street, and ensure development maintains an appropriate balance to assure a livable community for residents.
- Add Section 17.48.040 to establish site-specific standards for APNs 036-330-006, 036-330-009, a portion of 036-330-010, 036-081-004, and 036-081-011 (these parcels generally comprise the V Marketplace area) that include the potential for a 0.15 increase in FAR for eligible retail- and service-oriented uses and a third-story height bonus, to a maximum of 35 feet, for projects that provide a substantial community benefit as determined by the Town Council.
- Revise Section 17.48.050 to modify the list of uses that require a Use Permit to remove wine tasting bars, remove residential uses adjacent to commercial uses, add residential units behind commercial uses, and add rooftop uses.
- Add Section 17.48.070 to establish development standards for the PC district, including maximum FAR, minimum setbacks, top story floor area, and minimum open space requirements.

Chapter 17.52 RSC, Residential-Scaled Commercial

- Revise Section 17.52.020 to require a Master Development Plan for all new development proposals, and Design Approval for expansion or exterior remodeling of a structure, to require commercial operations to be subject to the provisions of Chapter 17.100, address parking and the character of development in the district, require development to contribute to a well-integrated mix of uses that create an attractive, vibrant, and walkable Washington Street, and ensure development maintains an appropriate balance to assure a livable community for residents.
- Add Section 17.52.022 to establish site-specific standards for APNs 036-054-022 and 036-054-023 (two parcels located northeast of the Humboldt and Washington Streets intersection), including minimum lot size, requirement for two residential units in development proposals, and prohibiting wine tasting rooms.
- Revise Section 17.52.025 to revise prohibited uses to prohibit new (rather than existing) hotel, inn, bed and breakfast inn, and other transient uses.
- Revise Section 17.52.030 to modify the list of uses requiring a Use Permit to add rooftop uses, service-oriented business, residential uses in combination with commercial uses, live/work uses, and home occupations.
- Revise Section 17.52.050 to revise development standards for the RSC district to include maximum FAR, minimum setbacks, height limit, top story floor area, and minimum open space requirements.

Chapter 17.82 MU, Mixed Use Overlay

- Chapter 17.82 is added to the Zoning Code to establish the Mixed Use Overlay District
- Section 17.82.010 addresses the purpose and application of the MU district which is intended to provide opportunities for mixed-use development, including live-work, office, service and under-

represented retail uses in addition to required residential uses, either within existing structures or in redeveloped buildings that reflect the character of the Old Town Historic District.

- Section 17.82.020 identifies permit and approval requirements for uses in the MU district as well as the requirement that proposed commercial or nonresidential uses shall conform to the design standards and development regulations established for the Old Town Historic District.
- Section 17.82.030 establishes uses requiring a Use Permit, including professional office, service-oriented businesses, under-represented retail, live/work units, and subordinate accessory uses.
- Section 17.82.050 establishes findings required to be made before granting a Use Permit.

Chapter 18.40 Design Standards

- Revise Section 18.40.020 to ensure PC development on the west side of Washington Street meets the needs of visitors and residents, as well as merchants, to address the desired character and layout of development, to replace existing design standards related to FAR, building height, open space, parking, signage, and other requirements that address building scale and massing, street frontages, parking, open space and, utilities to achieve the desired character of the district.
- Revise Section 18.40.030 to revise RSC design standards for floor area ratio, building height, open space, parking, and signage standards and to refine standards addressing the desired character and layout of development, including building size, building scale and massing, street frontages, parking, open space, and utilities standards.
- Revise Section 18.40.040 to revise design standards for live/work projects to include a minimum commercial floor area requirement and a third-story height bonus for projects providing a substantial community benefit.

Chapter 18.46 Building Height Exceptions

Chapter 18.46 is added to address building height exceptions, including standards to address architectural, mechanical, and utility features and, rooftop uses.

Definitions

- Add definitions for quasi-public service, street frontage, building frontage, and developable lot area.
- Identify, through resolution, uses or actions that are considered a substantial community benefit

Zoning Districts Map

The Zoning Districts map (Figure 1) is updated to conform to the General Plan Land Use Map and to apply overlay districts as provided by the General Plan. The Mixed Use Overlay (-MU), Retail Overlay (-R), Gateway Overlay (-G), and Creekside Overlay (-C) are applied as shown on Figure 1. Specific parcels are rezoned for consistency with the General Plan as described below:

- The area east of Washington Street and south of Mission Street is modified from RSC to Planned Development as shown on Figure 2.
- The area north of Humboldt Street and east of Jefferson Street is modified from Old Town Historic to RSC as shown on Figure 3.
- The portion of the Domaine Chandon parcel outside of the Town boundaries and within the SOI is prezoned PC as shown on Figure 4.



Town of Yountville
"The Heart of the Napa Valley"

FIGURE 1: ZONING DISTRICTS 2020

- Town Limit
- Sphere of Influence
- Agricultural (A)
- Master Planned Residential (MPR)
- Mixed Residential (MR)
- Mobile Home Park (MHP)
- Old Town Commercial (OTC)
- Old Town Historic (H)
- Parks and Playfields (P)
- Planned Development (PD)
- Primary Commercial (PC)
- Public Facilities (PF)
- Residential-Scaled Commercial (RSC)
- Retained Commercial (RC)
- Single-Family Residential (RS)
- Creekside Overlay (-C)
- Mixed Use Overlay (-MU)
- Retail Overlay (-R)
- Gateway Overlay (-G)

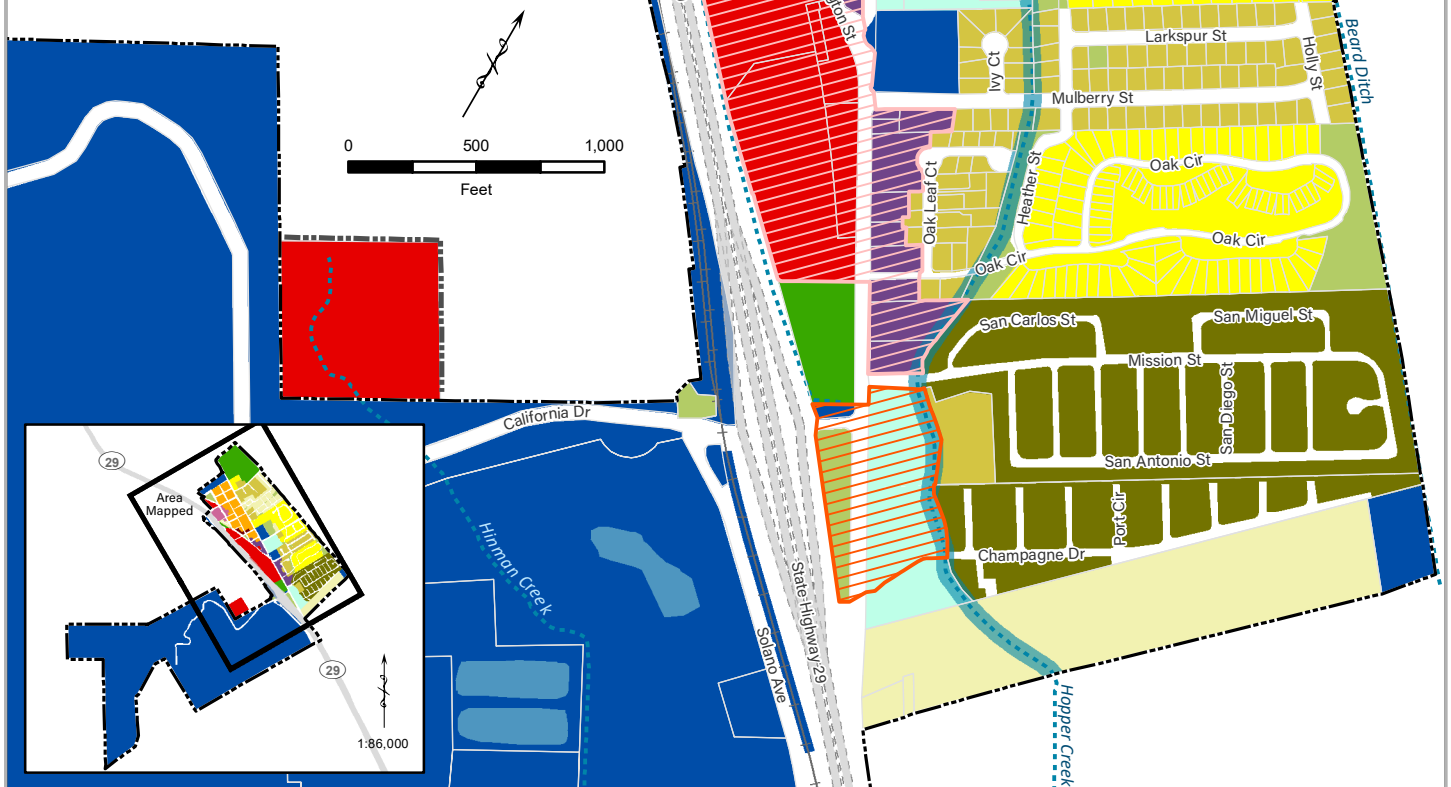
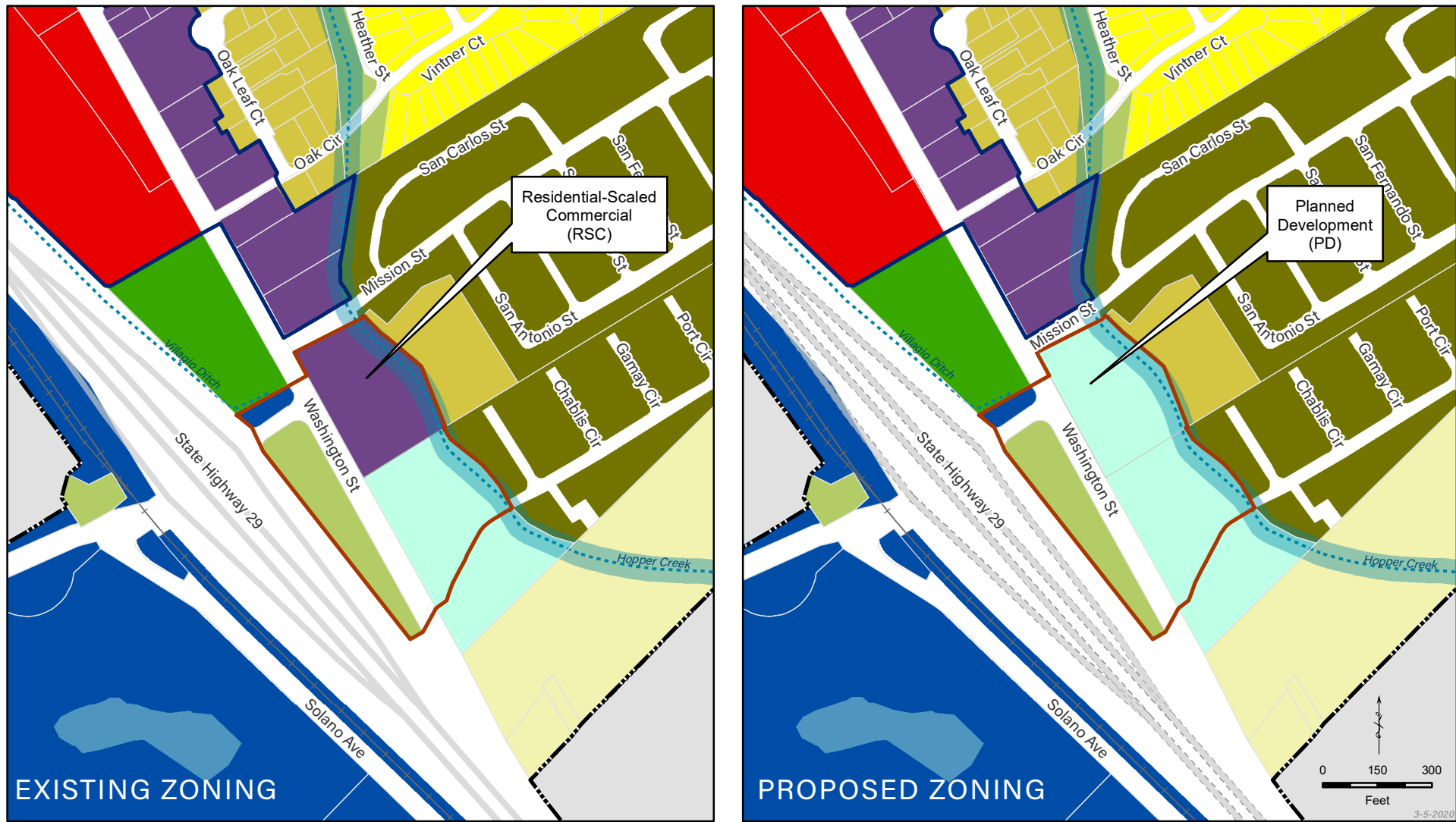


FIGURE 2



LEGEND

- | | | |
|----------------------------------|-------------------------------------|------------------------|
| Agricultural (A) | Planned Development (PD) | Creekside Overlay (-C) |
| Master Planned Residential (MPR) | Primary Commercial (PC) | Retail Overlay (-R) |
| Mixed Residential (MR) | Public Facilities (PF) | Gateway Overlay (-G) |
| Mobile Home Park (MHP) | Residential-Scaled Commercial (RSC) | Yountville Town Limits |
| Parks and Playfields (P) | Single-Family Residential (RS) | |

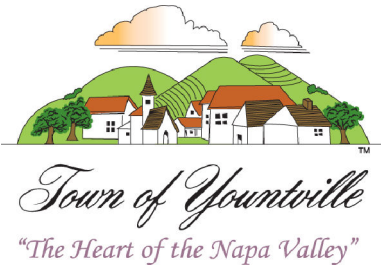
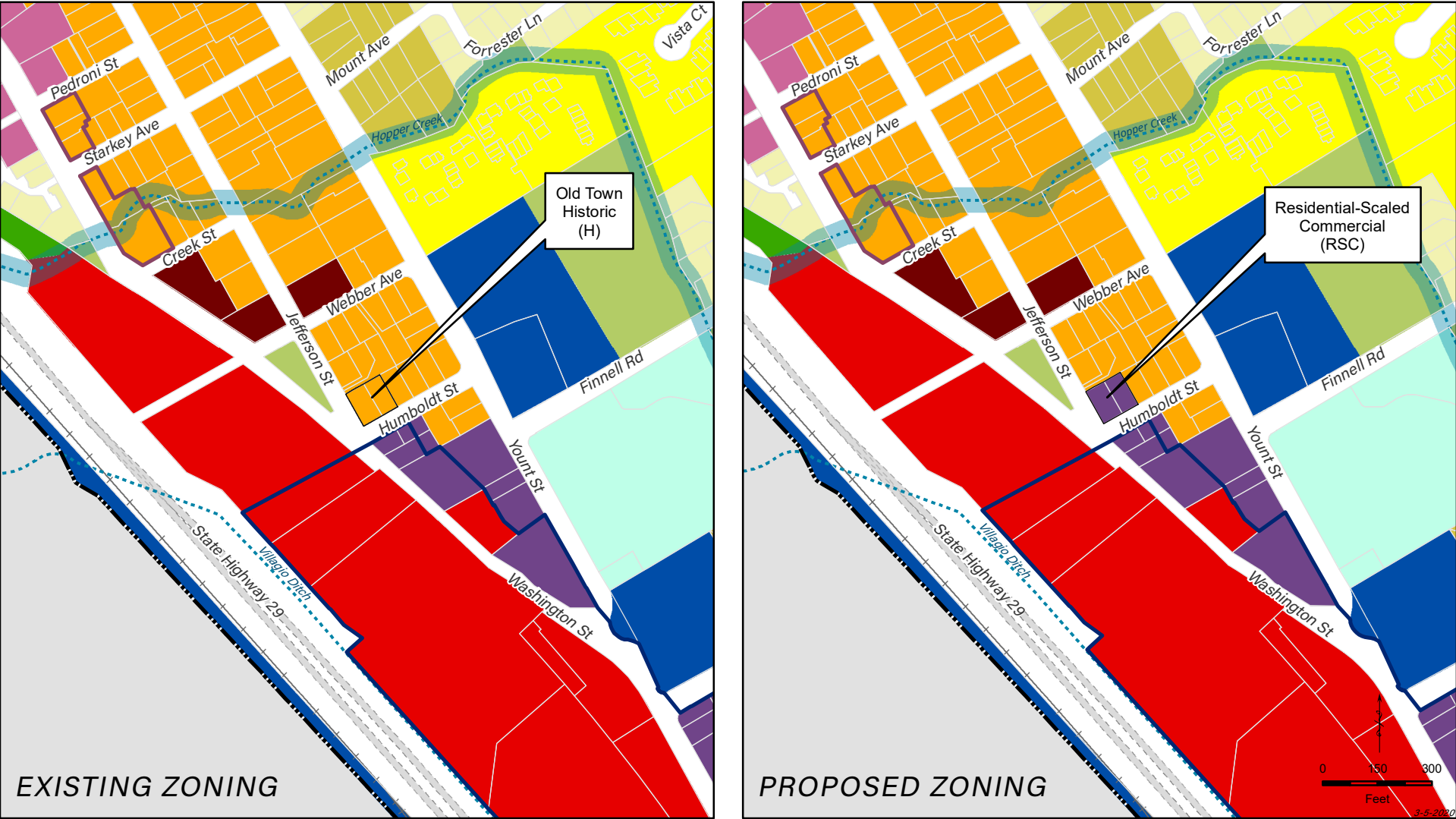


FIGURE 3



LEGEND

Agricultural (A)	Planned Development (PD)	Creekside Overlay (-C)
Master Planned Residential (MPR)	Primary Commercial (PC)	Mixed Use Overlay (-MU)
Mixed Residential (MR)	Public Facilities (PF)	Retail Overlay (-R)
Old Town Commercial (OTC)	Residential-Scaled Commercial (RSC)	Gateway Overlay (-G)
Old Town Historic (H)	Retained Commercial (RC)	Yountville Town Limits
Parks and Playfields (P)	Single-Family Residential (RS)	

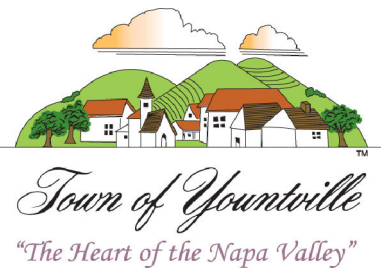
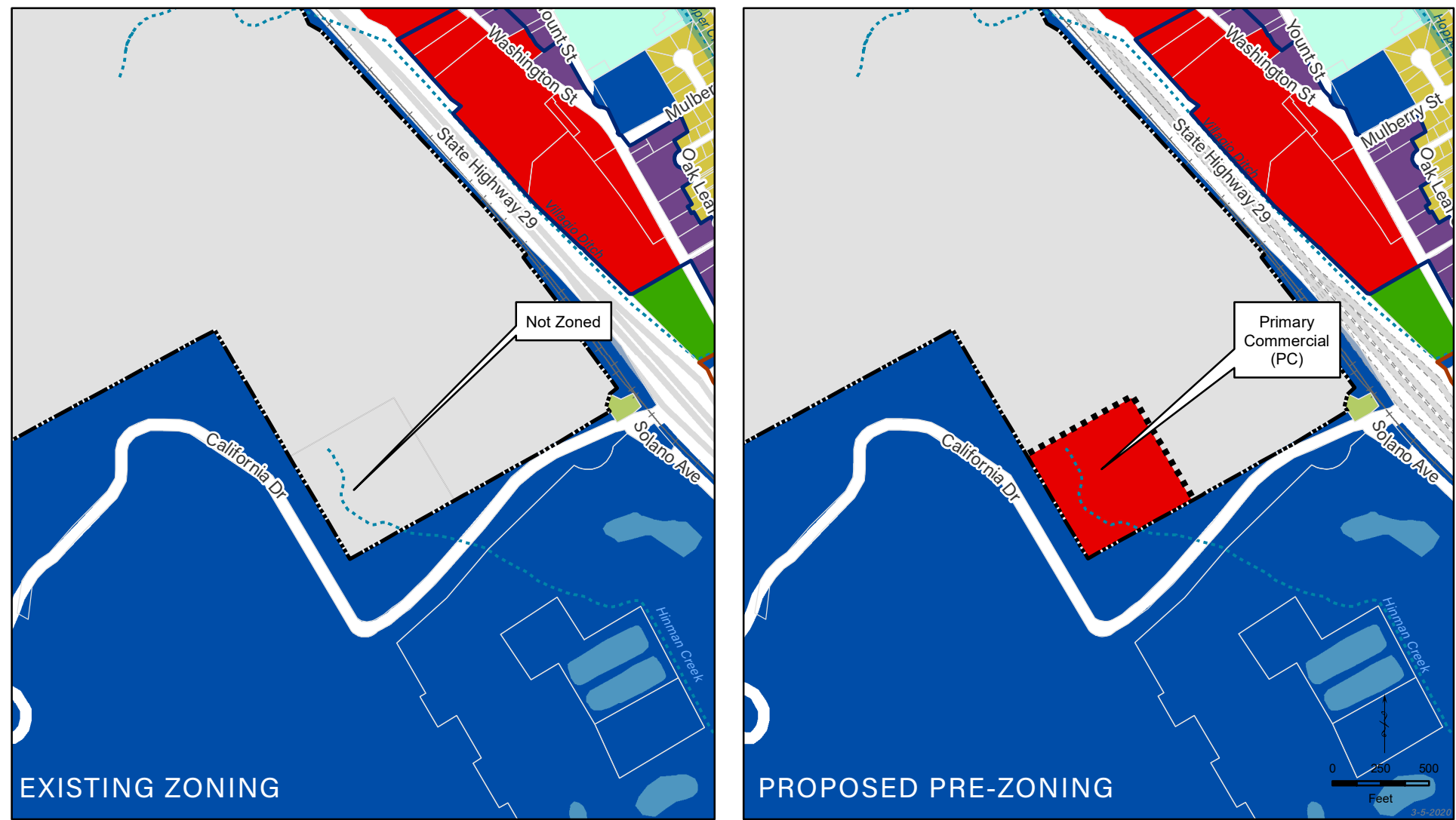
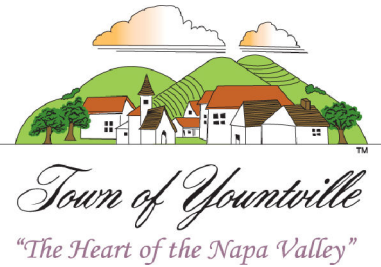


FIGURE 4



LEGEND

- | | | |
|--------------------------|-------------------------------------|------------------------|
| Agricultural (A) | Public Facilities (PF) | Creekside Overlay (-C) |
| Parks and Playfields (P) | Residential-Scaled Commercial (RSC) | Retail Overlay (-R) |
| Planned Development (PD) | Single-Family Residential (RS) | Gateway Overlay (-G) |
| Primary Commercial (PC) | Yountville Town Limits | Proposed SOI Boundary |



3.0 ENVIRONMENTAL ANALYSIS

3.1 ANALYSIS

This section of the Addendum provides analysis and cites substantial evidence that supports the Town's determination that the proposed Zoning Ordinance Update does not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162.

As addressed in the analysis below, the proposed Zoning Ordinance Update is not a substantial change to the originally anticipated project. The proposed Zoning Ordinance Update would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the Final EIR (CEQA Guidelines Section 15162[a][1]) that would require major revisions to the EIR. All impacts would be nearly equivalent to the impacts previously analyzed in the Final EIR. Relatedly, the proposed modifications to the Zoning Ordinance Update are not inconsistent with the General Plan, including the components of the General Plan that mitigate effects to the environment as described in the Final EIR.

While constituting the overall policy statement for the Town, the General Plan is not a stand-alone document and is designed to be implemented through other adopted regulatory documents and plans, including the Town's Municipal Code, which includes the Zoning Ordinance and Design Standards. These regulatory documents and plans provide specific details for such matters as land development through setbacks, building heights, density, intensity, project design, and project review. Section 65860(c) of the Government Code recognizes that a general plan update process may create temporary inconsistencies with existing plans and ordinances and provides a reasonable time for the Town to bring the zoning code into compliance.

The proposed project amends the Zoning Ordinance to make it consistent with the General Plan and does not include any components that would result in a significant change in development allowed under the General Plan. The Zoning Ordinance and Design Standards provide regulations that ensure that future development is consistent with the General Plan. The range of uses, development footprint, building massing and heights, and the densities and intensities of uses that could occur under the Zoning Ordinance and Design Standards are consistent with the policies and measures of the General Plan.

For example, the proposed amendments would add and modify certain zoning districts and overlay districts as depicted by the Zoning Districts Map in order to achieve consistency with the adopted General Plan Land Use Map (General Plan Figure LU-3), as required by Policy LU-1.1 and implementing programs.

Figure 1 shows the proposed Zoning Districts Map, as updated to be consistent with the General Plan Land Use Map. The overlay districts added to the Zoning Districts Map are consistent with the provisions for these overlay districts included in General Plan. The changes to the zoning of specific parcels, as shown in Figures 2, 3, and 4, are consistent with the land use designations for those parcels as established by the General Plan Land Use Map (General Plan Figure LU-3).

Chapter 17.36 PF, Public Facilities, is updated to implement various goals, policies, and programs of the General Plan directing the use, operation, development, and design of public and quasi-public uses. The provisions to establish site-specific standards for the Napa Valley Wine Train Station are consistent with General Plan Measures LU-2.6a and LU-7.5a. The provisions to update the Public Facilities development standards and design standards are consistent with General Plan Policies LU-2.4, 2.5, 2.6, and 7.5.

Chapter 17.48 PC, Primary Commercial, is updated to implement various goals, policies, and programs of the General Plan directing the use, operation, development, and design of parcels designated PC. The provisions to establish site-specific standards for the V Marketplace area parcels are consistent with General Plan Measure LU-6.2a. The provisions to update the PC development standards in Chapter 17.48 and design standards in Chapter 18.40 are consistent with General Plan Policies LU-2.4, 2.5, 2.6, 2.7, 6.1, 6.2, 7.4, and 7.5.

Chapter 17.52 RSC, Residential-Scaled Commercial, is updated to implement various goals, policies, and programs of the General Plan directing the use, operation, development, and design of parcels designated RSC. The provisions to establish site-specific standards for the specified Humboldt/Jefferson area parcels are consistent with General Plan Measure LU-6.2b. The provisions to update the RSC development standards and design standards in Chapter 18.40 are consistent with General Plan Policies LU-2.4, 2.5, 2.7, 6.1, 6.2, and 7.4.

Chapter 17.82, MU, Mixed Use Overlay, is added to implement various goals, policies, and programs of the General Plan addressing certain mixed-use development. The provisions to create the MU development standards in Chapter 17.82 and to revise design standards in Chapter 18.40 are consistent with General Plan Policies LU-2.4., 2.5, 2.7, and HO-5.2.

The amendments to the Zoning Ordinance and Design Standards text implement the uses, densities, and intensities anticipated in the General Plan, as described above. In addition, the proposed amendments to the Zoning Ordinance include changes to better organize and clarify the existing code text and tables and to codify current practices and clarify existing regulations. In addition, the proposed amendments include minor updates and expanded text to reflect best practices. These changes that would not result in any new or more severe significant impacts to the environment beyond those analyzed in the General Plan Update EIR.

As noted above, the General Plan included an update to the Land Use Diagram. In order to implement the high-level policy framework of the General Plan's Land Use Element, including the Land Use Map, the Town's Zoning Ordinance establishes zoning districts that articulate specific permitted uses, development standards, density/intensity standards, and other regulations. Therefore, the Zoning Ordinance must be consistent with the General Plan, including the Land Use Diagram. The General Plan EIR specifically identifies that the Zoning Ordinance is required to be consistent with the General Plan (Draft EIR p. 2.0-1) and that subsequent activities may include revision to the Zoning Ordinance (Draft EIR p. 2.0-9) The proposed update to the Zoning Ordinance, Design Standards, and Zoning Map is a key subsequent activity that refines existing requirements and establishes new requirements and regulations for future development to ensure that such future development, as well as future uses and activities, are consistent with the General Plan. As such, the proposed update to the Zoning Ordinance, Development Standards, and Zoning Districts Map ensure that subsequent development, including related uses and activities, development standards, design standards, and density/intensity standards, is consistent with the General Plan and these updates were anticipated in the General Plan process and analyzed as part of the General Plan EIR. In addition, the proposed amendments to the Zoning Ordinance include changes to better organize and clarify the existing code text and tables and to codify current practices and clarify existing regulations. These changes that would not result in any new or more severe significant impacts to the environment beyond those analyzed in the General Plan Update EIR.

The proposed changes do not cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that

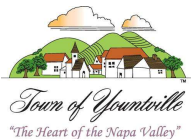
meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no changes in the environmental conditions in the Town and SOI not contemplated and analyzed in the EIR that would result in new or substantially more severe environmental impacts.

There is no new information of substantial importance (which was not known or could not have been known at the time of the application, that identifies: a new significant impact (condition “A” under CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition “B” CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects; or mitigation measures or alternatives which are considerably different from those analyzed in the EIR which would substantially reduce one or more significant effects on the environment (conditions “C” and “D” CEQA Guidelines Section 15162[a][3]). None of the “new information” conditions listed in the CEQA Guidelines Section 15162[a][3] are present here to trigger the need for a Subsequent or Supplemental EIR.

CEQA Guidelines Section 15164 states that “The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” An addendum is appropriate here because, as explained above, none of the conditions calling for preparation of a subsequent EIR have occurred.

3.2 CONCLUSION

Based on the information above, the proposed Zoning Ordinance Update project would bring components of the Town’s Zoning Ordinance, Design Standards, and Zoning Districts Map into 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 Ordinance Update 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.



Staff Report

File #: 20-2573, **Version:** 1

Yountville Town Council Staff Report

DATE: May 19, 2020

TO: Mayor and Town Council

FROM: Joe Tagliaboschi, Public Works Director; Steven Rogers, Town Manager

TITLE

Adopt Resolution Number 20-3988 Approving the 2020 Multi-Jurisdictional Hazard Mitigation Plan for Napa County as its Official Plan.

DISCUSSION/BACKGROUND

The Town of Yountville staff along with Napa County, and the other County jurisdictions, developed an update to the 2013 Hazard Mitigation Plan over the past 18 months to reduce losses resulting from natural disasters. Hazard mitigation is the use of long-term actions to reduce the loss of life, personal injury, and property damage that can result from a disaster. After careful review by the MJHMP Planning Committee, all participating jurisdictions, and the public, boards and councils of participating jurisdictions are now being asked to adopt the Napa MJHMP.

The plan was developed by the MJHMP Planning Committee, made up of participants from all participating jurisdictions advising on hazard and mitigation action priorities both for the County as a whole and each jurisdiction individually, with expertise from consultants on the project, Dynamic Planning + Science. The plan has been reviewed by the public (comments have been addressed) and is currently being reviewed by the California Office of Emergency Services (Cal OES) and the Federal Emergency Management Agency (FEMA).

The Draft Plan is likely to change based on Cal OES and FEMA review, but those changes are not expected to be substantive and will be subject to review by each participating jurisdiction. Because of the August 2020 deadline for FEMA and Cal OES approval, after responding to their comments, participating jurisdictions are being asked to adopt the Plan, including any changes suggested by the reviewing agencies.

A current and approved hazard mitigation plan is a prerequisite for jurisdictions wishing to pursue funding under FEMA's Hazard Mitigation Assistance Program (HMA). The Napa County MJHMP must be updated every five (5) years to remain in compliance with regulations and Federal mitigation grant conditions; FEMA approved an August 2020 deadline for approval of an updated Napa County MJHMP, and several jurisdictions have funding contingent on approval of this Update.

Staff recommends Adopt Resolution Approving Adopting the 2020 Multi-Jurisdictional Hazard Mitigation Plan for Napa County as its Official Plan.

ENVIRONMENTAL REVIEW

NA

FISCAL IMPACT

Is there a Fiscal Impact? No

Is it Currently Budgeted? No

Where is it Budgeted? NA

Is it Mandatory or Discretionary? Mandatory

Is there a Staff Resource Impact? Yes

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Responsible Fiscal Policy:** The Town maintains its fiscal health through policies designed to maximize economic opportunities, manage expenses, and ensure prudent reserves.

Briefly Explain Relationship to Strategic Plan Goal and Objective. The Hazard Mitigation Plan helps town staff in Preparing and planning for emergency operations and recovery. This plan is a required element for any State or Federal Funds should there be a State of Emergency declared. The Hazard Mitigation Plan will help the Town of Yountville qualify for any available funding in an emergency.

ALTERNATIVES

Approve the Plan.

Reject the Plan and offer exceptions.]

RECOMMENDATION

Adopt Resolution Number 20-3988 Approving the 2020 Multi-Jurisdictional Hazard Mitigation Plan for Napa County as its Official Plan.]

Town of Yountville

Resolution Number 20-3988

Adopt Resolution Approving the 2020 Multi-Jurisdictional Hazard Mitigation Plan for Napa County as its Official Plan

Recitals

- A. **WHEREAS**, the Town of Yountville is a political subdivision of the State of California and an official participating jurisdiction of the “2020 Napa County Multi-Jurisdictional Hazard Mitigation Plan” (MJHMP); and
- B. **WHEREAS**, the Town of Yountville recognizes the MJHMP as the official hazard mitigation plan for the County and participating jurisdictions; and
- C. **WHEREAS**, the Town of Yountville, with the assistance from Napa County, has gathered information and prepared the MJHMP in accordance with Federal Emergency Management Agency (FEMA) requirements at 44 C.F.R. § 201.6; and
- D. **WHEREAS**, the Town of Yountville Annex in Volume 2 of the MJHMP recognizes the threat that natural hazards pose to people and property within our community; and
- E. **WHEREAS**, the Town of Yountville has reviewed the MJHMP and affirms that the plan actions in the Town of Yountville’s Annex will reduce the potential for harm to people and property from future hazard occurrences with our community; and
- F. **WHEREAS**, Congress passed the Disaster Mitigation Act of 2000 (Disaster Mitigation Act) emphasizing the need for pre-disaster mitigation of potential hazards; and
- G. **WHEREAS**, the Disaster Mitigation Act made available mitigation grants to state and local governments; and
- H. **WHEREAS**, an adopted multi-hazard plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and
- I. **WHEREAS**, the Town of Yountville fully participated in the FEMA-prescribed mitigation planning process to prepare this MJHMP; and
- J. **WHEREAS**, the citizens were afforded opportunities to comment and provide input in the MJHMP and the actions in the Plan; and
- K. **WHEREAS**, the Town of Yountville, as a fully participating jurisdiction of the MJHMP is an eligible sub-applicant to the State of California under FEMA’s hazard mitigation grant program guidance; and
- L. **WHEREAS**, the California Office of Emergency Services (Cal OES), and the FEMA Region IX officials have reviewed the MJHMP, and approved it contingent upon this official adoption by the participating governing body; and
- M. **WHEREAS**, the Town Council desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the MJHMP; and

- N. **WHEREAS**, adoption by the Town Council for the Town of Yountville demonstrates the jurisdiction's commitment to fulfilling the mitigation goals and objectives outlined in this MJHMP; and
- O. **WHEREAS**, adoption of this plan helps to coordinate the responsible agencies to carry out their responsibilities under the MJHMP;

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

1. That the Town of Yountville adopts the 2020 Multi-Jurisdictional Hazard Mitigation Plan Vol. 1 for Napa County and the Town of Yountville Annex in Vol. 2, as approved by FEMA and Cal OES, as the mitigation plan for the Town of Yountville.
2. That the Town Council orders the Town Manager to submit an approved and signed copy of this resolution to the Cal OES and FEMA Region IX officials to enable the plan's final approval.
3. The Resolution is hereby adopted and becomes effective and in full force immediately upon adoption.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Yountville, State of California, held on this 19th day of May, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

JURISDICTIONAL ANNEX

Section 4. Town of Yountville

NAPA COUNTY OPERATIONAL AREA HAZARD MITIGATION PLAN

NAPA COUNTY OFFICE OF EMERGENCY SERVICES
1195 THIRD STREET B-20
NAPA, CA 94559





4.1 Purpose

This Annex details the hazard mitigation planning elements specific to the Town of Yountville. This Annex is not intended to be a standalone document but appends to and supplements the information contained in the base plan document. As such, all sections of the base plan, including the planning process and other procedural requirements apply to and were met by the Town. This Annex provides additional information specific to the Town of Yountville, with a focus on providing additional details on the planning process, risk assessment, and mitigation strategy for this community.

Hazard Mitigation Plan Point of Contact

Primary Point of Contact

Steven Rogers, Town Manager
Town of Yountville
6550 Yount Street
Yountville, CA 94599
Telephone: 707-944-8851
e-mail Address: srogers@yville.com

Alternate Point of Contact

Joe Tagliaboschi, Public Works Director
Town Of Yountville
6550 Yount Street
Yountville, CA 94599
Telephone: 707-944-8851
e-mail Address: jtagliaboschi@yville.com

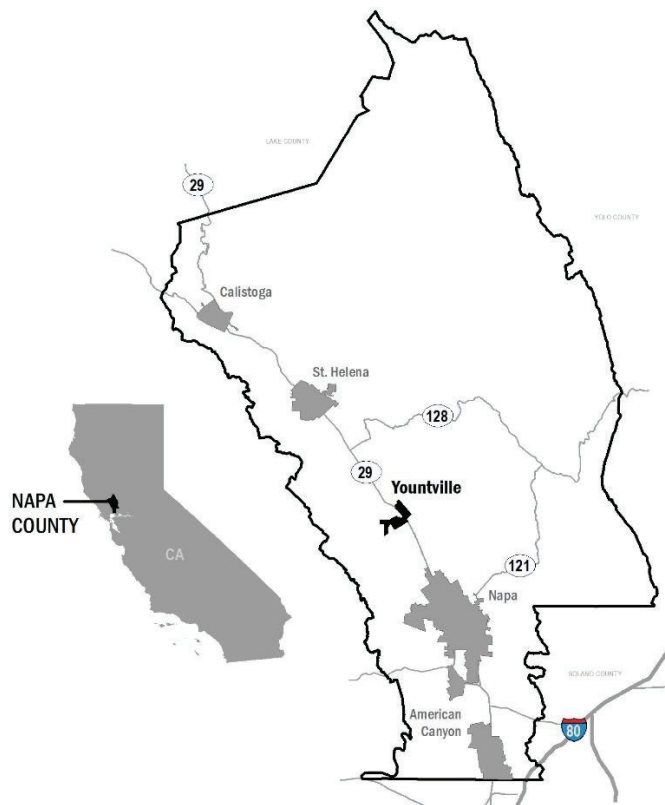


Figure 4-1: Town of Yountville Location



4.2 Planning Methodology

The Town of Yountville followed the planning process detailed in Volume 1, Section 3 of the base plan. In addition to providing representation on the Napa County Hazard Mitigation Planning Committee (HMPC) and Steering Committee, the Town formulated their own internal planning team to support the broader planning process requirements. Internal planning participants, their positions, and how they participated in the planning process are shown in Table 4-1

Table 4-1: Yountville Planning Committee Members

Planning Committee Members	Department
Eddy Gomez	Town Manager's Office
Erica Teagarden	Finance Department
Joe Tagliaboschi	Public Works Department
John Ferons	Public Works Department
Samantha Holland	Parks & Recreation Department
Sandra Liston	Planning and Building Department
Steven Rogers	Town Manger's Office

4.2.1 What's New

The Town of Yountville has been making improvements toward reducing natural hazard risks to life and property within the Town since the 2013 MJHMP was adopted. Mitigation actions develop from the 2013 MJHMP for the Town have been edited, consolidated and developed to meet new priorities. See Vol. 1 for listing of historic mitigation actions. Listed below are success stories where the Town of Yountville successfully implemented mitigation actions that were defined in the 2013 MJHMP.

4.3 Risk Assessment

The intent of this section is to profile the Town of Yountville's hazards and assess the Town's vulnerability distinct from that of the County wide planning area, which has already been assessed in Vol. 1, Section 4 (Risk Assessment). The hazard profiles in Vol. 1 discuss overall impacts to the planning area and describes the hazard problem description, hazard extent, magnitude/severity, previous occurrences of hazard events and the likelihood of future occurrences. Hazard vulnerability specific to the Town of Yountville is included in this Annex. For more information on Risk Assessment Methodologies see Vol. 1 and Appendix A.



4.3.1 Hazard Screening Criteria

Planning Team members from each participating jurisdiction collectively discussed which hazards should be profiled in the plan and which should not. The results of that discussion can be found in Table 4-2. Detailed hazard profiles of the most significant County-wide hazards are described in Section 4 of Vol. 1. The Town of Yountville Planning Team reviewed previously-prepared hazard mitigation plans and other relevant documents to determine the realm of natural hazards that have the potential to affect Yountville. Table 4-3 provides a crosswalk of hazards identified in Vol. 1 of this plan, Yountville General Plan, 2010 San Francisco Bay Area Hazard Mitigation Plan, and 2018 California State Hazard Mitigation Plan. Sixteen different hazards were identified based on a thorough document review. The crosswalk was used to develop a preliminary hazards list, providing a framework for the Planning Team members to evaluate which hazards were truly relevant to Yountville and which ones were not. Section 4.3.2 below describes the hazard risk ranking process that was performed by the Yountville Planning Team which prioritized hazards that are specifically relevant to Yountville.

Table 4-2 Hazard Prioritization

Hazard Type	Explanation
Climate Change	High priority county-wide, profiled hazard.
Dam failure	High priority county-wide, profiled with flood hazard.
Drought	High priority county-wide, profiled hazard
Earthquake/ Geologic Hazards	High priority county-wide, profiled hazard
Extreme Heat	Profiled as part of Severe Weather hazard
Extreme Cold	Profiled as part of Severe Weather hazard
Flood	High priority county-wide, profiled hazard
Hail	Profiled as part of Severe Weather hazard
Hazardous Material	While hazardous materials can release and impact the County, there are better avenues to address this hazard outside this Plan.
High Winds/ Straight Line Winds	High priority county-wide, profiled as part of Wildfire and Severe Weather hazards
Infestation	High priority county-wide, profiled as part of Ag Disaster hazard
Lightning	Profiled as part of Severe Weather hazard
Pandemic Disease	High priority county-wide, profiled hazard.
Severe Thunderstorm	Profiled as part of Severe Weather hazard.
Slope Failure	High priority county-wide, profiled hazard



Hazard Type	Explanation
Terrorism/Human Caused Threats	While terrorism is certainly a threat to the County and participating jurisdictions, it is best addressed in other plans as this HMP does not address human caused threats.
Tornado	Impacts to the County from tornados are extremely unlikely, if any.
Volcanic Activity	Due to distance from volcanoes and the limited chance of an eruption, this hazard was not identified as a priority.
Wildfire	High priority county-wide, profiled hazard
Winter Storm	Profiled as part of Severe Weather hazard

Table 4-3 Document Review Crosswalk

Hazards	Napa County Operational Area HMP (Vol. 1)	Yountville General Plan	2010 San Francisco Bay Area HMP	2018 California State HMP
Agricultural Pests	■			■
Climate Change	■	■	■	■
Dam Failure	■	■	■	■
Drought	■	■	■	■
Earthquake	■	■	■	■
Flood	■	■	■	■
Landslide	■	■	■	■
Levee Failure	■		■	■
Manmade Hazards				■
Pandemic Disease				■
Sea Level Rise	■	■		■
Severe Weather	■			■
Terrorism & Tech Hazards		■		■
Tsunami		■	■	■
Volcano				■
Wildfire	■	■	■	■



4.3.2 Hazard Risk Ranking

The Town of Yountville's Planning Team used the same hazard prioritization process as the Napa County Planning Committee. This process is described in detail in Section 4.3.1 of Vol. 1. Figure 4-2 displays the results of the hazard risk ranking exercise that was performed by the Planning Team. The Planning Team chose to assess Yountville's vulnerability to following hazards: climate change, drought, earthquake, flood, wildfire, and dam failure. All of these hazards have been profiled in Vol. 1 of this document. The purpose of this annex is to specifically address Yountville's vulnerability to the previously mentioned hazards, which the Planning Team identified as presenting the most significant threat to the Town of Yountville.



Risk Assessment Matrix Definitions

PROBABILITY RATING

The likelihood of a hazard event occurring within a time period?

PROBABILITY	Highly Likely	Highly likely - 100% annual probability. Or Likely to occur every year in your lifetime.
	Likely	Likely - between 10 & 100% annual probability. Or will occur several times in your lifetime.
	Possible	Possible - between 1 & 10% annual probability. Or Likely to occur some time in your lifetime.
	Unlikely	Unlikely - less than 1% annual probability. Or unlikely but possible to occur in your lifetime.

IMPACT RATING

In terms of injuries, damage, or death, would you anticipate impacts to be minor, limited, critical, or catastrophic when a significant hazard event occurs? The impact could be in terms of one hazard event (flooding from a culvert failure) or a large-scale event (multiple rivers flooding) in the same jurisdictional boundary.

IMPACT			
Minor	Limited	Critical	Catastrophic

Minor - very few injuries, if any. Only minor property damage & minimal disruption on quality of life. Temporary shutdown of critical facilities.

Limited - minor injuries only. Approx. 10% or less of property in disaster footprint damaged or destroyed. Complete shutdown of critical facilities for more than one day.

Critical - multiple deaths/injuries possible. Between 25% and 50% of property in disaster footprint is damaged or destroyed. Complete shutdown of critical facilities for more than one week.

Catastrophic - high number of deaths/injuries possible. More than 50% of property in affected area damaged or destroyed. Complete shutdown of critical facilities for 30 days or more.

Drag & Drop each hazard symbol below into the appropriate spot on the hazard prioritization table to the right.

-AG Disaster and Pandemic Disease were added later by PM Team and not analyzed by larger stakeholder groups. Placed by Consultant

-Tsunami and Volcano will not be addressed in the HMP due to the minor and limited impacts and low probability.

-High Heat and High Wind Will Be Addressed in Severe Weather Hazard Profiles and or Climate Change

-Levee Failure will be addressed under the Flood Hazard Profile

-Will be addressed in Climate Change Section.

County and Municipal governments will be required to address climate change impacts in the Safety Element their General Plans. Climate change may change the frequency, duration and intensity of hazards listed above.

PROBABILITY	IMPACT			
	Minor	Limited	Critical	Catastrophic
	FLOOD SEVERE WEATHER DROUGHT CLIMATE CHANGE EARTHQUAKE	DROUGHT CLIMATE CHANGE EARTHQUAKE	CLIMATE CHANGE EARTHQUAKE	EARTHQUAKE
	Medium	High	High	Extreme
	Low	Medium	WILDFIRE DAM FAILURE	DAM FAILURE
	LANDSLIDE	Low	Medium	Medium

Figure 4-2 Yountville Risk Assessment Matrix



4.3.3 Vulnerability Assessment

Assessing vulnerabilities exposes the unique characteristics of individual hazards and begins the process of narrowing down which areas within the Town of Yountville are vulnerable to specific hazard events. The vulnerability assessment included field visits and a GIS overlaying method for examining such vulnerabilities more in depth. Using these methods, participating jurisdictions estimated vulnerable populations, infrastructure, and potential losses from hazards.

4.3.3.1 Web Based Risk Assessment Mapping and Analysis

The web based and interactive Risk Assessment Mapping Platform (RAMP), accessed via the project website at www.mitigatehazards.com, allows interactive discovery of robust risk, vulnerability, and exposure data developed especially for Napa County. RAMP is a mapping platform built specifically for mitigation planning. It displays County/jurisdiction facilities and buildings overlaid with natural hazards layers to bring interactivity and individual discovery to the GIS analysis performed for the MJHMP. See Vol. 1 for a detailed description of RAMP.

The Planning Team used RAMP in meetings and as needed to understand vulnerabilities to the Town of Yountville. Users interactively filter facilities and buildings by natural hazard zones and/or construction characteristics.

4.3.3.2 Snapshot Exposure Maps

Static snapshot maps were developed to display Yountville's vulnerability to specific hazards. These maps were available on the project website and helped the Planning Team understand the exposure of population, parcels, and critical infrastructure to specific hazards. Each map contains an exposure summary that displays the percent of the population, the improvement and content value of parcels, and the amount of critical infrastructure that is exposed to each respective hazard. The snapshot maps for the hazards that the Yountville Planning Team prioritized are displayed below in Figure 4-3 through Figure 4-8.

4.3.3.3 Future Development

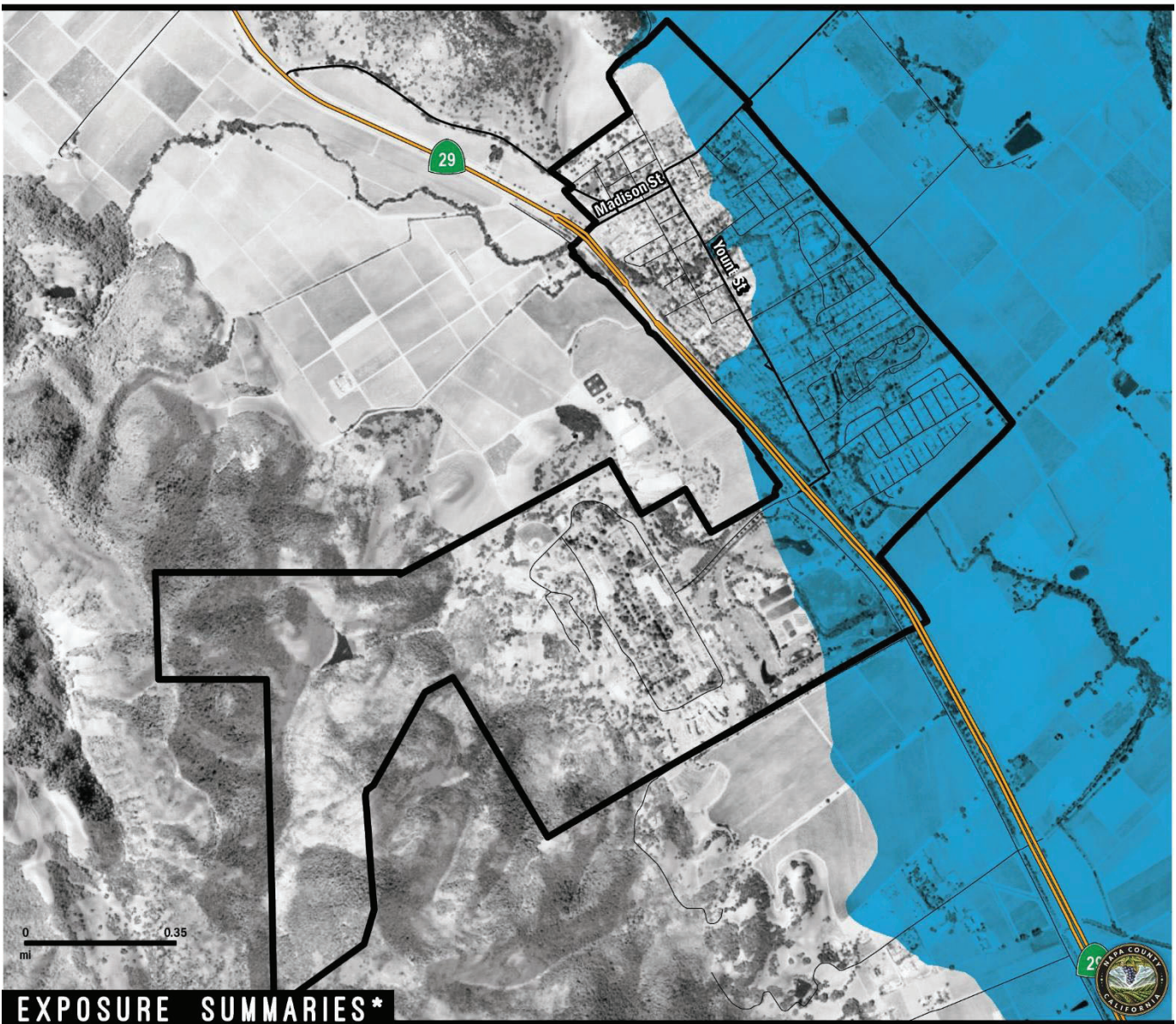
The Town of Yountville is a General Law City that runs by State rules as outlined in the California Government Code. Future development in Yountville is subject to compliance with State of California planning, zoning, subdivision, and architecture laws.

The Town of Yountville has experienced minimal development since the 2004 Napa County HMP. Annexation has not occurred since 2004, and there is no anticipated future development via annexation. Development that has occurred since the previously approved (2004) HMP has been primarily residential and has occurred in small areas throughout the Town. (Napa Operational Area Hazard Mitigation Plan, 2013)



DAM INUNDATION EXPOSURE

YOUNTVILLE



EXPOSURE SUMMARIES*

POPULATION

COUNT	
1,760	65%

PARCEL

COUNT	
920	70%

PARCEL VALUE

IMPROVEMENT	
\$353,726,692	69%
CONTENT	
\$215,320,714	70%

CRITICAL INFRASTRUCTURE

COUNT		
Essential Facilities	3	75%
High Potential Loss	47	49%
Transportation & Lifeline	184	66%
	28	60%

MAP LEGEND

INUNDATION ZONE

*Exposure summaries include all dam inundation areas. Hazard data source: Napa County, CalOES.
(%) - Percent of respective category totals for jurisdiction.

Dynamic Planning + Science
for Napa County, 2018

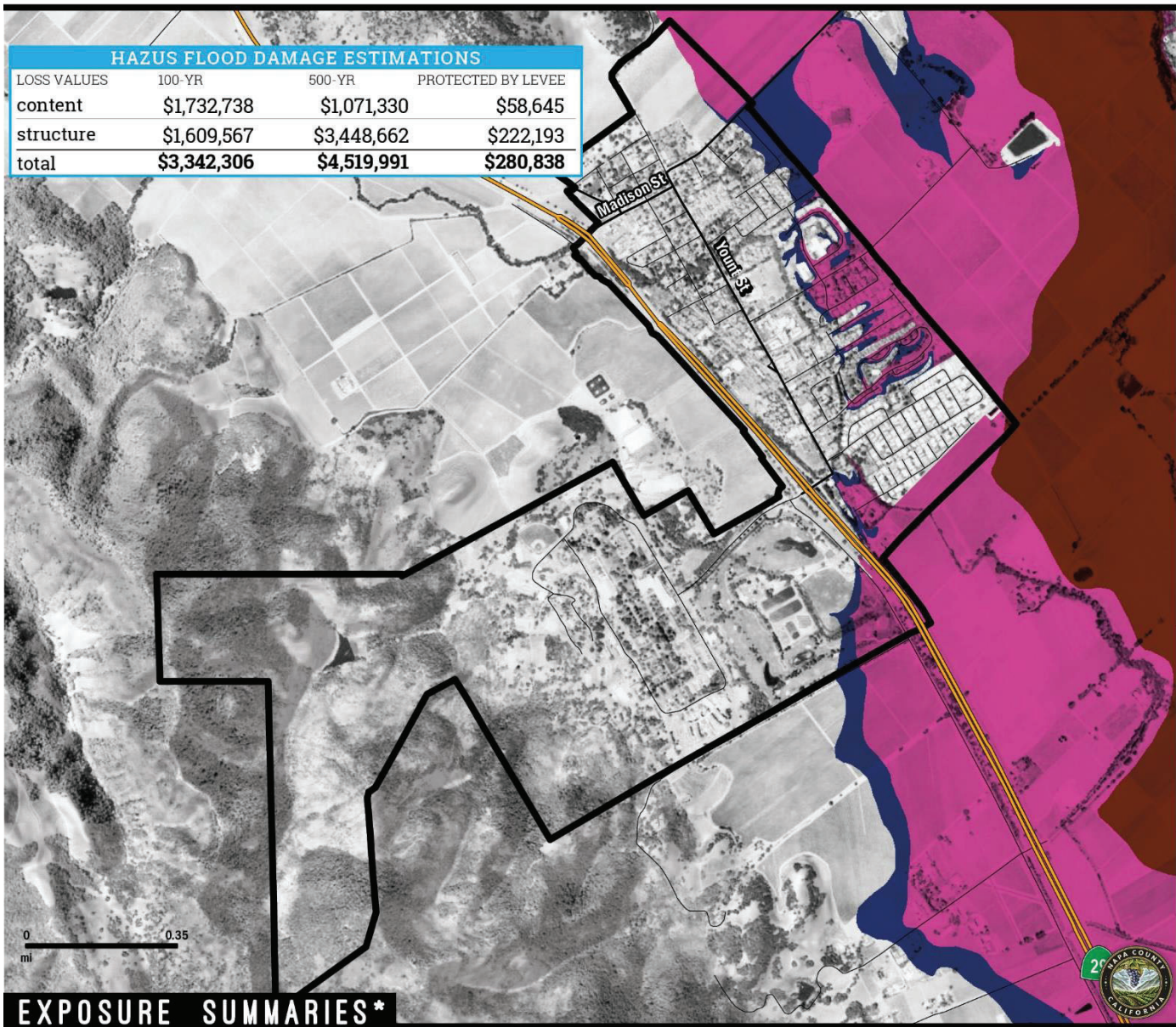


Figure 4-3 Dam Failure Exposure Summary



FEMA FLOOD ZONE EXPOSURE

YOUNTVILLE



EXPOSURE SUMMARIES*

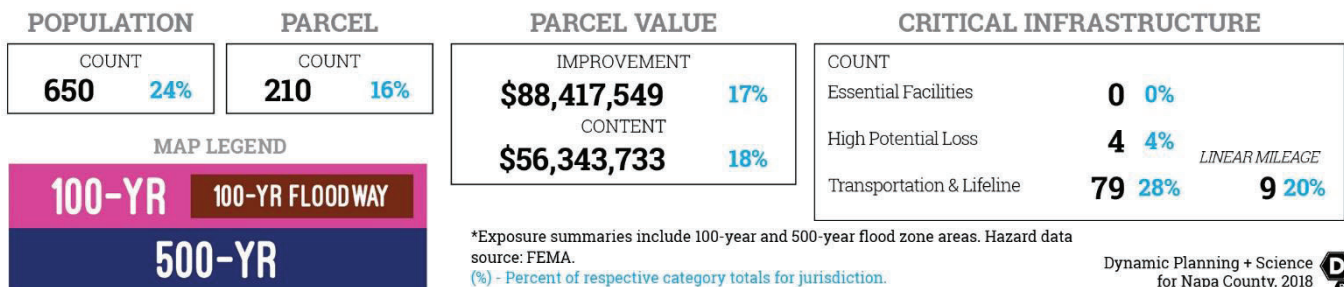
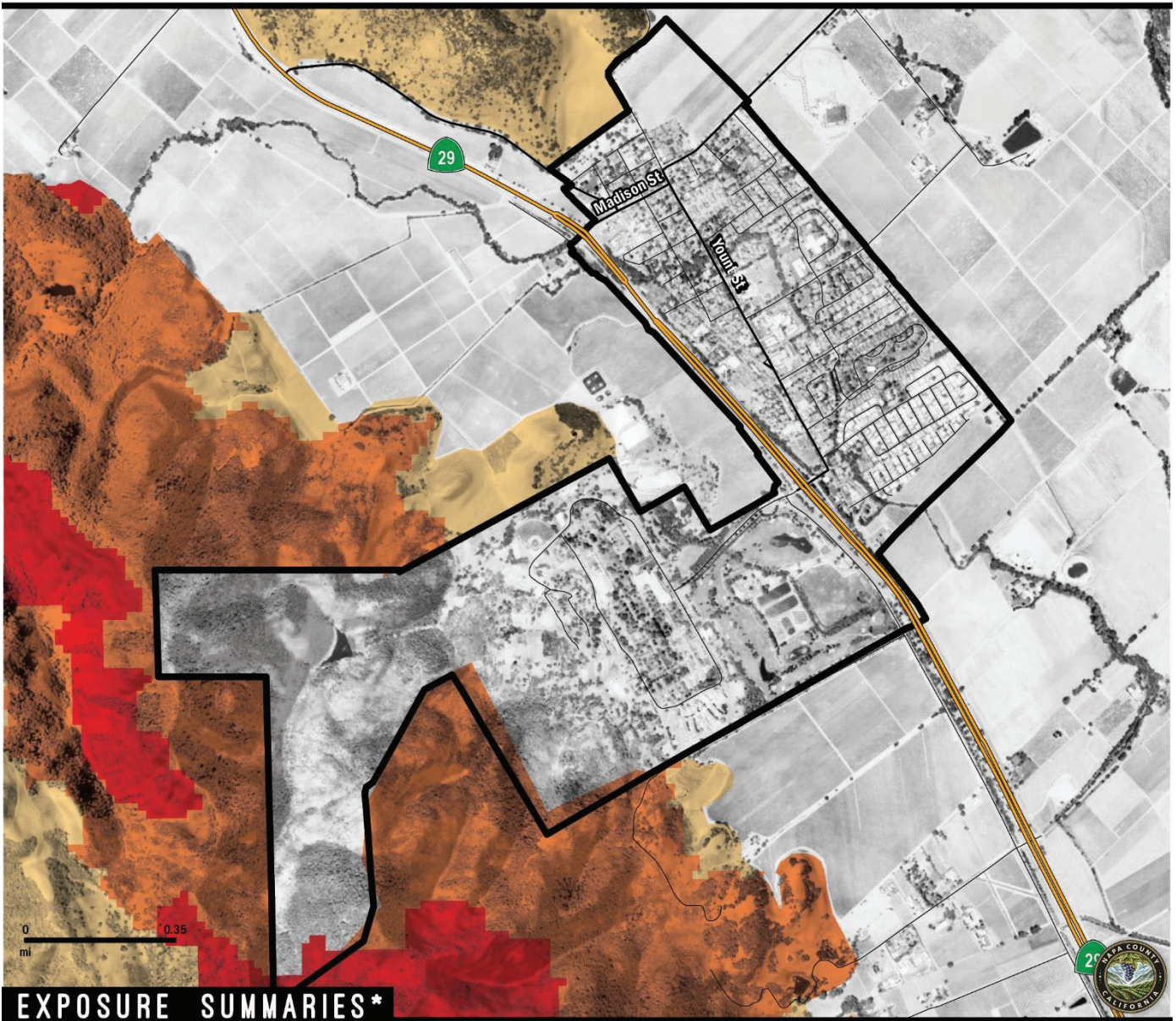


Figure 4-4 Flood Exposure Summary



FIRE RISK EXPOSURE

YOUNTVILLE



EXPOSURE SUMMARIES*

POPULATION

COUNT	
27	1%

PARCEL

COUNT	
0	0%

PARCEL VALUE

IMPROVEMENT	
\$0	0%
CONTENT	
\$0	0%

CRITICAL INFRASTRUCTURE

COUNT		
Essential Facilities	0	0%
High Potential Loss	0	0%
Transportation & Lifeline	0	0%
	LINEAR MILEAGE	
	0	0%

MAP LEGEND

MODERATE
HIGH
VERY HIGH

*Exposure summaries include high and very high LRA and SRA zones. Hazard data source: Cal Fire Wildfire Hazard Severity Zone.
(%) - Percent of respective category totals for jurisdiction.

Dynamic Planning + Science
for Napa County, 2018

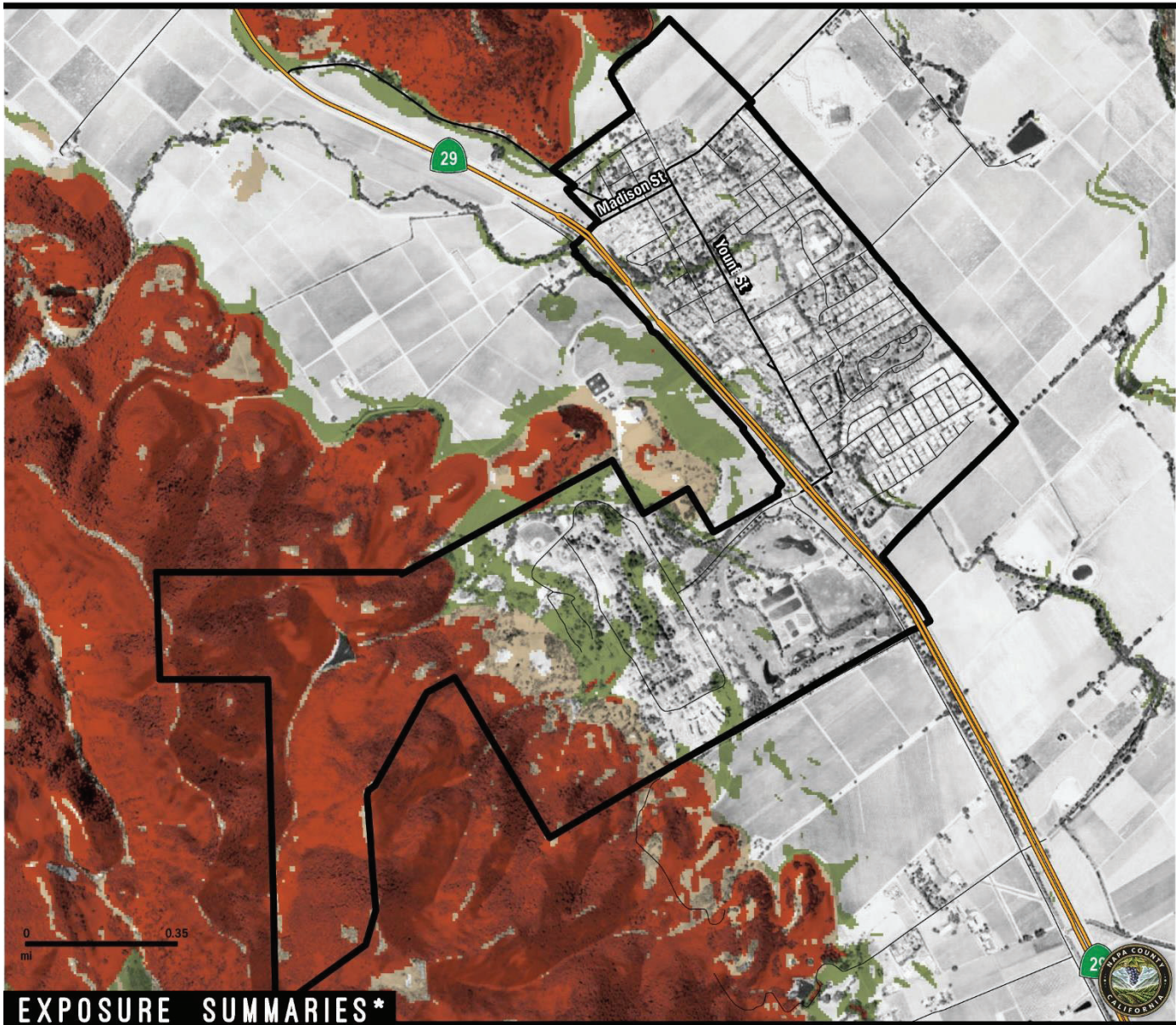


Figure 4-5 Wildfire Exposure Summary



HIGH LANDSLIDE RISK EXPOSURE

YOUNTVILLE



EXPOSURE SUMMARIES*

POPULATION

COUNT

200

7%

PARCEL

COUNT

9

1%

PARCEL VALUE

IMPROVEMENT

\$9

0%

CONTENT

\$9

0%

CRITICAL INFRASTRUCTURE

COUNT

Essential Facilities

0 0%

High Potential Loss

0 0%

Transportation & Lifeline

0 0%

LINEAR MILEAGE

0 0%

MAP LEGEND

LOW

MODERATE

HIGH

*Exposure summaries include high susceptibility only. Hazard data source: California Geological Survey.
(%) - Percent of respective category totals for jurisdiction.

Dynamic Planning + Science
for Napa County, 2018



Figure 4-6 Landslide Exposure Summary



M6.7 EQ SCENARIO EXPOSURE

YOUNTVILLE

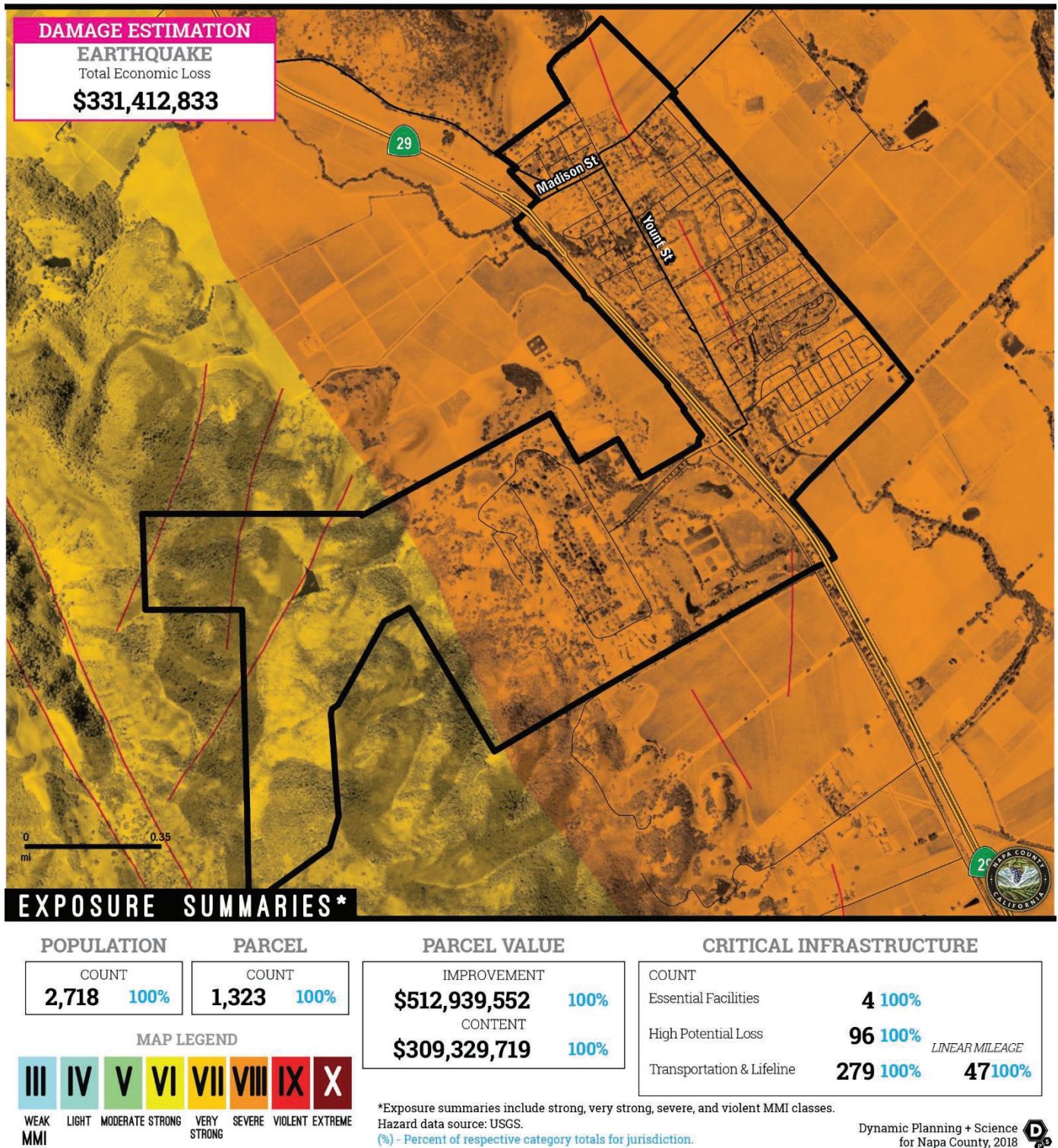
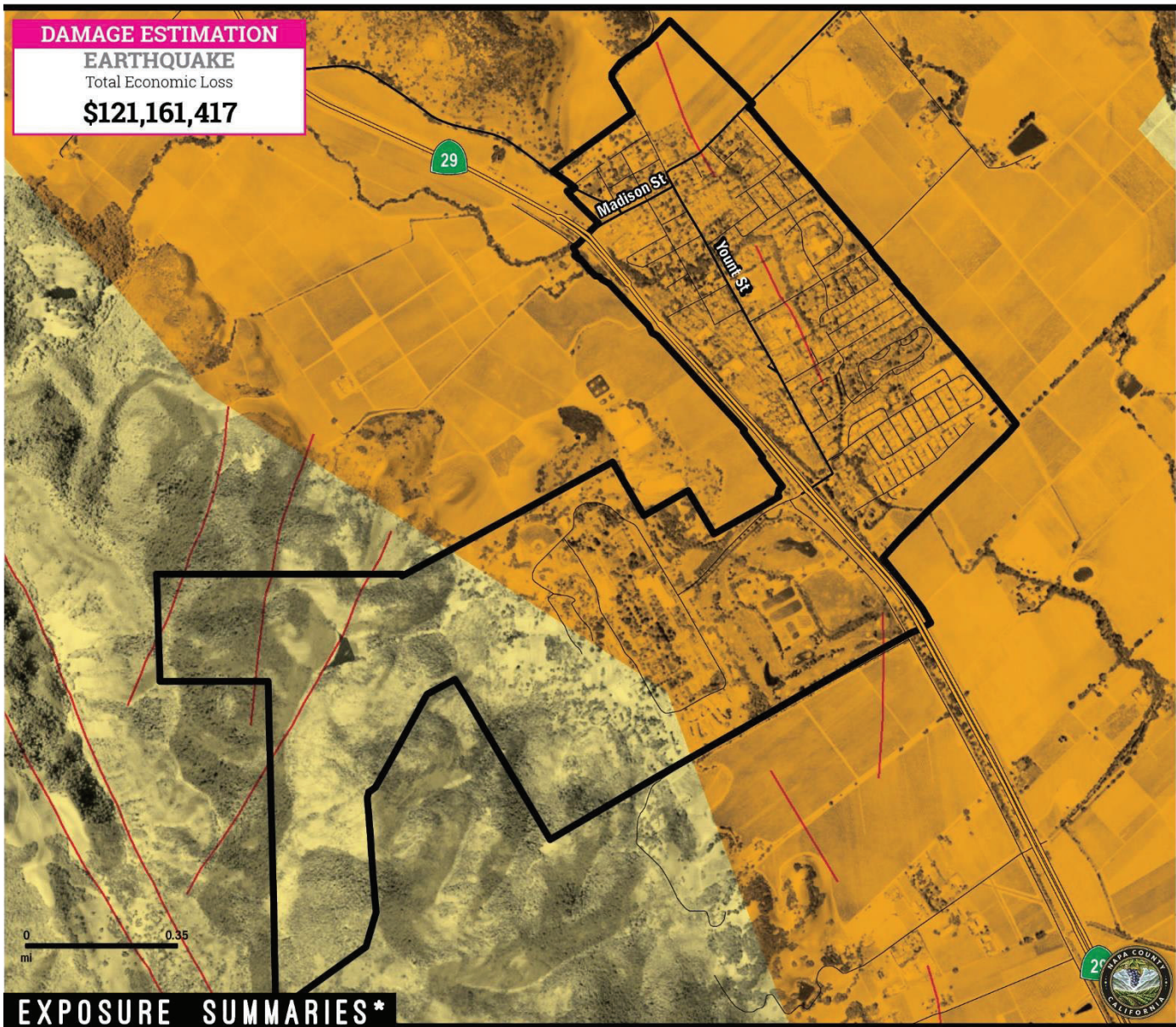


Figure 4-7 West Napa 6.7 Scenario Exposure Summary



PROBABILISTIC EQ EXPOSURE (PHSA)

YOUNTVILLE



EXPOSURE SUMMARIES*

POPULATION		PARCEL		PARCEL VALUE		CRITICAL INFRASTRUCTURE		
COUNT		COUNT		IMPROVEMENT		COUNT		
2,718 100%		1,323 100%		\$512,939,552 100%		Essential Facilities 4 100%		
				CONTENT		High Potential Loss 96 100%		
				\$309,329,719 100%		Transportation & Lifeline 279 100% 47 100% LINEAR MILEAGE		
MAP LEGEND								
III	IV	V	VI	VII	VIII	IX	X	
WEAK	LIGHT	MODERATE	STRONG	VERY	SEVERE	VIOLENT	EXTREME	
MMI				STRONG				

*Exposure summaries include strong, very strong, severe, and violent MMI classes.
Hazard data source: USGS.
(%) - Percent of respective category totals for jurisdiction.

Dynamic Planning + Science
for Napa County, 2018

Figure 4-8 50-Yr. Probabilistic Scenario Exposure Summary



4.3.3.4 Identify Hazard Problem Statements

The Planning Committee developed mitigation actions, as both planning activities and projects, to address problems that could originate from hazards identified in the risk assessment, in line with identified capability of each jurisdiction. Mitigation actions were created by identifying hazard problem statements. As a rule of thumb, each hazard problem statement should be mitigated with a combination of short-term and long-range planning activities, either through operational and or physical projects. Hazard Problem Statements are located at the conclusion of each hazard profile in table format and are also uploaded in an interactive web-based Mitigation Action Support Tool (MAST), described below. Hazard problem statements for the County and other participating jurisdictions are categorized as impact-related, victim-related, or threat-related.



IMPACT

Casualties
Property Damage
Business Interruption
Financial Loss
Environmental Contamination



VICTIM

School Children in Hazard High Hazard Areas
Care Facilities in High Hazard Area
Vulnerable Population Exposed to hazards



THREAT

Increased Fuels due to drought
Hotter, drier climates
More Intense Storms
Impervious surfaces = greater runoff
Increases of Invasive Species

As part of the mitigation action identification process, the Planning Committee for each jurisdiction identified issues and weaknesses (aka problem statements) for their respective facilities based on the risk assessment and vulnerability analysis, utilizing the RAMP mapping and static snapshot maps. Problem statements developed by the Yountville Planning Committee are listed in Table 4-4.

Identifying these common issues and weaknesses assists the Planning Committee in understand the realm of resources needed for mitigation. The goal is to have at least one mitigation action for every problem statement. Projects or actions have been developed to mitigate each problem identified. See Table 4-10 for a full list of mitigation actions and corresponding problem statements that they address. Each problem statement is coded with a problem number for cross-referencing between Table 4-4 and Table 4-10.



Table 4-4 Yountville Problem Statements

Problem No.	Hazard	Area of Concern	Mitigation Alternatives	Primary	Problem Description	Related MA
CC-12	Climate Change	Victim	PE&A - Public Education & Awareness	Yountville	Climate change is expected to bring changing and extreme weather and more frequent and intense extreme heat days and longer heat waves. In Yountville, where there is already a large senior population that is expected to grow by nearly 60% by 2040, heat-related illness is of significant concern.	NC-25-2020, NC-26-2020
DF-19	Dam Failure	Victim	PE&A - Public Education & Awareness , ES - Emergency Services , PPRO - Property Protection	Yountville	Approx. 1,000 people are living in a floodplain or dam inundation zone (Rector Creek Dam).	NC-34-2020, NC-35-2020, NC-36-2020, YV-02-2020
DF-20	Dam Failure	Victim	SP - Structural Projects	Yountville	16 critical facilities are in a dam inundation zone (Rector Creek Dam) and 3 are in the 100-YR floodplain.	NC-34-2020, NC-35-2020, NC-36-2020, YV-02-2020
DR-03	Drought	Impact	NRP - Natural Resource Protection , PE&A - Public Education & Awareness	Yountville	There may not be adequate water supplies for residents as wildfires become more frequent as a result of drought.	YV-01-2020
EQ-17	Earthquake	Victim	SP - Structural Projects , PRV - Prevention , PE&A - Public Education & Awareness	Yountville	Most of Town of Yountville critical infrastructure (38 of 39) is in a severe earthquake probability zone.	NC-09-2013, YV-06-2020
EQ-18	Earthquake	Threat	PPRO - Property Protection , PRV - Prevention , SP - Structural Projects	Yountville	Approximately all of the Town of Yountville's improved parcels (about \$300 million in content value) are in a severe earthquake probability zone.	YV-06-2020
EQ-19	Earthquake	Victim	PE&A - Public Education & Awareness , PPRO - Property Protection , PRV - Prevention , SP - Structural Projects	Yountville	2,400 people live in a severe earthquake probability zone and 287 live in a very strong earthquake probability zone in the Town of Yountville.	YV-06-2020



Problem No.	Hazard	Area of Concern	Mitigation Alternatives	Primary	Problem Description	Related MA
FL-18	Flood	Victim	PPRO - Property Protection , SP - Structural Projects , PRV - Prevention	Yountville	There are 102 parcels in the 100-YR floodplain, 414 in the 500-YR floodplain and 921 in a dam inundation zone (Rector Creek Dam) equaling over \$57 million in content value.	NC-34-2020, NC-35-2020, NC-36-2020, YV-07-2020, YV-08-2020
FL-21	Flood	Victim	PE&A - Public Education & Awareness	Yountville	During heavy rain, Yountville is subject to flooding problems along the natural creeks and drainage that traverse the area. Notes from PC Meeting #2- Improvements to Hopper Creek Drainage and Modifications to capacity at Beard Ditch needed. Coordinate improvements w/ County.	YV-04-2020
FL-22	Flood	Victim	PRV - Prevention , PPRO - Property Protection	Yountville	Yountville has one repetitive loss property located on 2 Talent Lane with two losses and total paid claims of \$23,457.66.	YV-03-2020
WF-24	Wildfire	Victim	PE&A - Public Education & Awareness , PPRO - Property Protection , ES - Emergency Services	Yountville	There are 22 people living off of Imperial Rd (Veterans Home) that are in a high wildfire intensity zone.	NC-02-2020, NC-03-2020, YV-05-2020
WF-25	Wildfire	Impact	PE&A - Public Education & Awareness , ES - Emergency Services	Yountville	Heavy smoke from wildfires or prescribed burns may result in poor air quality in Yountville. Residents with respiratory concerns are particularly vulnerable.	YV-05-2020

4.4 Mitigation Strategy

The mitigation strategy is the guidebook to future hazard mitigation administration for the County and all other participating jurisdictions, capturing the key outcomes of the MJHMP planning process. The mitigation strategy is intended to reduce vulnerabilities outlined in the previous section with a prescription of policies and physical projects. These mitigation actions should be compatible with existing planning mechanisms and should outline specific roles and resources for implementation success. The Planning Committee conducted the hazard mitigation planning process through a typical problem-solving methodology, as did the Steering Committees for each participating jurisdiction :

Based upon the Town's Planning Committee priorities, risk assessment results, and mitigation alternatives, mitigation actions were developed. The Yountville Planning Team used the same mitigation action prioritization method as described in Section 5.5.1 of Volume 1. Based upon the Planning Committee consensus, Table 4-10 lists each priority mitigation action, identifies the



responsible party, time frame, potential funding source, implementation steps and resources need to implementation, which meet the requirements of FEMA and DMA 2000.

4.4.1 Capabilities Assessment

The mitigation strategy includes an assessment of the City's planning and regulatory, administrative and technical, financial, and education and outreach capabilities to augment known issues and weaknesses from identified natural hazards.

4.4.1.1 National Flood Insurance Program (NFIP)

The Town of Yountville has participated in the NFIP since 1980. See Table 4-5 for more information on the Town's policies and historic flood insurance claims. Yountville is currently in good standing with the provisions of the NFIP. Compliance is monitored by FEMA regional staff and by the California Department of Water Resources under a contract with FEMA. Maintaining compliance under the NFIP is an important component of flood risk reduction. See Volume 1 for general information on the NFIP.

Table 4-5: Yountville NFIP Status Table

NFIP Status	Participating since 3/28/1980
Policies in Force	55
Policies in SFHA	31
Policies in non-SFHA	24
Total Claims Paid	23
Paid Losses	\$ 132,927
Repetitive Loss Properties	2
Severe Repetitive Loss Properties	N/A
Repetitive Loss Payment by NFIP on Building	\$ 23,457.66
Repetitive Loss Payment by NFIP on Contents	\$ 0

The Town of Yountville will maintain NFIP compliance by continuing to enforce Title 15 Division 2 (Floodplain Management Regulations) of the Yountville Municipal Code. Chapter 15.52 contains provisions for flood hazard reduction, including preventing new construction in Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the Town of Yountville.

See Volume 1, Section 9.2.1 for more information on the NFIP.



4.4.1.2 Planning and Regulatory Mitigation Capabilities

The information in **Table 4-6** is used to construct mitigation actions aligned with existing planning and regulatory capabilities of the Town. Planning and regulatory tools typically used by local jurisdictions to implement hazard mitigation activities are building codes, zoning regulations, floodplain management policies, and other municipal planning documents.

Table 4-6: Yountville Planning and Regulatory Mitigation Capabilities

Plan/ Program/ Regulation	
Building Codes	Yes
Building Codes Year	Yes
BCEGS Rating	
Public Protection (ISO Class)	Yes
Capital Improvements Program (CIP) or Plan	Yes
Community Rating System (CRS)	Yes
Community Wildfire Protection Plan (CWPP)	No
Comprehensive, Master, or General Plan	Yes
Economic Development Plan	No
Elevation Certificates	Yes
Erosion/Sediment Control Program	Yes
Floodplain Management Plan	Yes
Flood Insurance Study	Yes
Growth Management Ordinance	Yes- Built out
Hazard-Specific Ordinance or Plan (Floodplain, Steep Slope, Wildfire)	Yes
NFIP	Yes
Site Plan Review Requirements	Yes
Stormwater Program, Plan or Ordinance	Yes
Zoning Ordinance	Yes



4.4.1.3 Administrative and Technical Capabilities

Table 4-7 shows the administrative and technical capabilities of Yountville.

Table 4-7: Yountville Administrative and Technical Capabilities

Administrative/ Technical Resource	
Emergency Manager	Yes
Floodplain Administrator	Yes
Community Planning:	
- Planner/Engineer (Land Development)	Yes
- Planner/Engineer/Scientist (Natural Hazards)	No
- Engineer/Professional (Construction)	Yes
- Resiliency Planner	No
- Transportation Planner	No
Full-Time Building Official	No- P/T
GIS Specialist and Capability	Yes
Grant Manager, Writer, or Specialist	P/T
Warning Systems/Services:	
- General	Yes
- Flood	Yes
- Wildfire	Yes
- Geological Hazards	Yes

4.4.1.4 Financial Capabilities

Table 4-8 identifies the financial tools or resources that the Town has used to fund mitigation activities.

Table 4-8: Yountville Fiscal Capabilities Summary

Financial Resource	
Has the community used any of the following to fund mitigation activities?	
- Levy for Specific Purposes with Voter Approval	Yes
- Utilities Fees	Yes
- System Development Fee	No
- General Obligation Bonds to Incur Debt	Yes
- Special Tax Bonds to Incur Debt	Yes, certificates of participation
- Withheld Spending in Hazard-Prone Areas	No
- Stormwater Service Fees	Yes
- Capital Improvement Project Funding	Yes
- Community Development Block Grants	Yes, when eligible



4.4.1.5 Education and Outreach

Table 4-9 lists the Town's education and outreach resources.

Table 4-9: Yountville Education/ Outreach Capabilities Summary

Education/ Outreach Resource	
Local Citizen Groups That Communicate Hazard Risks:	
- Fire Safe Councils	No
- Resource Conservation Districts	No
- Land Trusts	No
- Other	Updated website on emergency preparedness, CERT Teams

4.4.2 Mitigation Actions

During this MJHMP update process, each of the 2013 County-wide mitigation actions were examined for relevancy and the potential for future implementation and then evaluated for potential follow-up. Some mitigation actions developed during the 2013 HMP effort are an inherent part of the HMP update process or were not detailed enough for implementation at a local jurisdictional level, and thus were not included in this update. The Town of Yountville has made significant changes to other 2013 Mitigation Actions because of the updated risk assessment and implementation strategy, to include more detail, or to update based on current mitigation practices. Vol. 1 provides a record of 2013 County-wide Mitigation Actions, the status, and additional notes for each action.

Table 4-10 lists each mitigation action for Yountville. Each participating jurisdiction developed unique mitigation actions as well, targeted at their own unique priorities and vulnerabilities. Each mitigation action identifies the responsible party, time frame, potential funding

source, implementation steps and resources needed to implement these priority mitigation actions. As a living document, hazard problem statements and mitigation activities will be updated through MAST. The detail in Table 4-10 meets the regulatory requirements of FEMA and DMA 2000

NC-10-2020



Jurisdictions are identified by the following letters:

AC- American Canyon
CL- Calistoga
NC- Napa County (unincorporated)
HM- Howell Mountain MWC
NCOE- Napa COE
NFC- Napa Flood Control & Water District
NVC- Napa Valley College
SH- St. Helena
VV- Yountville



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Table 4-10 Yountville Mitigation Actions

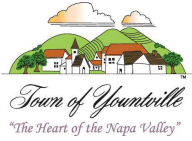
Mitigation No.	Hazard Type	Mitigation Type	Status	Primary	Description	Implementation Steps	Responsible Party	Time Frame	Estimated Capital Costs	Estimated Maintenance Costs	Potential Funding Sources	Priority	Related Problem Statements
YV-01-2020	Drought	PE&A - Public Education & Awareness	2020	Yountville	Increase engagement between the fire and drought communities.	Direct public to Emergency Preparedness website, hold Town emergency workshops	Town Staff and Public Safety	Ongoing	Unknown	Unknown	General Fund and grants if available	Medium	DR-03
YV-06-2020	Earthquake	PE&A - Public Education & Awareness	2020	Yountville	Earthquake month public education program	Variety of media and social media outreach	Town Staff and Public Safety	Annually	\$25,000	\$25,000	General Fund and grant funding if available	High	EQ-17, EQ-18, EQ-19
YV-02-2020	Flood	PE&A - Public Education & Awareness	2020	Yountville	Develop evacuation plans for communities and residents downstream from the Rector Creek Dam.	Conduct educational outreach and prepare evacuation routes	OES, Veterans Home/State, and Town Staff	Annually	\$25,000	\$25,000	General fund revenue and potential grant funding	High	DF-19, DF-20
YV-03-2020	Flood	PPRO - Property Protection	2020	Yountville	Identify properties that are potential candidates for elevation, relocation or buyout based on an evaluation of flood risks, project feasibility, and planned flood risk reduction capital projects.	Develop and execute flood protection project for at risk properties	Town Staff	Annually	TBD likely over \$12 million	\$25,000	General Fund and grant funding	High	FL-22
YV-04-2020	Flood	PPRO - Property Protection	2020	Yountville	Secure grant funding to develop and implement river restoration program that would reduce flood damages and increase environmental quality on the river, maintain fish habitat, decrease impediment to drainage by preventing silt build up and loss of stream bed capacity.	Prepare evaluation analysis	Town Staff and contracted consultants	5-10 Years	TBD	TBD	General fund and potential grant funding	Medium	FL-21
YV-07-2020	Flood	PRV - Prevention	2020	Yountville	Invest in flood prediction and forecast modeling to support all facets of the Napa County floodplain management program, including, but not limited to, flood hazard identification, flood threat recognition in support of flood notification programs, climate change adaptation, and risk assessment.	Analyze and install additional river flow monitors	Town Staff and contractors	5-10 Years	TBD	TBD	General Fund and grant funds	Low	FL-18
YV-08-2020	Flood	PE&A - Public Education & Awareness	2020	Yountville	Enhance the existing flood notification program to achieve real-time flood threat recognition capability.	Utilize variety of resources to achieve real-time flood threat recognition capability	Town Staff	3-5 Years	TBD	TBD	General Fund and grant funding	Medium	FL-18
YV-05-2020	Wildfire	PE&A - Public Education & Awareness	2020	Yountville	Work with local agencies to develop evacuation plans and provide education and outreach to populations vulnerable to wildfire.	Coordinate with public safety to develop evacuation plans and provide education and outreach to populations vulnerable to wildfire.	Town Staff, Public Safety, and Cal Veterans Home	Annually	\$25,000	\$25,000	Town General Fund and grant funding	High	WF-24, WF-25



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Napa County Multi-jurisdictional Hazard Mitigation Plan.

<http://mitigatehazards.com/napa-county-mjhmp/documents/>



Staff Report

File #: 20-2464, Version: 1

Amanda Griffis, Napa County Public Works Environmental Resource Specialist and staff to Upper Valley Waste Management Agency, and Christy Pestoni, Upper Valley Disposal Service, will be giving presentation regarding overview and local preparations for SB 1383 Short-Lived Climate Pollutants Regulations.

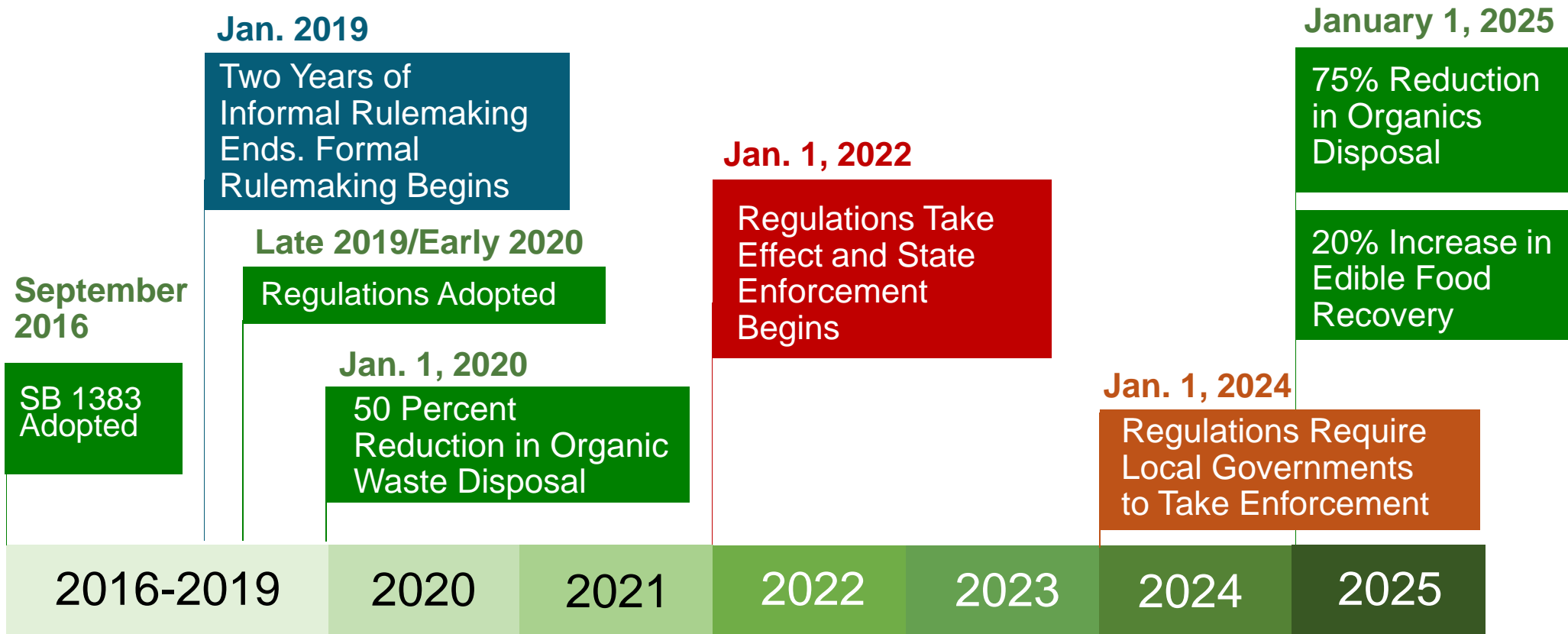
SB 1383

Reducing Short-Lived Climate Pollutants in California

An Overview of SB 1383's
Organic Waste Reduction
Requirements



SB 1383 Key Implementation Dates



Jurisdiction Responsibilities

**Provide Organics
Collection Services to All
Residents and Businesses**



**Conduct Education and
Outreach to Community**



**Secure Access to
Recycling and Edible
Food Recovery Capacity**



**Establish Edible Food
Recovery Program**



**Procure Recyclable and
Recovered Organic
Products**



**Monitor Compliance
and Conduct
Enforcement**



SB 1383 IN ACTION

LOCAL GOVERNMENT ROLES AND RESPONSIBILITIES

SB 1383 doesn't just apply to waste management and recycling departments.

Every local department plays a role in SB 1383 implementation.



SB 1383 IN ACTION

PROCUREMENT REQUIREMENTS



**Procure Recycled and
Recovered Organic
Products**

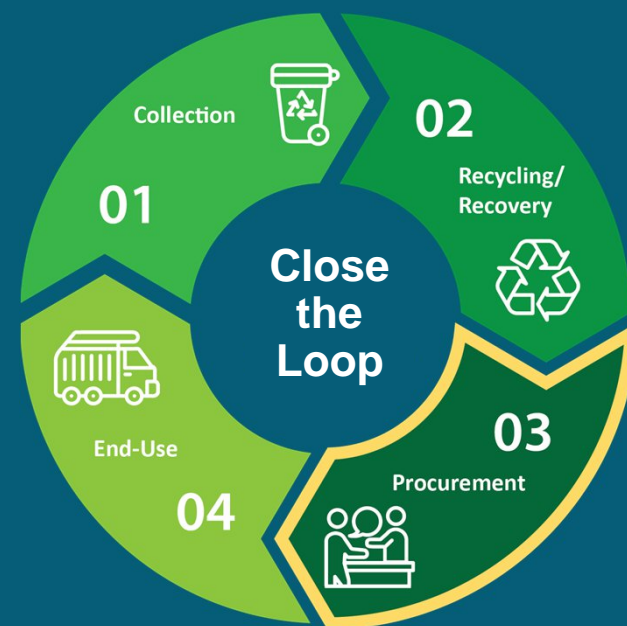
JURISDICTION REQUIREMENTS

COMPOST, RNG & ELECTRICITY

- Minimum Procurement

PAPER PROCUREMENT REQUIREMENTS

- Recycled Content
- Recyclability



Construction & Landscaping Requirements



Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects

Model Water Efficient Landscape Ordinance (MWELO) requirements for compost and mulch application.



ORGANIC WASTE RECYCLING INFRASTRUCTURE



SB 1383 Requires 50-100
New or Expanded
Organic Waste Recycling Facilities

SB 1383 IN ACTION

INSPECTION AND ENFORCEMENT REQUIREMENTS



**Monitor Compliance and
Conduct Enforcement**

JURISDICTION REQUIREMENTS

Ordinance 2022



Adopt an Ordinance
(Enforceable
Mechanism)
Including
Enforcement

Compliance Monitoring & Education 2022-2024



Annual
Compliance
Reviews, Route
Reviews,
Inspections

Educate Violators

Compliance Monitoring & Enforcement 2024



Annual Compliance
Reviews
Route Reviews,
Inspections,
Notice of Violations,
Penalties for
Violators

SB 1383 IN ACTION JURISDICTION REQUIREMENTS



**Maintain Records and
Report to CalRecycle**

Recordkeeping Requirements:



Organic
Collection
Services



Hauler
Program



Contamination
Minimization



Waivers



Education &
Outreach



Edible Food
Recovery
Program



Recycled
Organic Waste
Procurement



Recycled
Paper
Procurement



Commercial
Edible Food
Generators



Jurisdiction
Inspection &
Enforcement



STATE ENFORCEMENT



CALRECYCLE OVERSIGHT (BEGINS IN 2022)



Authorize Waivers

- Low Population
- Rural Areas

Emergency Circumstances

Oversee and Monitor

- State Agencies and Facilities
- Local Education Agencies



Oversee and Monitor for Compliance

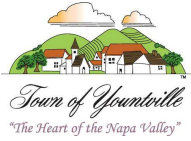
Jurisdiction Review

- Conduct joint inspections with jurisdictions
- Review Implementation Record



If Violations

- Issue Notices of Violation
- May Authorize Corrective Action Plan
- Allows up to 24 months to address barriers outside of a jurisdiction's control



Staff Report

File #: 20-2579, **Version:** 1

Yountville Town Council Staff Report

DATE: May 19, 2020
TO: Mayor and Town Council
FROM: Steven R. Rogers, Town Manager

TITLE

Consider Adoption of Resolution Number 20-3989 Authorizing Town Manager to sign amendment to Professional Services Agreement between the Town of Yountville and the Yountville Chamber of Commerce for the Provision of Marketing and Promotional Services and Operation of Visitor Information Center from July 1, 2020 through June 30, 2023 to fund additional coordinated Up Valley COVID-19 Reopening Marketing Campaign and to provide additional \$25,000 from the unassigned fund balance.

DISCUSSION/BACKGROUND

The Town of Yountville has had a long-standing contractual relationship with the Yountville Chamber of Commerce for twenty-seven (27) years dating back to 1993 for marketing and the promotion of Yountville as a travel destination. On April 21, 2020, the Town Council approved a contract extension through June 2023.

At that time, the consensus of the Town Council was that marketing Yountville as a destination was even more important than ever as we have seen firsthand with the loss of tourism related TOT and sales tax negatively impacting town revenue. The Town Council expressed an interest in the Chamber receiving additional funding for potential projects to assist in recovering from the COVID-19 pandemic.

On April 28, 2020, Governor Newsom outlined a four-phased reopening plan for retail businesses due to forecasted stabilization of both the number of confirmed cases and deaths due to COVID-19. Stage 2 is expected to launch on Friday, May 8, 2020.

Stage 1 - Safety and Preparedness

Stage 2 - Lower Risk Workplaces reopen (e.g. retail, manufacturing, offices, more public spaces) This is where Napa County has moved to and is looking at what is deeper Stage 2.

Stage 3 - Higher Risk Workplaces (e.g. personal care, movie theaters, sports without live audiences, in-person religious services)

Stage 4 - End of Stay-At-Home Order (e.g. concerts, convention centers, live audience sports)

Visit Napa Valley (VNV) market research indicates consumer sentiment has changed substantially in the past two months. For example, the airline industry has experienced a dramatic drop-off in travel. TSA reports a 95% reduction in travel in early April 2020 vs. April 2019. VNV is transitioning to a California-focused marketing effort, with primary focus on the Bay Area and Sacramento drive markets.

Consumers are now reporting more interest in visiting safe, rural destinations than urban locales, which

presents a competitive advantage for up-valley (Yountville, St. Helena and Calistoga) businesses as they emerge from the Shelter-At-Home order. Championing Napa Valley's high customer service standards, brand reputation, and hospitality are expected to be distinguishing characteristics in the coming year.

To this end, the City/Town Managers of Calistoga, St. Helena and Yountville, have discussed opportunities to leverage their collective resources in partnership with their individual Chambers of Commerce. Like Yountville, Calistoga and St. Helena are small, rural destinations that have the opportunity to capitalize on changing consumer sentiment.

As a result of substantial business and Town revenue losses, development of a targeted marketing strategy is recommended at this time to stimulate business recovery. By pooling our resources with Calistoga and St. Helena, we anticipate developing joint messaging intended to compliment VNV marketing. The campaign will profile the three up-valley cities as attractive road trip destinations to drive up business and tax revenues. This collaborative approach will allow more resources to be directed to specific marketing investments because of the economies of scale associated with content creation.

The Phase 1 campaign will focus on the return to normal daily routines and travel plans. The pooled \$75,000 (\$25,000 from each jurisdiction provided to its Chamber) is anticipated to fund a three to four-month joint creative campaign (June - September) managed by the respective Chambers of Commerce. In addition to development of creative content, the funding can also be used for the following highly efficient and cost-effective outreach strategies:

- Creative advertisement development (graphics, design work, and photography)
- Google Search and Google Display Network ads (highly targeted ads to focus on drive markets/mid-to-low funnel approach)
- Pandora Ads
- Social media advertising (Facebook and Instagram)

Data analytics and sales data from local retailers and lodging properties will be used to evaluate the effectiveness of the campaign. If warranted, there is the possibility of continuing with a potential Phase 2 campaign.

The focus of the additional project amendment to the approved agreement on the part of the Town is to continue fund efforts related to destination marketing and community promotion with an emphasis on maintaining and increasing TOT and sales tax generation. The Town and Chamber also work will with the local NVTID-Yountville and coordinate marketing and support programs utilizing applicable TID funds.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? Yes

Where is it Budgeted? GF 1015 Community Promotion

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. **Premier Destination:** The Town values its residents, rich history, natural environment, culinary excellence, arts, and distinguished businesses that make our home a place people love; and **Responsible Fiscal Policy:** The Town maintains its fiscal health through policies designed to maximize economic opportunities, manage expenses, and ensure prudent reserves.

Briefly Explain Relationship to Strategic Plan Goal and Objective. Chamber operates visitor information center, website, phone call, which directs visitors to local lodging and restaurants, tasting rooms and other retail which generates TOT and sales tax revenue.

Joint marketing effort with other upvalley cities allows for improved economies of scale and shows regional support for each of our neighboring small rural city partners.

ALTERNATIVES

1. Not approve the resolution and funding for the professional services agreement with the Yountville Chamber of Commerce for marketing and promotional services.
2. Approve the resolution and funding for the professional services agreement with the Yountville Chamber of Commerce for marketing and promotional services.
3. Modify the resolution and funding level for the professional services agreement with the Yountville Chamber of Commerce for marketing and promotional services in a manner as determined by the Town Council during the discussion of the item.
4. Direct Town Manager to develop a cost analysis to perform the services provided by the Chamber in-house with Town staff.

RECOMMENDATION

Receive Staff Report and direct questions, as appropriate.

Receive Chamber of Commerce Presentation.

Receive Public Comment.

Conduct Council Discussion on proposed Resolution and Agreement.

Adopt Resolution Number 20-3989 Authorizing the Town Manager to sign amendment to Professional Services Agreement between the Town of Yountville and the Yountville Chamber of Commerce for the Provision of Marketing and Promotional Services and Operation of Visitor Information Center from July 1, 2020 through June 30, 2023 to fund additional coordinated Up Valley COVID-19 Reopening Marketing Campaign and to provide additional \$25,000 from the unassigned fund balance.

Town of Yountville

Resolution Number 20-3989

Approving an Amendment to Professional Services Agreement between the Town of Yountville and the Yountville Chamber of Commerce for the Provision of Marketing and Promotional Services and Operation of Visitor Information Center from July 1, 2020 through June 30, 2023 to fund additional coordinated Up Valley COVID19 Reopening Marketing Campaign and to provide additional \$25,000 from unassigned fund balance.

Recitals

- A. The Town Council recognizes that Yountville is an internationally renowned tourist destination resort known for its high end resorts and spas, exceptional wines, highly regarded restaurants and general commerce celebrating the wine and culinary lifestyle that makes Yountville the “Heart of the Napa Valley” and where one comes to “Taste Life Here”.
- B. The Town recognizes that tourism and general commerce constitute the major industry and generate significant municipal revenues in Yountville. The Town’s general fund derives significant revenues, over 75%, from the Transient Occupancy Tax (TOT) and sales tax generated by tourism which is the single largest source of General Fund revenue to fund core governmental services. Local property taxes are not sufficient to pay for the combined contract costs for public safety (law enforcement and fire and emergency medical services).
- C. The COVID-19 Pandemic situation shows that the Town is not immune to fiscal challenges and that destination marketing and promotion is necessary to restore TOT and sales tax revenue derived from visitors to Yountville.
- D. When adopting this three-year agreement, Town Council members strongly encouraged the Chamber CEO and Town Manager to evaluate funding additional marketing efforts beyond what is included in the agreement.
- E. The Cities of Calistoga, St. Helena and Yountville Town/City Managers and Chamber Executives have developed an upvalley focused rural destination marketing campaign targeted for the June to September 2020 time period to jointly combine \$25,000 from each jurisdiction to collaboratively fund this promotional effort.
- F. Section 37110 of the California Government Code authorizes the expenditures of money accruing to the General Fund in the Fiscal Year for such promotion and marketing.

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

- 1. Adopts Resolution Approving amendment to the Professional Services Agreement between the Town of Yountville and the Yountville Chamber of Commerce for the Provision of Marketing and Promotional Services and Operation of Visitor Information Center from July 1, 2020 through June 30, 2023 to fund additional coordinated Up Valley COVID-19 Reopening Marketing Campaign and to provide additional \$25,000 from the unassigned fund balance.
- 2. Authorizes Town Manager to sign amendment up to the budgeted amount.
- 3. Funding for this project is allocated from the FY19/20 Unassigned Fund Balance.

Resolution Number 20-3989

4. The Resolution is hereby adopted and becomes effective and in full force immediately upon adoption.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Yountville, State of California, held on this 19th day of May, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

Business Recovery Destination Marketing Campaign

May 12, 2020

Mayor Dunbar and Councilmembers:

The Yountville, St. Helena and Calistoga Chambers of Commerce in collaboration with each of our respective Cities/Towns come before you, seeking your support of a Business Recovery Destination Marketing Campaign.

Background

The COVID-19 Pandemic has devastated our tourism economy in Napa Valley. Across the Valley, our cities/towns are anticipating as much as a 30% reduction in TOT and Sales Tax Revenue for FY 20/21. Leaving us with limited resources for essential and supportive services. This includes limited resources for destination marketing. Even during these difficult times, it is critical to continue marketing our destination to support the recovery efforts of our local economy.

We understand the difficult financial position our cities/towns are in, which is why we are proposing a collaborative business recovery destination marketing campaign to stretch our dollars further. The Yountville, St. Helena and Calistoga Chambers are prepared to work collaboratively to create a marketing campaign that distinguishes our experiences, while compliment the efforts of Visit Napa Valley.

Proposal

Each City/Town would contribute \$25,000 dollars to the Business Recovery Destination Marketing Campaign.

The total, \$75,000 dollars, would be utilized for a five (5) month campaign. The start time of the campaign will align with Visit Napa Valley's "Phase 2" strategy, roughly late May/early June. Our messaging will be based on a phased approach to ensure we are responsible with our content and targeting, to help our community bounce back as quickly as possible. I.e. the content of our campaign will evolve as the reopening situation evolves.

The target audience would be Lodging Guests (when appropriate) and Daytrippers; adults between the ages of 25-54 with an average household income of \$150,000 dollars or more. This demographic aligns with the Visit Napa Valley Visitor Profile study.

We believe visitors within driving distance will return to Napa Valley first, therefore our geography will focus on San Francisco Bay Area, Silicon Valley with secondary consideration of the Greater Sacramento area.

How will we measure the campaign? The campaign will be measured by engagement. Via click through rates, number of webpage sessions, time spent with content on site and number of webpage views.

Conclusion

This Business Recovery Destination Marketing Campaign will be hard working, tactical and targeted. As leaders within our respective communities, we have an opportunity to unite strategically to support the recovery efforts of our local economy. This is unique. We are fortunate to come together in this way, to maximize the limited dollars we have, to distinguish our communities and amplify our message.

The Yountville, St. Helena and Calistoga Chambers of Commerce look forward to working together to promote our exceptional unique experiences.

We thank you for your consideration and support of this effort.

In Partnership,

Whitney Diver McEvoy
President & CEO
Yountville Chamber of Commerce

Amy Carabba-Salazar
President & CEO
St. Helena Chamber of Commerce

Bruce Kyse
Executive Director
Calistoga Chamber of Commerce



Staff Report

File #: 20-2580, **Version:** 1

Yountville Town Council Staff Report

DATE: May 19, 2020
TO: Mayor and Town Council
FROM: Steven R. Rogers, Town Manager

TITLE

Discussion and possible direction regarding Town Council placing two ballot measures on the November 2020 election regarding cannabis retail businesses.

DISCUSSION/BACKGROUND

At its meeting on May 5, 2020, the Town Council provided further direction to Town Staff on this item. Based on this direction, Town Staff has removed the requirement for secondary retail for cannabis retail businesses and made technical, conforming changes throughout. Topics for discussion by the Town Council at this meeting include: the possibility of including a cannabis overlay zone in one of the ballot measures, whether to remove or expand upon the requirement for “substantial community benefit” by cannabis retail businesses, and any other direction from the Town Council regarding the ballot measures. Below is a discussion of the process and ballot measures generally.

The Town Council has been discussing and evaluating its current cannabis regulatory scheme since passage of Proposition 64. The Town initially banned all cannabis related activities except for those that were allowed by state law. Subsequently, the Town amended that ordinance to allow for delivery of cannabis within the Town limits. At this time, the Town allows up to 6 plants indoor as required by the personal grow allowance and for delivery of cannabis from a state approved retailer. The Town does not allow cultivation, outdoor growing, lab operations or testing, or permit a cannabis retail business.

The Town Council had previously indicated that it would continue to monitor the ever changing and evolving state regulations regarding cannabis. The Council initially appointed a Cannabis Ad Hoc Committee comprised of Vice Mayor Dorman and Council Member Durham to serve on the committee to research and discuss possible changes in the Town’s regulatory framework. The Ad Hoc Committee transitioned to a standing committee which is now comprised of Mayor Dunbar and Vice Mayor Dorman.

The Cannabis Standing Committee further researched the issue and presented the full Town Council with a proposed draft of a possible cannabis regulatory framework for discussion and review purposes. The Town Council has engaged in those discussions. During those discussions there has been vigorous and engaging public feedback from those opposed to and those in support of the possibility of the Town allowing a cannabis retail business. As a part of the community discussion, the question was presented whether it might be appropriate for the Town Council to put consideration of allowing a cannabis retail business ordinance on the November 2020 ballot to let the community decide if this is appropriate or not.

The Cannabis Standing Committee met on Thursday, February 13, 2020 to discuss consideration of the ballot measure idea. There were a number of residents who spoke in favor of placing this item before the voters. The Standing Cannabis Committee has recommended to the Town Council that the Town Council place a cannabis retail business ordinance on the November 2020 ballot. As will be described below, the first ballot measure creates a regulatory and land use regime for cannabis retail businesses. The second ballot measure establishes a business license tax of no more than three percent of cannabis retail businesses' gross receipts. The two ballot measures may also be combined into a single ballot measure if the Town Council chooses. The procedures for doing so will be discussed by staff during the presentation.

If both ballot measures are placed on the ballot, each will be voted on by registered voters separately in the November 3, 2020 election. If approved by a majority vote (50% + 1) of the electorate, the ordinances will take effect ten days after the vote's certification. As written, the first ballot measure (regulatory and land use) will take effect if passed by a majority of voters, regardless of whether the second ballot measure (business license tax) is approved. However, the second ballot measure regarding the tax will only take effect upon voter approval if the first ballot measure is also approved. Therefore, there will be no tax on cannabis retail businesses if cannabis retail businesses are not permitted to operate within the Town.

REGULATORY AND LAND USE REGIME. The first ballot measure updates Chapter 9.30 of the Yountville Municipal Code, which currently prohibits all cannabis activity within the Town's jurisdiction with limited exceptions for personal use cultivation and mobile delivery. The ballot measure first establishes a commercial cannabis permit which entitles holders to operate a cannabis retail business pursuant to regulations in Chapter 9.30. The ballot measure specifies the application process for a commercial cannabis permit. Applicants must first submit an application during an application period designated by resolution of the Town Council. This application must include specified information including, but not limited to:

1. A non-refundable application fee, as determined by resolution of the Town Council;
2. Certain information about the applicants, including other cannabis businesses they operate;
3. Information about the proposed site for the cannabis retail business, including a floor and site plan and consent of the property owner if the space is rented;
4. An odor control plan;
5. Business operations information, including: (a) business plans; (b) community relations plans; (c) community benefits plans; (d) neighborhood responsibility plan; (e) inventory control procedures; (f) tax compliance; and (g) insurance.
6. A security plan; and
7. Indemnification.

The ballot measure provides reasons that an application will be immediately disqualified including if it is not timely submitted, it is submitted incomplete, or if it is within 300 feet of certain sensitive receptors within the Town (community spaces, schools, etc.).

The ballot measure provides that the Town Manager will rank applications based on the following criteria: (a) community benefit; (b) equity and labor; (c) messaging; (d) control of business location; and (e) financial investment. The Town Council is permitted to more clearly define these criteria before Town Manager reviews and ranks applications, including by creation of a points-based ranking system. Once ranked by the Town Manager, the Town Council may issue one commercial cannabis permit to the highest ranked applicant. However, the Town Council may choose not to offer a commercial cannabis permit to an applicant if it makes any of the following findings:

1. The highest ranked application(s) does not provide substantial benefits to Town residents;
2. The highest ranked application(s) will be detrimental to other uses in the surrounding area;
3. The highest ranked application(s) is incompatible with the character of the location the cannabis retail business is proposed in; or

4. The highest ranked application(s) may directly or indirectly create or exacerbate nuisance conditions, as defined by Yountville Municipal Code Chapter 9.32.

Once granted, a commercial cannabis permit is effective for 12 months. Commercial cannabis permits cannot be transferred to new owners or new retail locations, except as specified in Section 9.30.150(B). The ballot measure provides that applications can be renewed by renewal application submitted at least 60 days before the permit expires. The Town Manager is charged with granting or denying renewal applications. The Town Manager must make certain findings before approving a renewal permit; the applicant has the burden of satisfying those findings by substantial evidence. The ballot measure also specifies reasons that a renewal application must and may be denied by the Town Manager.

Commercial cannabis permits can be suspended or revoked if they meet one or more of the circumstances upon which a commercial cannabis permit application or renewal application can or must be denied. The Town Manager has discretion to choose the appropriate administrative action based on the severity and regularity of the violations. The ballot measure also establishes which Town decisions are appealable and provides that such appeals must occur pursuant to the procedures set forth in Yountville Municipal Code section 1.30.010.

The ballot measure also establishes operating requirements for cannabis retail businesses including, but not limited to:

1. Cannabis and cannabis products cannot be visible from the exterior of the building;
2. Persons under 21 years of age shall not be allowed on the premises, and shall not be allowed to purchase cannabis or cannabis products;
3. Cannabis retail businesses must use odor control systems;
4. Cannabis retail businesses must maintain a comprehensive general liability policy;
5. Conditions placed on the conditional use permit issued for the property (described below) are also conditions of the commercial cannabis permit; and
6. Cannabis retail businesses must implement specified security measures.

Both the Town Council and the Town Manager may adopt additional regulations to be placed on cannabis retail businesses. All regulations established must be published on the Town's website and, after adoption, will have the same force and effect of law. The Town Council may adopt fees as necessary to implement Chapter 9.30, including an application fee representative of the Town's costs in processing the applications. All violations of the Chapter are subject to administrative enforcement and are deemed nuisances under the Yountville Municipal Code. Each responsible party as to a cannabis retail business can be held jointly and severally liable for all violations.

The second component of the ballot measure is a use permit requirement, as described in Yountville Municipal Code Chapter 17.62. That Chapter establishes the CAN, Cannabis overlay zone and requires that all cannabis retail businesses are only permitted in that zone subject to a use permit. The ballot measure places the following conditions on use permits for cannabis retail businesses:

1. Obtain and maintain a commercial cannabis permit under Chapter 9.30 and an appropriate state license;
2. Operate in substantial compliance with the application materials submitted pursuant to Section 9.30.050 of the Yountville Municipal Code;
3. Cannabis retail businesses cannot be located on a property directly abutting a residential zoning district, except that a cannabis retail business may be located on a property directly abutting the rear yard of a private residence;
4. Cannabis retail businesses may not be located within 300 feet of certain sensitive receptors (community spaces, schools, etc.);
5. Cannabis retail businesses must pay all applicable current and future state and local taxes, fees and

penalties;

6. Alcoholic beverages cannot be possessed, stored, sold, distributed, or consumed on the premises. A license for sale of alcoholic beverages cannot be held for that premises, nor can a business that sells alcoholic beverages operate in the same space or adjacent to a cannabis retail business;
7. No cannabis, cannabis products, or cannabis accessories may be displayed in windows or visible from the public right-of-way or from places accessible to the general public;
8. Minors and persons under the age of 21 cannot be allowed on the premises, even if accompanied by a parent or guardian;
9. Cannabis and cannabis products cannot be stored outdoors; and
10. Any other development or operational standards as the Town Council deems necessary or appropriate.

The Town Council, therefore, may establish other use permit conditions for a cannabis retail business. However, such permit conditions may not conflict with operational requirements applicable pursuant to other provisions of the Yountville Municipal Code.

Use permits are granted after a public hearing and only after the Town Council makes the following findings, in addition to those required for all use permits by Yountville Municipal Code section 17.156.020: (a) the proposed use provides benefits to residents; (b) the proposed use will not be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area; (c) the street network is suitable and adequate to carry projected traffic that is generated by the proposed use; and (d) the design of the structure or structures is compatible with the character of the Town.

BUSINESS LICENSE TAX. The second ballot measure establishes a business license tax applicable to cannabis retail businesses. The business license tax is a general tax imposed on every cannabis retail business at a rate to be established by resolution of Town Council. As this is a general tax, proceeds from the tax may be used by the Town for any lawful purpose, including but not limited to, general Town services, public safety, road and transportation purposes, and parks and recreation. The tax is imposed on the gross receipts of cannabis retail businesses shall not exceed three percent of the businesses' gross receipts. The Town Council may adjust the tax from time to time up to the maximum three percent approved by voters. The tax will be implemented pursuant to the Town's existing procedures for collection and enforcement of business license taxes under Yountville Municipal Code Chapter 5.04.

ALTERNATIVE. The Town Council could combine the two ballot measures into a single ballot measure. The ballot title for any single measure may not exceed seventy five words. The more information contained in the ballot measure, the more difficult it may be to include an accurate description in seventy five words.

OTHER CONSIDERATIONS.

1. Whether to further revise the draft language in either ballot measure;
2. Whether the first ballot measure (or a combined ballot measure) should include creation of the cannabis overlay zone - currently, it does not; and
3. Whether the land use regulations (use permit and zoning restrictions) should be removed and adopted by the Town Council after the ballot measure is approved.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? Yes

Where is it Budgeted? Town Clerk's Election Budget

Is it Mandatory or Discretionary? Discretionary

Is there a Staff Resource Impact? Yes

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Indirectly

If yes, Identify Strategic Goal and Objective. **Engaged Residents:** The Town embraces our residents' commitment to community as seen through volunteerism, civic engagement, and public participation that enhances the quality of life in Yountville.

Briefly Explain Relationship to Strategic Plan Goal and Objective. Town Council is being responsive to request from a group of citizens that believe an issue of this significance should be determined by the residents/voters of the community.

ALTERNATIVES

Town Council could decide to approve a Cannabis Retail Business Ordinance at a future meeting without placing item on the November 2020 ballot.

Town Council could decide to consolidate the two proposed measures into one, or to proceed with only one of the two measures.

Town Council could take no action on this item.

RECOMMENDATION

Receive staff report and direct questions to staff.

Receive public comment.

Conduct Council discussion on proposed Ordinances.

This is a Town Council policy determination as to whether the issue is appropriate to place on the November 2020 ballot, and whether to place this issue on the ballot as one or two ballot measures. Staff notes that doing so provides clarity as to the outcome and next action steps if the initiative were to either pass or fail.

Town of Yountville

Ordinance Number 20-[XXXX]

AN ORDINANCE OF THE PEOPLE OF THE TOWN OF YOUNTVILLE AMENDING CHAPTER 9.30 OF TITLE 9 AND ADDING CHAPTER 17.62 OF TITLE 17 OF THE YOUNTVILLE MUNICIPAL CODE REGARDING CANNABIS RETAIL BUSINESSES

NOW THEREFORE, THE PEOPLE OF THE TOWN OF YOUNTVILLE HEREBY ORDAIN AS FOLLOWS:

SECTION 1. CODE AMENDMENT: With the exception of Sections 9.30.050 and 9.30.060, which are hereby unchanged and renumbered to Sections 9.30.040 and 9.30.160, respectively, Chapter 9.30 of Title 9 of the Yountville Municipal Code is hereby amended to read as follows:

9.30.010 Purpose.

The purpose of this chapter is to regulate all commercial cannabis activity in the Town of Yountville to the extent authorized by and in accordance with law, including, without limitation, to provide for the licensure and regulation of cannabis retail businesses within the Town of Yountville.

9.30.020 Definitions.

As used in this chapter, the following meanings shall apply unless the context clearly indicates a contrary intent:

The following words and terms shall have the meanings ascribed to them in Business and Professions Code section 26001 as that statute may be amended or renumbered from time to time: “cannabis,” “cannabis accessories,” “cannabis products,” “commercial cannabis activity,” “delivery,” “license,” “operation,” “person,” “premises,” “sale.”

“Accessory structure” means a legal and permitted building that is completely detached from a private home. An accessory structure shall comply with this code, the California Building Code, and have a complete roof enclosure supported by walls extending from the ground to the roof, and a foundation, slab or equivalent base. An accessory structure shall be secure against unauthorized entry and shall be accessible only through one or more lockable doors. The walls and roofs of an accessory structure must be constructed of solid materials not easily broken through. Exterior walls must be constructed with non-transparent material.

“Cannabis retail business(es)” means any business and its premises from which adult use cannabis and/or adult use cannabis products are offered for sale, onsite consumption, and/or delivery that is licensed pursuant to applicable provisions of State law and this chapter.

“Commercial cannabis permit” means a permit issued pursuant to the provisions of this chapter.

“Day care” means a State-authorized facility serving children (operated per the California Child Day Care Facilities Act), in which such care is conducted as a business.

“Director” means the Planning and Building Director or designee.

“Group home” means a facility regulated and licensed by a Federal and/or State agency. Unlicensed facilities shall not constitute group homes.

“Interested part(y/ies)” means any of the following:

- A. Any person with an aggregate ownership interest, other than a security interest, lien, or encumbrance, of at least 10 percent of the cannabis retail business;
- B. Partners, officers, directors, and stockholders of every corporation, limited liability company, joint venture, or general or limited partnership that own at least 10 percent of the cannabis retail business or that is one of the partners in the cannabis retail business;
- C. The manager(s) of the cannabis retail business; and
- D. Employees and agents of the cannabis retail business.

“Manager” means a person with responsibility for the establishment, registration, supervision, or oversight of the operation of a cannabis retail business, including, but not limited to, a person who performs the functions of a board member, director, officer, owner, operating officer, or manager of the cannabis retail business.

“Primary residence” means the place where a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence, and the use of the residential address for domestic purposes, such as, but not limited to, preparation of and eating of meals, regular mail delivery, and vehicle and voter registration.

“Private home” means a house, an apartment unit, a manufactured home, or other similar dwelling.

“Private residence” means a detached residential dwelling that is lawfully used as a residence.

“Responsible part(y/ies)” means one or more individuals who have an ownership interest in a cannabis retail business and are designated to be personally responsible for compliance with all terms and conditions of the commercial cannabis permit, all other permits required by the Town, and all ordinances and regulations of the Town. Any person having an ownership interest of more than fifty percent in a cannabis retail business shall be designated a responsible party on the application. If no individual owns more than fifty percent of a cannabis retail business, the individual owning the largest share shall be a responsible party, and if multiple individuals have the same percentage interest, each one shall be a responsible party. More than one individual can be designated a responsible party.

“Town Manager” means the Town Manager or his or her designee.

“Youth center” means a public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

9.30.030 Compliance with State and local law.

Except as expressly provided by State law and this chapter, all commercial cannabis activity is prohibited in the Town regardless of any licenses issued under State law.

- A. Cannabis retail businesses shall operate in conformance with all requirements and standards set forth in State law and this chapter. No person shall open or operate a cannabis retail business without first possessing a commercial cannabis permit issued by the Town pursuant to this chapter, a use permit for use of the property as a cannabis retail business issued by the Town pursuant to Chapter 17.62, and an appropriate license issued by the State.
- B. Prior to beginning operations in the Town, a cannabis retail business shall submit to the Town Manager a copy of all state licenses required for its operation.

9.30.050 Permit applications.

- A. A person may apply for a commercial cannabis permit by submitting an application to the Town during an application period designated by resolution of the Town Council. Each person may submit only one application during a designated application period. The application shall be on a form approved by the Town Manager, and shall include:
 - 1. A non-refundable application fee in an amount determined by resolution of the Town Council.
 - 2. **Application Information.**
 - i. The printed full name, signature, date of birth and present address and telephone number of all interested parties for the cannabis retail business, and designation of responsible parties.
 - ii. A primary physical and mailing address, if different, for notices and other mailed information.
 - iii. The names and addresses of all cannabis retail businesses operated by responsible parties for the five years preceding the date of the application.
 - iv. A list identifying any litigation, or settled claims not litigated, in which interested parties have been involved during the five years immediately preceding the date of the application
 - v. A statement whether any business currently operated by an interested party, or operated by an interested party in the five years immediately preceding the date of the application, has been investigated by a government agency or the permit, license, or other authorization for the operation of such business has been revoked or suspended.
 - vi. Live Scan for each interested party that was conducted within 14 days immediately preceding the date of the application.
 - vii. The name and telephone number of an emergency contact available at all times. The emergency contact must reside within a one-hour drive of the cannabis retail business.

- viii. A certification, under penalty of perjury, that the information in the application is true and correct and that no person listed in the application, as an interested party, a responsible party, or an applicant, or as an owner, director, officer, or board member of the applicant, has been convicted of a felony.

3. Business Site Information.

- i. **Floor Plan.** A scaled floor plan for each level of each building that makes up the business site, including, but not limited to, the entrances, exits, walls, cannabis storage areas and customer-access areas. The floor plan shall distinguish locations where onsite consumption of cannabis and/or cannabis products will occur if permitted.
- ii. **Site Plan.** A scaled site plan, including, but not limited to, all buildings, structures, driveways, parking lots, landscape areas, and boundaries.
- iii. **Property Owner's Consent.** Evidence of the legal right to occupy and to use the proposed location for a cannabis retail business.

4. Odor Control Plan. A list and description of proposed odor control devices and techniques to prevent odors from cannabis and cannabis products from being detectable off-premises.

5. Business Operations Information.

- i. **Business Plan.** A plan describing how the cannabis retail business will operate in accordance with this code, State law, and other applicable laws and regulations. The business plan must also include the following:
 - 1. Hours of operation; and
 - 2. Record-keeping procedures
- ii. **Community Relations Plan.** A plan describing outreach and communications with the surrounding community, including the neighborhood and businesses, and a designated contact person responsible for implementing the plan.
- iii. **Community Benefits Plan.** A plan describing community benefits the cannabis retail business intends to provide to the surrounding community.
- iv. **Neighborhood Responsibility Plan.** A plan to address potential effects of the cannabis retail business on the surrounding neighborhood area.
- v. **Inventory Control Procedures.** A list and description of procedures for inventory control including prevention of diversion of cannabis and cannabis products, employee screening, securing and storage of cannabis and cannabis products, personnel policies, and record-keeping procedures.
- vi. **Tax Compliance.** A current copy of the responsible party's Town business license tax certificate, state sales tax seller's permit, and responsible party or parties' most recent year's financial statement and tax returns, as applicable.
- vii. **Insurance.** Proof of insurance, as required by Section 9.30.090(G).

6. Security Plan. An operations and security plan in conformance with Section 9.30.100.

7. **Indemnification.** An agreement, on a form provided by the Town Manager, whereby the responsible party defends, indemnifies and holds harmless the Town and its officers, employees, agents, independent contractors, and volunteers.
 8. **Certification.** A statement in writing by the responsible party that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.
- B. In addition to any other reason established by resolution of the Town Council, an application shall be automatically disqualified if:
1. The application is incomplete, filed late, or is not responsive to the requirements of this chapter.
 2. The application contains a false or misleading statement or an omission of any material fact.
 3. The operation of the business site described in the application fails to comply with any of the requirements in this code, State law, or any other applicable law or regulation.
 4. An interested party has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made.
 5. The proposed location for the cannabis retail business is within 300 feet of Yountville Community Park, Yountville Community Church, St. Joan of Arc Church, or any school providing instruction in kindergarten or grades 1 through 12, day care center or youth center that is in existence at the time the application is submitted, measured in a straight line from the closest property line of the school, day care center or youth center to the closest point of the premises where the cannabis retail business is proposed.
 6. An interested party has operated a cannabis retail business within five years immediately preceding the date of the application for which a State or local license, permit, or other authorization has been revoked.
 7. The application does not permit onsite consumption of cannabis in compliance with Business and Professions Code section 26200.
 8. Operation of the proposed site for the cannabis retail business, as represented in the application, is a threat to the public health, safety, or welfare or would create a public nuisance.
- C. The Town Manager or a third-party consultant hired for this purpose shall rank applications by the following criteria, giving equal weight to each, and shall, thereafter, report to the Town Council the ranking of each application:
1. Community Benefit. Applicants' commitment to Town demonstrated through local hiring and community support.
 2. Equity and Labor. Applicants' commitment to equity ownership and competitive compensation in comparison to other mainstream commercial businesses.

3. Messaging. Applicants' commitment to responsible messaging practices.
 4. Control of Business Location. Applicants' control of a site to ensure a successful and timely transition from being awarded a license to opening the business.
 5. Financial Investment. Applicants' plans and capital to support a vibrant business within the Town.
 6. Other Criteria. Any other criteria established by resolution of the Town Council.
- D. The Town Council may issue one commercial cannabis permit to the highest ranked application. The Town Council may choose to not offer a commercial cannabis permit to the highest ranked application if it makes any of the following findings:
1. The highest ranked application does not provide substantial benefits to Town residents;
 2. The highest ranked application will be detrimental to other uses in the surrounding area;
 3. The highest ranked application is incompatible with the character of the location the cannabis retail business is proposed in; or
 4. The highest ranked application may directly or indirectly create or exacerbate public nuisance conditions, as defined by Chapter 9.32.
- E. If two or more applications are equally ranked highest, the Town Council may designate the highest ranked applicant by analyzing each such application based on the criteria set forth in Section 9.30.050(D)
- F. The responsible party or parties selected shall have the opportunity to apply for a use permit as outlined in Chapter 17.62.
- G. A commercial cannabis permit shall expire twelve months after the date of issuance. In accordance with this chapter, a responsible party may apply for a renewal of a commercial cannabis permit prior to its expiration in accordance with this chapter.

9.30.060 Permit renewal.

- A. An application for renewal of a commercial cannabis permit shall be filed by a responsible party at least 60 days before the expiration of the permit. The renewal application shall be filed on a form approved by the Town Manager and shall include a renewal application fee established by resolution of the Town Council.
- B. The Town Manager shall grant or deny renewal applications in writing and, if the renewal application is denied, shall specify the reasons for its denial. The Town Manager shall only approve a renewal permit if he or she makes the following findings, which the applicant has the burden to satisfy by substantial evidence:
1. The cannabis retail business has substantially complied with the business operations information as described in Section 9.30.050(A)(5);
 2. The cannabis retail business provides substantial benefits to Town residents;
 3. The cannabis retail business has not been detrimental to other uses in the surrounding area; and

4. The cannabis retail business has not directly or indirectly created or exacerbated public nuisance conditions, as defined by Chapter 9.32.
- C. An application for renewal of a commercial cannabis permit shall be denied if any of the following exist:
1. The commercial cannabis permit is revoked before renewal.
 2. The cannabis retail business has not timely paid cannabis business license tax pursuant to Section 5.04.310.
 3. The responsible party conducted unpermitted commercial cannabis activity in the Town at any time preceding the renewal application.
 4. Any of the grounds for denying a permit application, as described in Section 9.30.050(B).
 5. The cannabis retail business, or any responsible party or interested party, has violated any provision of this chapter or this code, or any rules or regulations adopted thereunder, or State law, or any conditions on the commercial cannabis permit or use permit authorizing the cannabis retail business.
 6. The Town Manager does not make the findings required by Section 9.30.060(B).
- D. An application for renewal of a commercial cannabis permit may be denied if any of the following exists:
1. The commercial cannabis permit is suspended at the time the application is submitted or thereafter.
 2. The application is filed late.
 3. The cannabis retail business, or any responsible party or interested party, has received a notice of violation, abatement order, and/or administrative citation under Chapter 8.05 for violating any provision of this Code related to commercial cannabis activity in the Town during the prior twelve months and the notice of violation, abatement order, and/or administrative citation has not been resolved in favor of the party to whom it was issued at the time the application is submitted.
 4. The cannabis retail business has not been in regular and continuous operation in the three months immediately preceding the date the application is submitted.
- E. If a timely and complete application for renewal of a commercial cannabis permit is filed, the permit's expiration shall be stayed until a decision on the renewal application is issued.

9.30.070 Permit suspension or revocation.

- A. A commercial cannabis permit may be suspended or revoked if one or more of the circumstances upon which a commercial cannabis permit application or renewal application may be or must be denied, as described in Sections 9.30.050(B) and 9.30.060(C), (D), exists.
- B. The Town Manager has discretion to choose the appropriate administrative action based on the severity and regularity of the violations. The Town Manager shall provide notice of the revocation or suspension in writing. The notice shall describe the reason for suspension or revocation and the process to appeal the determination.

- C. Pursuant to Business and Professions Code Section 26200(c), the Town Manager shall promptly notify the Bureau of Cannabis Control within the Department of Consumer Affairs upon the Town's revocation of any local license, permit, or authorization for a state licensee to engage in commercial cannabis activity within the Town.

9.30.080 Appeal.

- A. The following decisions are not appealable:
 - 1. Ranking of applications pursuant to Section 9.30.050(C); and
 - 2. Disqualification of an application pursuant to Section 9.30.050(D).
- B. The following decisions may be appealed to the Town Council no later than 15 days after issuance:
 - 1. Denial of a renewal application pursuant to Section 9.30.060(C), (D);
 - 2. Suspension or revocation of a commercial cannabis permit pursuant to Section 9.30.070.
- C. Appeals shall follow the procedures set forth in Section 1.30.010. If the appeal includes a notice of violation, abatement order, and/or an administrative citation issued under Chapter 8.05, the Town Council may choose to consolidate appeals in a single hearing pursuant to this section.

9.30.090 Operating requirements.

The following operating requirements shall apply to any cannabis retail business operating in the Town:

- A. No cannabis or cannabis products shall be visible from the exterior of the building. No outdoor storage of cannabis or cannabis products is permitted.
- B. The cannabis retail business shall utilize a point-of-sale tracking system to track and report on all aspects of business, including, but not limited to, cannabis tracking, inventory data, and gross sales (by weight and by sale) and shall ensure that such information is compatible with the Town's record-keeping systems. The system must be able to produce historical transactional data for review by the Town.
- C. The cannabis retail business shall not allow persons under the age of 21 years on the premises or sell cannabis or cannabis products to such persons.
- D. The cannabis retail business shall not employ persons under 21 years of age.
- E. The cannabis retail business shall use odor control systems to ensure that cannabis odors are not detectable off-premises. Odor control systems shall include, but are not limited to, ventilation and exhaust systems.
- F. The cannabis retail business shall post the original copy of their commercial cannabis permit in a location readily-visible to the public.
- G. The cannabis retail business shall maintain a comprehensive general liability combined single occurrence insurance policy issued by an "A" rated insurance carrier in an amount not less than five million dollars (\$5,000,000) with primary coverage, naming the Town of Yountville and its officers, employees, agents, and volunteers as additional insured.

- H. The cannabis retail business shall ensure all delivery, loading and unloading areas are within a secured area.
- I. The cannabis retail business shall pay all employees in lawful money of the United States as hourly or salaried employees of the business and all federal, state, and local laws pertaining to employees shall be followed including, but not limited to, workers' compensation laws.
- J. The cannabis retail business shall update the Town at least once per month if there are any changes to the information submitted as part of the application pursuant to Section 9.30.050.
- K. The cannabis retail business shall substantially comply with the business plan, community relations plan, community benefits plan and neighborhood responsibilities plan submitted to the Town with the application pursuant to Section 9.30.050. The cannabis retail business may submit a request, in writing, to the Town Manager to amend such plans.
- L. The cannabis retail business shall comply with all conditions placed on the use permit issued for the property.
- M. The Town Manager may adopt regulations imposing additional requirements on cannabis retail businesses, including the maximum amount of cannabis and cannabis products allowed on the site, the number and type of equipment allowed, and security measures.

9.30.100 Security measures.

- A. A cannabis retail business shall implement security measures to:
 - 1. Deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products.
 - 2. Protect customers and the public from potential harms associated with the cannabis retail business.
- B. The Town Manager may adopt regulations specifying security measures to implement the requirements of Section 9.30.100(A).
- C. A cannabis retail business shall notify the Town Manager within 24 hours of discovering any of the following:
 - 1. Significant discrepancies in quantity, type, composition, or other characteristics of cannabis or cannabis products identified during inventory.
 - 2. Diversion, theft, loss, or any other criminal activity involving the cannabis retail business or any agent or employee of the cannabis retail business.
 - 3. The loss or unauthorized alteration of records related to cannabis or cannabis products, or employees or agents, of the cannabis retail business.
 - 4. Any breach of security.
- D. The Town Manager and any other Town employee charged with enforcing provisions of this code, may enter the location of a cannabis retail business at any time during regular hours of operation without notice and inspect the location as well as recordings and records maintained pursuant to this chapter or State law. No person shall refuse to allow,

impede, obstruct, or interfere with an inspection or the review of records, including, but not limited to, the concealment, destruction, or falsification of any recordings or records.

9.30.110 Onsite consumption.

- A. Consumption of cannabis on the premises of the cannabis retail business is permitted only if authorized by a use permit issued pursuant to Chapter 17.62 and:
 - 1. Access to the area where cannabis consumption is proposed is restricted to persons 21 years or older and can only be accessed by persons who have made an appointment with the cannabis retail business at least 24 hours in advance;
 - 2. Cannabis consumption is not visible from any public place or nonage-restricted area; and
 - 3. Sale or consumption of alcohol or tobacco is prohibited on the premises.
- B. Cannabis retail businesses shall create an appointment system for customers to schedule a time period for onsite consumption. Customers must make an appointment with the cannabis retail business prior to onsite consumption of cannabis or cannabis products. Such appointments shall be no longer than 60 minutes and customers may attend no more than one appointment per day.

9.30.120 Records and reporting.

- A. Cannabis retail businesses shall maintain the following records in physical format for at least three years on the business site, and shall produce them to the Town within 24 hours of receipt of a request from the Town:
 - 1. The name, address, and telephone numbers of the owner and landlord of the property.
 - 2. The name, date of birth, address, and telephone number of each manager and staff of the cannabis retail business; the date each was hired; and the nature of each manager's and staff's participation in the cannabis retail business.
 - 3. A written accounting of all income and expenditures of the cannabis retail business, including, but not limited to, cash and in-kind transactions.
 - 4. A copy of the cannabis retail business's commercial general liability insurance policy and all other insurance policies related to the business.
 - 5. A copy of the cannabis retail business's most recent year's financial statement and tax return.
 - 6. An inventory record documenting the dates and amounts of cannabis and cannabis products received at the business site, the daily amounts of cannabis and cannabis products stored on the site, and the daily amounts of cannabis and cannabis products sold from the site.
- B. The cannabis retail business shall report any loss, damage, or destruction of these records to the Town Manager within twenty-four hours of the loss, damage, or destruction.

9.30.130 Regulations and fees.

The Town Council or designee may establish all regulations necessary or convenient to implement the requirements and fulfill the policies of this chapter and to expand upon the same.

- A. Regulations shall be published on the Town's website.
- B. Regulations established by the Town Council or designee shall have the same force and effect of law and become effective upon the date of approval.

The Town Council may, by resolution, adopt such fees to implement this chapter with respect to the application and qualification for, and the selection, future selection, investigation, process, issuance, renewal, and revocation and suspension of, commercial cannabis permits.

9.30.140 Limitations on Town liability.

The Town shall not be liable for issuing, or failing to issue, suspending, revoking or failing to renew, a commercial cannabis permit pursuant to this chapter or otherwise approving or disapproving the operation of any cannabis retail business pursuant to this chapter.

9.30.150 Assignment prohibited.

- A. No person shall operate a cannabis retail business under a commercial cannabis permit issued pursuant to this chapter at any place or location other than that identified on the permit.
- B. No person shall transfer ownership or control of a commercial cannabis permit issued pursuant to this chapter, and/or a cannabis retail business licensed under this chapter, unless and until that person first obtains the consent of the Town Manager and the proposed transferee submits all required application materials, pays all applicable fees and charges, and independently meets the requirements of this chapter such that the transferee would be entitled to the issuance of an original commercial cannabis permit.
- C. Any attempt to transfer or any transfer of a commercial cannabis permit in violation of this section is hereby declared void and the commercial cannabis permit deemed immediately forfeited and no longer of any force or effect.

9.30.170 Violations.

- A. A violation of any provision of this chapter shall be subject to administrative enforcement under Chapter 8.05 of this code in addition to any other enforcement remedies available under law and this code.
- B. A violation of any provision of this chapter shall constitute a public nuisance which may be abated and/or enjoined pursuant to law and this code.
- C. Each responsible party as to a cannabis retail business shall be jointly and severally liable for all violations of State laws or of regulations and ordinances of the Town, whether committed by the permittee or an employee or agent of the permittee.
- D. Notwithstanding any other provision of this code, no conduct which is protected from criminal liability pursuant to State or Federal law shall be made criminal by this code.

SECTION 2. CODE AMENDMENT: Chapter 17.62 of Title 16 of the Yountville Municipal Code is hereby added to read as follows:

17.62.010 Purpose and application.

17.62.020 Supplemental definitions.

17.62.030 Requirements.

17.62.040 Uses requiring a use permit.

17.62.050 General conditions.

17.62.060 Criteria for a use permit.

17.62.010 Purpose and application.

The purpose of this section is to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with state law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment within the Town by establishing land use requirements and development standards for cannabis retail businesses. Cannabis retail businesses, as defined in chapter 9.30, include locations where adult use cannabis and/or adult use cannabis products are offered for sale, onsite consumption, and/or delivery and which are licensed pursuant to the provisions of State law and chapter 9.30. Therefore, this section recognizes that cannabis retail businesses require land use controls due to state legal constraints on commercial cannabis activity, and the potential environmental and social impacts associated with cannabis retail businesses. Nothing in this section is intended to affect or alter federal law, which identifies marijuana (cannabis) as a Schedule I controlled substance.

17.62.020 Supplemental definitions.

In addition to the definitions provided in Section 17.08.010, the definitions provided in Section 9.30.020 shall apply to this chapter unless the context clearly indicates a contrary intent.

17.62.020 Requirements.

- A. No person or entity shall operate or conduct a cannabis retail business without first obtaining both a commercial cannabis permit from the Town pursuant to Chapter 9.30 and a use permit from the Town pursuant to this chapter. Any use permit authorizing a cannabis retail business pursuant to this chapter shall be conditioned on the holder obtaining and maintaining a Town commercial cannabis permit and the appropriate state license for the activity.
- B. No person shall have any entitlement or vested right to operate a cannabis retail business solely by virtue of issuance of a use permit under this chapter. Operation of a cannabis retail business requires both the approval of a use permit under this chapter and issuance of a commercial cannabis permit under Chapter 9.30, which is a revocable privilege and not a right in the Town. The applicant bears the burden of proving that all qualifications for both permits have been satisfied and continuously maintained prior to operating or conducting a cannabis retail business in the Town.
- C. A use permit application shall include all information required for a commercial cannabis permit application pursuant to Section 9.30.060.

17.62.030 Uses requiring a use permit.

Cannabis retail businesses shall be allowed in areas demarcated with CAN, Cannabis overlay zoning subject to a use permit as provided in Chapter 17.156 and this chapter.

17.62.040 General conditions.

The following general conditions shall be required for all use permits issued for a cannabis retail business on land designated as CAN, Cannabis:

- A. Obtaining and maintaining a commercial cannabis permit under chapter 9.30 and appropriate state license.
- B. Operating in substantial compliance with the application materials submitted pursuant to section 9.30.050.
- C. No cannabis retail business may be located on a property that directly abuts a residential zoning district, except that a cannabis retail business may be located on a property directly abutting the rear yard of a private residence.
- D. No cannabis retail business may be within 300 feet of Yountville Community Park, Yountville Community Church, St. Joan of Arc Church, or any school providing instruction in kindergarten or grades 1 through 12, day care center or youth center that is in existence at the time the commercial cannabis permit application is submitted, measured in a straight line from the closest property line of the school, day care center or youth center to the closest point of the premises where the cannabis retail business is proposed.
- E. Payment of applicable current and future state and local taxes and all applicable commercial cannabis fees and related penalties established by the Town.
- F. Prohibition of the possession, storage, sale, distribution or consumption of alcoholic beverages on the premises, or the holding of license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operating a business that sells alcoholic beverages on or adjacent to the cannabis retail business.
- G. No cannabis, cannabis products, or cannabis accessories may be displayed in windows or visible from the public right-of-way or from places accessible to the general public.
- H. Prohibition of minors and persons under the age of twenty-one on the premises, even if accompanied by a parent or guardian.
- I. Prohibition on outdoor storage of cannabis or cannabis products.
- J. Any other development and operational standards as the Town Council deems necessary or appropriate for the cannabis retail business under consideration, provided that such conditions do not conflict with operational requirements applicable pursuant to other provisions of this Code. The Town Council may, regardless of what commercial cannabis activity is permitted by a commercial cannabis permit under Chapter 9.30, limit a cannabis retail business to one or more of the following activities: sale, on-site consumption, or delivery of cannabis in any form.

17.62.050 Criteria for a use permit.

In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for a proposed use in the overlay designation CAN, Cannabis:

- A. The proposed use provides benefit to residents;
- B. The proposed use will not be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area;
- C. The street network is suitable and adequate to carry projected traffic that is generated by the proposed use;
- D. The design of the structure or structures is compatible with the character of the Town; and
- E. The existing or proposed utility, police and fire services are adequate to serve the proposed use.

SECTION 3. Amendment: This Ordinance may be amended from time to time by the Town Council without a vote of the People.

SECTION 4. CEQA: The Town Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the Town Council, and hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. This Ordinance will not result in a significant foreseeable environmental impact.

SECTION 5. 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 6. Effective Date: This ordinance shall not take effect until ten days after the certification of its approval by a majority vote (50% + 1) of the electorate voting at the general election to be held on November 3, 2020 under Elections Code sections 9217 and 9222.

SECTION 7. Certification: The Mayor shall sign and the Town Clerk shall attest to the passage of this Ordinance upon certification by the Town Council of the results of the election approving this Ordinance.

I hereby certify that the foregoing ordinance was duly adopted by a majority of the voters of the Town of Yountville casting votes on the question in the election held on November 3, 2020:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

DRAFT

Town of Yountville

Ordinance Number 20-[XXXX]

AN ORDINANCE OF THE PEOPLE OF THE TOWN OF YOUNTVILLE AMENDING CHAPTER 9.30 OF TITLE 9 AND ADDING CHAPTER 17.62 OF TITLE 17 OF THE YOUNTVILLE MUNICIPAL CODE REGARDING CANNABIS RETAIL BUSINESSES

NOW THEREFORE, THE PEOPLE OF THE TOWN OF YOUNTVILLE HEREBY ORDAIN AS FOLLOWS:

SECTION 1. CODE AMENDMENT: With the exception of Sections 9.30.050 and 9.30.060, which are hereby unchanged and renumbered to Sections 9.30.040 and 9.30.160, respectively, Chapter 9.30 of Title 9 of the Yountville Municipal Code is hereby amended to read as follows:

9.30.010 Purpose.

The purpose of this chapter is to regulate all commercial cannabis activity in the Town of Yountville to the extent authorized by and in accordance with law, including, without limitation, to provide for the licensure and regulation of cannabis retail businesses within the Town of Yountville.

9.30.020 Definitions.

As used in this chapter, the following meanings shall apply unless the context clearly indicates a contrary intent:

The following words and terms shall have the meanings ascribed to them in Business and Professions Code section 26001 as that statute may be amended or renumbered from time to time: “cannabis,” “cannabis accessories,” “cannabis products,” “commercial cannabis activity,” “delivery,” “license,” “operation,” “person,” “premises,” “sale.”

“Accessory structure” means a legal and permitted building that is completely detached from a private home. An accessory structure shall comply with this code, the California Building Code, and have a complete roof enclosure supported by walls extending from the ground to the roof, and a foundation, slab or equivalent base. An accessory structure shall be secure against unauthorized entry and shall be accessible only through one or more lockable doors. The walls and roofs of an accessory structure must be constructed of solid materials not easily broken through. Exterior walls must be constructed with non-transparent material.

“Cannabis retail business(es)” means any business and its premises from which adult use cannabis and/or adult use cannabis products are offered for sale, onsite consumption, and/or delivery that is licensed pursuant to applicable provisions of State law and this chapter.

“Commercial cannabis permit” means a permit issued pursuant to the provisions of this chapter.

“Day care” means a State-authorized facility serving children (operated per the California Child Day Care Facilities Act), in which such care is conducted as a business.

“Director” means the Planning and Building Director or designee.

“Group home” means a facility regulated and licensed by a Federal and/or State agency. Unlicensed facilities shall not constitute group homes.

“Interested part(y/ies)” means any of the following:

- A. Any person with an aggregate ownership interest, other than a security interest, lien, or encumbrance, of at least 10 percent of the cannabis retail business;
- B. Partners, officers, directors, and stockholders of every corporation, limited liability company, joint venture, or general or limited partnership that own at least 10 percent of the cannabis retail business or that is one of the partners in the cannabis retail business;
- C. The manager(s) of the cannabis retail business; and
- D. Employees and agents of the cannabis retail business.

“Manager” means a person with responsibility for the establishment, registration, supervision, or oversight of the operation of a cannabis retail business, including, but not limited to, a person who performs the functions of a board member, director, officer, owner, operating officer, or manager of the cannabis retail business.

“Primary residence” means the place where a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence, and the use of the residential address for domestic purposes, such as, but not limited to, preparation of and eating of meals, regular mail delivery, and vehicle and voter registration.

“Private home” means a house, an apartment unit, a manufactured home, or other similar dwelling.

“Private residence” means a detached residential dwelling that is lawfully used as a residence.

“Responsible part(y/ies)” means one or more individuals who have an ownership interest in a cannabis retail business and are designated to be personally responsible for compliance with all terms and conditions of the commercial cannabis permit, all other permits required by the Town, and all ordinances and regulations of the Town. Any person having an ownership interest of more than fifty percent in a cannabis retail business shall be designated a responsible party on the application. If no individual owns more than fifty percent of a cannabis retail business, the individual owning the largest share shall be a responsible party, and if multiple individuals have the same percentage interest, each one shall be a responsible party. More than one individual can be designated a responsible party.

“Town Manager” means the Town Manager or his or her designee.

“Youth center” means a public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

9.30.030 Compliance with State and local law.

Except as expressly provided by State law and this chapter, all commercial cannabis activity is prohibited in the Town regardless of any licenses issued under State law.

- A. Cannabis retail businesses shall operate in conformance with all requirements and standards set forth in State law and this chapter. No person shall open or operate a cannabis retail business without first possessing a commercial cannabis permit issued by the Town pursuant to this chapter, a use permit for use of the property as a cannabis retail business issued by the Town pursuant to Chapter 17.62, and an appropriate license issued by the State.
- B. Prior to beginning operations in the Town, a cannabis retail business shall submit to the Town Manager a copy of all state licenses required for its operation.

9.30.050 Permit applications.

- A. A person may apply for a commercial cannabis permit by submitting an application to the Town during an application period designated by resolution of the Town Council. Each person may submit only one application during a designated application period. The application shall be on a form approved by the Town Manager, and shall include:
 - 1. A non-refundable application fee in an amount determined by resolution of the Town Council.
 - 2. **Application Information.**
 - i. The printed full name, signature, date of birth and present address and telephone number of all interested parties for the cannabis retail business, and designation of responsible parties.
 - ii. A primary physical and mailing address, if different, for notices and other mailed information.
 - iii. The names and addresses of all cannabis retail businesses operated by responsible parties for the five years preceding the date of the application.
 - iv. A list identifying any litigation, or settled claims not litigated, in which interested parties have been involved during the five years immediately preceding the date of the application
 - v. A statement whether any business currently operated by an interested party, or operated by an interested party in the five years immediately preceding the date of the application, has been investigated by a government agency or the permit, license, or other authorization for the operation of such business has been revoked or suspended.
 - vi. Live Scan for each interested party that was conducted within 14 days immediately preceding the date of the application.
 - vii. The name and telephone number of an emergency contact available at all times. The emergency contact must reside within a one-hour drive of the cannabis retail business.

- viii. A certification, under penalty of perjury, that the information in the application is true and correct and that no person listed in the application, as an interested party, a responsible party, or an applicant, or as an owner, director, officer, or board member of the applicant, has been convicted of a felony.

3. Business Site Information.

- i. **Floor Plan.** A scaled floor plan for each level of each building that makes up the business site, including, but not limited to, the entrances, exits, walls, cannabis storage areas and customer-access areas. The floor plan shall distinguish locations where onsite consumption of cannabis and/or cannabis products will occur if permitted.
- ii. **Site Plan.** A scaled site plan, including, but not limited to, all buildings, structures, driveways, parking lots, landscape areas, and boundaries.
- iii. **Property Owner's Consent.** Evidence of the legal right to occupy and to use the proposed location for a cannabis retail business.

4. Odor Control Plan. A list and description of proposed odor control devices and techniques to prevent odors from cannabis and cannabis products from being detectable off-premises.

5. Business Operations Information.

- i. **Business Plan.** A plan describing how the cannabis retail business will operate in accordance with this code, State law, and other applicable laws and regulations. The business plan must also include the following:
 - 1. Hours of operation; and
 - 2. Record-keeping procedures
- ii. **Community Relations Plan.** A plan describing outreach and communications with the surrounding community, including the neighborhood and businesses, and a designated contact person responsible for implementing the plan.
- iii. **Community Benefits Plan.** A plan describing community benefits the cannabis retail business intends to provide to the surrounding community.
- iv. **Neighborhood Responsibility Plan.** A plan to address potential effects of the cannabis retail business on the surrounding neighborhood area.
- v. **Inventory Control Procedures.** A list and description of procedures for inventory control including prevention of diversion of cannabis and cannabis products, employee screening, securing and storage of cannabis and cannabis products, personnel policies, and record-keeping procedures.
- vi. **Tax Compliance.** A current copy of the responsible party's Town business license tax certificate, state sales tax seller's permit, and responsible party or parties' most recent year's financial statement and tax returns, as applicable.
- vii. **Insurance.** Proof of insurance, as required by Section 9.30.090(G).

6. Security Plan. An operations and security plan in conformance with Section 9.30.100.

7. **Indemnification.** An agreement, on a form provided by the Town Manager, whereby the responsible party defends, indemnifies and holds harmless the Town and its officers, employees, agents, independent contractors, and volunteers.
 8. **Certification.** A statement in writing by the responsible party that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.
- B. In addition to any other reason established by resolution of the Town Council, an application shall be automatically disqualified if:
1. The application is incomplete, filed late, or is not responsive to the requirements of this chapter.
 2. The application contains a false or misleading statement or an omission of any material fact.
 3. The operation of the business site described in the application fails to comply with any of the requirements in this code, State law, or any other applicable law or regulation.
 4. An interested party has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made.
 5. The proposed location for the cannabis retail business is within 300 feet of Yountville Community Park, Yountville Community Church, St. Joan of Arc Church, or any school providing instruction in kindergarten or grades 1 through 12, day care center or youth center that is in existence at the time the application is submitted, measured in a straight line from the closest property line of the school, day care center or youth center to the closest point of the premises where the cannabis retail business is proposed.
 6. An interested party has operated a cannabis retail business within five years immediately preceding the date of the application for which a State or local license, permit, or other authorization has been revoked.
 7. The application does not permit onsite consumption of cannabis in compliance with Business and Professions Code section 26200.
 8. Operation of the proposed site for the cannabis retail business, as represented in the application, is a threat to the public health, safety, or welfare or would create a public nuisance.
- C. The Town Manager or a third-party consultant hired for this purpose shall rank applications by the following criteria, giving equal weight to each, and shall, thereafter, report to the Town Council the ranking of each application:
1. Community Benefit. Applicants' commitment to Town demonstrated through local hiring and community support.
 2. Equity and Labor. Applicants' commitment to equity ownership and competitive compensation in comparison to other mainstream commercial businesses.

3. Messaging. Applicants' commitment to responsible messaging practices.
 4. Control of Business Location. Applicants' control of a site to ensure a successful and timely transition from being awarded a license to opening the business.
 5. Financial Investment. Applicants' plans and capital to support a vibrant business within the Town.
 6. Other Criteria. Any other criteria established by resolution of the Town Council.
- D. The Town Council may issue one commercial cannabis permit to the highest ranked application. The Town Council may choose to not offer a commercial cannabis permit to the highest ranked application if it makes any of the following findings:
1. The highest ranked application does not provide substantial benefits to Town residents;
 2. The highest ranked application will be detrimental to other uses in the surrounding area;
 3. The highest ranked application is incompatible with the character of the location the cannabis retail business is proposed in; or
 4. The highest ranked application may directly or indirectly create or exacerbate public nuisance conditions, as defined by Chapter 9.32.
- E. If two or more applications are equally ranked highest, the Town Council may designate the highest ranked applicant by analyzing each such application based on the criteria set forth in Section 9.30.050(D)
- F. The responsible party or parties selected shall have the opportunity to apply for a use permit as outlined in Chapter 17.62.
- G. A commercial cannabis permit shall expire twelve months after the date of issuance. In accordance with this chapter, a responsible party may apply for a renewal of a commercial cannabis permit prior to its expiration in accordance with this chapter.

9.30.060 Permit renewal.

- A. An application for renewal of a commercial cannabis permit shall be filed by a responsible party at least 60 days before the expiration of the permit. The renewal application shall be filed on a form approved by the Town Manager and shall include a renewal application fee established by resolution of the Town Council.
- B. The Town Manager shall grant or deny renewal applications in writing and, if the renewal application is denied, shall specify the reasons for its denial. The Town Manager shall only approve a renewal permit if he or she makes the following findings, which the applicant has the burden to satisfy by substantial evidence:
1. The cannabis retail business has substantially complied with the business operations information as described in Section 9.30.050(A)(5);
 2. The cannabis retail business provides substantial benefits to Town residents;
 3. The cannabis retail business has not been detrimental to other uses in the surrounding area; and

4. The cannabis retail business has not directly or indirectly created or exacerbated public nuisance conditions, as defined by Chapter 9.32.
- C. An application for renewal of a commercial cannabis permit shall be denied if any of the following exist:
1. The commercial cannabis permit is revoked before renewal.
 2. The cannabis retail business has not timely paid cannabis business license tax pursuant to Section 5.04.310.
 3. The responsible party conducted unpermitted commercial cannabis activity in the Town at any time preceding the renewal application.
 4. Any of the grounds for denying a permit application, as described in Section 9.30.050(B).
 5. The cannabis retail business, or any responsible party or interested party, has violated any provision of this chapter or this code, or any rules or regulations adopted thereunder, or State law, or any conditions on the commercial cannabis permit or use permit authorizing the cannabis retail business.
 6. The Town Manager does not make the findings required by Section 9.30.060(B).
- D. An application for renewal of a commercial cannabis permit may be denied if any of the following exists:
1. The commercial cannabis permit is suspended at the time the application is submitted or thereafter.
 2. The application is filed late.
 3. The cannabis retail business, or any responsible party or interested party, has received a notice of violation, abatement order, and/or administrative citation under Chapter 8.05 for violating any provision of this Code related to commercial cannabis activity in the Town during the prior twelve months and the notice of violation, abatement order, and/or administrative citation has not been resolved in favor of the party to whom it was issued at the time the application is submitted.
 4. The cannabis retail business has not been in regular and continuous operation in the three months immediately preceding the date the application is submitted.
- E. If a timely and complete application for renewal of a commercial cannabis permit is filed, the permit's expiration shall be stayed until a decision on the renewal application is issued.

9.30.070 Permit suspension or revocation.

- A. A commercial cannabis permit may be suspended or revoked if one or more of the circumstances upon which a commercial cannabis permit application or renewal application may be or must be denied, as described in Sections 9.30.050(B) and 9.30.060(C), (D), exists.
- B. The Town Manager has discretion to choose the appropriate administrative action based on the severity and regularity of the violations. The Town Manager shall provide notice of the revocation or suspension in writing. The notice shall describe the reason for suspension or revocation and the process to appeal the determination.

- C. Pursuant to Business and Professions Code Section 26200(c), the Town Manager shall promptly notify the Bureau of Cannabis Control within the Department of Consumer Affairs upon the Town's revocation of any local license, permit, or authorization for a state licensee to engage in commercial cannabis activity within the Town.

9.30.080 Appeal.

- A. The following decisions are not appealable:
 - 1. Ranking of applications pursuant to Section 9.30.050(C); and
 - 2. Disqualification of an application pursuant to Section 9.30.050(D).
- B. The following decisions may be appealed to the Town Council no later than 15 days after issuance:
 - 1. Denial of a renewal application pursuant to Section 9.30.060(C), (D);
 - 2. Suspension or revocation of a commercial cannabis permit pursuant to Section 9.30.070.
- C. Appeals shall follow the procedures set forth in Section 1.30.010. If the appeal includes a notice of violation, abatement order, and/or an administrative citation issued under Chapter 8.05, the Town Council may choose to consolidate appeals in a single hearing pursuant to this section.

9.30.090 Operating requirements.

The following operating requirements shall apply to any cannabis retail business operating in the Town:

- A. No cannabis or cannabis products shall be visible from the exterior of the building. No outdoor storage of cannabis or cannabis products is permitted.
- B. The cannabis retail business shall utilize a point-of-sale tracking system to track and report on all aspects of business, including, but not limited to, cannabis tracking, inventory data, and gross sales (by weight and by sale) and shall ensure that such information is compatible with the Town's record-keeping systems. The system must be able to produce historical transactional data for review by the Town.
- C. The cannabis retail business shall not allow persons under the age of 21 years on the premises or sell cannabis or cannabis products to such persons.
- D. The cannabis retail business shall not employ persons under 21 years of age.
- E. The cannabis retail business shall use odor control systems to ensure that cannabis odors are not detectable off-premises. Odor control systems shall include, but are not limited to, ventilation and exhaust systems.
- F. The cannabis retail business shall post the original copy of their commercial cannabis permit in a location readily-visible to the public.
- G. The cannabis retail business shall maintain a comprehensive general liability combined single occurrence insurance policy issued by an "A" rated insurance carrier in an amount not less than five million dollars (\$5,000,000) with primary coverage, naming the Town of Yountville and its officers, employees, agents, and volunteers as additional insured.

- H. The cannabis retail business shall ensure all delivery, loading and unloading areas are within a secured area.
- I. The cannabis retail business shall pay all employees in lawful money of the United States as hourly or salaried employees of the business and all federal, state, and local laws pertaining to employees shall be followed including, but not limited to, workers' compensation laws.
- J. The cannabis retail business shall update the Town at least once per month if there are any changes to the information submitted as part of the application pursuant to Section 9.30.050.
- K. The cannabis retail business shall substantially comply with the business plan, community relations plan, community benefits plan and neighborhood responsibilities plan submitted to the Town with the application pursuant to Section 9.30.050. The cannabis retail business may submit a request, in writing, to the Town Manager to amend such plans.
- L. The cannabis retail business shall comply with all conditions placed on the use permit issued for the property.
- M. The Town Manager may adopt regulations imposing additional requirements on cannabis retail businesses, including the maximum amount of cannabis and cannabis products allowed on the site, the number and type of equipment allowed, and security measures.

9.30.100 Security measures.

- A. A cannabis retail business shall implement security measures to:
 - 1. Deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products.
 - 2. Protect customers and the public from potential harms associated with the cannabis retail business.
- B. The Town Manager may adopt regulations specifying security measures to implement the requirements of Section 9.30.100(A).
- C. A cannabis retail business shall notify the Town Manager within 24 hours of discovering any of the following:
 - 1. Significant discrepancies in quantity, type, composition, or other characteristics of cannabis or cannabis products identified during inventory.
 - 2. Diversion, theft, loss, or any other criminal activity involving the cannabis retail business or any agent or employee of the cannabis retail business.
 - 3. The loss or unauthorized alteration of records related to cannabis or cannabis products, or employees or agents, of the cannabis retail business.
 - 4. Any breach of security.
- D. The Town Manager and any other Town employee charged with enforcing provisions of this code, may enter the location of a cannabis retail business at any time during regular hours of operation without notice and inspect the location as well as recordings and records maintained pursuant to this chapter or State law. No person shall refuse to allow,

impede, obstruct, or interfere with an inspection or the review of records, including, but not limited to, the concealment, destruction, or falsification of any recordings or records.

9.30.110 Onsite consumption.

- A. Consumption of cannabis on the premises of the cannabis retail business is permitted only if authorized by a use permit issued pursuant to Chapter 17.62 and:
 - 1. Access to the area where cannabis consumption is proposed is restricted to persons 21 years or older and can only be accessed by persons who have made an appointment with the cannabis retail business at least 24 hours in advance;
 - 2. Cannabis consumption is not visible from any public place or nonage-restricted area; and
 - 3. Sale or consumption of alcohol or tobacco is prohibited on the premises.
- B. Cannabis retail businesses shall create an appointment system for customers to schedule a time period for onsite consumption. Customers must make an appointment with the cannabis retail business prior to onsite consumption of cannabis or cannabis products. Such appointments shall be no longer than 60 minutes and customers may attend no more than one appointment per day.

9.30.120 Records and reporting.

- A. Cannabis retail businesses shall maintain the following records in physical format for at least three years on the business site, and shall produce them to the Town within 24 hours of receipt of a request from the Town:
 - 1. The name, address, and telephone numbers of the owner and landlord of the property.
 - 2. The name, date of birth, address, and telephone number of each manager and staff of the cannabis retail business; the date each was hired; and the nature of each manager's and staff's participation in the cannabis retail business.
 - 3. A written accounting of all income and expenditures of the cannabis retail business, including, but not limited to, cash and in-kind transactions.
 - 4. A copy of the cannabis retail business's commercial general liability insurance policy and all other insurance policies related to the business.
 - 5. A copy of the cannabis retail business's most recent year's financial statement and tax return.
 - 6. An inventory record documenting the dates and amounts of cannabis and cannabis products received at the business site, the daily amounts of cannabis and cannabis products stored on the site, and the daily amounts of cannabis and cannabis products sold from the site.
- B. The cannabis retail business shall report any loss, damage, or destruction of these records to the Town Manager within twenty-four hours of the loss, damage, or destruction.

9.30.130 Regulations and fees.

The Town Council or designee may establish all regulations necessary or convenient to implement the requirements and fulfill the policies of this chapter and to expand upon the same.

- A. Regulations shall be published on the Town's website.
- B. Regulations established by the Town Council or designee shall have the same force and effect of law and become effective upon the date of approval.

The Town Council may, by resolution, adopt such fees to implement this chapter with respect to the application and qualification for, and the selection, future selection, investigation, process, issuance, renewal, and revocation and suspension of, commercial cannabis permits.

9.30.140 Limitations on Town liability.

The Town shall not be liable for issuing, or failing to issue, suspending, revoking or failing to renew, a commercial cannabis permit pursuant to this chapter or otherwise approving or disapproving the operation of any cannabis retail business pursuant to this chapter.

9.30.150 Assignment prohibited.

- A. No person shall operate a cannabis retail business under a commercial cannabis permit issued pursuant to this chapter at any place or location other than that identified on the permit.
- B. No person shall transfer ownership or control of a commercial cannabis permit issued pursuant to this chapter, and/or a cannabis retail business licensed under this chapter, unless and until that person first obtains the consent of the Town Manager and the proposed transferee submits all required application materials, pays all applicable fees and charges, and independently meets the requirements of this chapter such that the transferee would be entitled to the issuance of an original commercial cannabis permit.
- C. Any attempt to transfer or any transfer of a commercial cannabis permit in violation of this section is hereby declared void and the commercial cannabis permit deemed immediately forfeited and no longer of any force or effect.

9.30.170 Violations.

- A. A violation of any provision of this chapter shall be subject to administrative enforcement under Chapter 8.05 of this code in addition to any other enforcement remedies available under law and this code.
- B. A violation of any provision of this chapter shall constitute a public nuisance which may be abated and/or enjoined pursuant to law and this code.
- C. Each responsible party as to a cannabis retail business shall be jointly and severally liable for all violations of State laws or of regulations and ordinances of the Town, whether committed by the permittee or an employee or agent of the permittee.
- D. Notwithstanding any other provision of this code, no conduct which is protected from criminal liability pursuant to State or Federal law shall be made criminal by this code.

SECTION 2. CODE AMENDMENT: Chapter 17.62 of Title 16 of the Yountville Municipal Code is hereby added to read as follows:

17.62.010 Purpose and application.

17.62.020 Supplemental definitions.

17.62.030 Requirements.

17.62.040 Uses requiring a use permit.

17.62.050 General conditions.

17.62.060 Criteria for a use permit.

17.62.010 Purpose and application.

The purpose of this section is to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with state law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment within the Town by establishing land use requirements and development standards for cannabis retail businesses. Cannabis retail businesses, as defined in chapter 9.30, include locations where adult use cannabis and/or adult use cannabis products are offered for sale, onsite consumption, and/or delivery and which are licensed pursuant to the provisions of State law and chapter 9.30. Therefore, this section recognizes that cannabis retail businesses require land use controls due to state legal constraints on commercial cannabis activity, and the potential environmental and social impacts associated with cannabis retail businesses. Nothing in this section is intended to affect or alter federal law, which identifies marijuana (cannabis) as a Schedule I controlled substance.

17.62.020 Supplemental definitions.

In addition to the definitions provided in Section 17.08.010, the definitions provided in Section 9.30.020 shall apply to this chapter unless the context clearly indicates a contrary intent.

17.62.020 Requirements.

- A. No person or entity shall operate or conduct a cannabis retail business without first obtaining both a commercial cannabis permit from the Town pursuant to Chapter 9.30 and a use permit from the Town pursuant to this chapter. Any use permit authorizing a cannabis retail business pursuant to this chapter shall be conditioned on the holder obtaining and maintaining a Town commercial cannabis permit and the appropriate state license for the activity.
- B. No person shall have any entitlement or vested right to operate a cannabis retail business solely by virtue of issuance of a use permit under this chapter. Operation of a cannabis retail business requires both the approval of a use permit under this chapter and issuance of a commercial cannabis permit under Chapter 9.30, which is a revocable privilege and not a right in the Town. The applicant bears the burden of proving that all qualifications for both permits have been satisfied and continuously maintained prior to operating or conducting a cannabis retail business in the Town.
- C. A use permit application shall include all information required for a commercial cannabis permit application pursuant to Section 9.30.060.

17.62.030 Uses requiring a use permit.

Cannabis retail businesses shall be allowed in areas demarcated with CAN, Cannabis overlay zoning subject to a use permit as provided in Chapter 17.156 and this chapter.

17.62.040 General conditions.

The following general conditions shall be required for all use permits issued for a cannabis retail business on land designated as CAN, Cannabis:

- A. Obtaining and maintaining a commercial cannabis permit under chapter 9.30 and appropriate state license.
- B. Operating in substantial compliance with the application materials submitted pursuant to section 9.30.050.
- C. No cannabis retail business may be located on a property that directly abuts a residential zoning district, except that a cannabis retail business may be located on a property directly abutting the rear yard of a private residence.
- D. No cannabis retail business may be within 300 feet of Yountville Community Park, Yountville Community Church, St. Joan of Arc Church, or any school providing instruction in kindergarten or grades 1 through 12, day care center or youth center that is in existence at the time the commercial cannabis permit application is submitted, measured in a straight line from the closest property line of the school, day care center or youth center to the closest point of the premises where the cannabis retail business is proposed.
- E. Payment of applicable current and future state and local taxes and all applicable commercial cannabis fees and related penalties established by the Town.
- F. Prohibition of the possession, storage, sale, distribution or consumption of alcoholic beverages on the premises, or the holding of license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operating a business that sells alcoholic beverages on or adjacent to the cannabis retail business.
- G. No cannabis, cannabis products, or cannabis accessories may be displayed in windows or visible from the public right-of-way or from places accessible to the general public.
- H. Prohibition of minors and persons under the age of twenty-one on the premises, even if accompanied by a parent or guardian.
- I. Prohibition on outdoor storage of cannabis or cannabis products.
- J. Any other development and operational standards as the Town Council deems necessary or appropriate for the cannabis retail business under consideration, provided that such conditions do not conflict with operational requirements applicable pursuant to other provisions of this Code. The Town Council may, regardless of what commercial cannabis activity is permitted by a commercial cannabis permit under Chapter 9.30, limit a cannabis retail business to one or more of the following activities: sale, on-site consumption, or delivery of cannabis in any form.

17.62.050 Criteria for a use permit.

In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for a proposed use in the overlay designation CAN, Cannabis:

- A. The proposed use provides benefit to residents;
- B. The proposed use will not be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area;
- C. The street network is suitable and adequate to carry projected traffic that is generated by the proposed use;
- D. The design of the structure or structures is compatible with the character of the Town; and
- E. The existing or proposed utility, police and fire services are adequate to serve the proposed use.

SECTION 3. Amendment: This Ordinance may be amended from time to time by the Town Council without a vote of the People.

SECTION 4. CEQA: The Town Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the Town Council, and hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. This Ordinance will not result in a significant foreseeable environmental impact.

SECTION 5. 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 6. Effective Date: This ordinance shall not take effect until ten days after the certification of its approval by a majority vote (50% + 1) of the electorate voting at the general election to be held on November 3, 2020 under Elections Code sections 9217 and 9222.

SECTION 7. Certification: The Mayor shall sign and the Town Clerk shall attest to the passage of this Ordinance upon certification by the Town Council of the results of the election approving this Ordinance.

I hereby certify that the foregoing ordinance was duly adopted by a majority of the voters of the Town of Yountville casting votes on the question in the election held on November 3, 2020:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

DRAFT

Town of Yountville
Ordinance Number 20-[XXXX]

AN ORDINANCE OF THE PEOPLE OF THE TOWN OF YOUNTVILLE ADDING SECTIONS 5.04.310 AND 5.04.320 OF ARTICLE 8 OF CHAPTER 5.04 OF TITLE 5 ESTABLISHING A GENERAL BUSINESS LICENSE TAX ON CANNABIS RETAIL BUSINESSES

NOW THEREFORE, THE PEOPLE OF THE TOWN OF YOUNTVILLE HEREBY ORDAIN AS FOLLOWS:

SECTION 1. CODE AMENDMENT: Article 8 of Chapter 5.04 of Title 5 of the Yountville Municipal Code is hereby added to read as follows:

Article 8. Cannabis Business License Tax

5.04.310 Purpose.

- A. This ordinance is intended to achieve the following purposes, among others, and shall be interpreted to accomplish such purposes:
 - 1. Impose a tax on the privilege of conducting commercial cannabis activity in the Town of Yountville to the extent authorized by and in accordance with law.
 - 2. Impose a general tax that generates revenue that may be used by the Town for any lawful purpose including, but not limited to, general Town services, public safety, road and transportation purposes, and parks and recreation.
 - 3. Specify the type of tax and rate of tax applicable to commercial cannabis activity in the Town of Yountville.
- B. This Article is enacted solely to raise revenue and not for regulation. It is not a sales and use tax, a tax on income, a transient occupancy tax, utility user tax, or a tax on real property, and does not change any obligations under those taxes. It shall apply to all persons engaged in commercial cannabis activity in the Town. The tax imposed by this article is a general tax under Articles XIII A and XIII C of the California Constitution.
- C. No payment of any tax required under this section shall be construed as authorizing the conduct or continuance of any illegal business or of a legal business in an illegal manner. Nothing in this section implies or authorizes that any activity connected with the cultivation, possession or provision of cannabis is legal unless otherwise authorized and allowed by the State of California and permitted by the Town. This Article is in addition to any other requirements set forth in the Yountville Municipal Code and not intended to exempt, substitute, or replace any other requirements necessary for a cannabis retail business to legally operate in the Town.

5.04.320 Cannabis business license tax.

- A. There is hereby imposed at a rate to be established from time to time by resolution of the Town Council an annual tax for on all adult use commercial cannabis activity permitted under chapter 9.30 of this code. The tax for commercial cannabis activity under this section

shall be imposed with respect to the gross receipts of such businesses up to a maximum of three percent (3%) of the business' gross receipts.

- B. The tax imposed by this article is intended to and shall apply only to those portions of the gross receipts which are attributable to the business activity carried on within the Town. In any case where business activities are conducted both inside and outside the Town, the business may upon written application to the Finance Director request the apportionment of those gross receipts which are attributable to business activity within the Town and those portions of those gross receipts which are wholly, or partially, exempt from taxation as not being attributable to business activity carried on within the Town. In making such application, the Finance Director may require, and the business shall be responsible for providing, any business records necessary to determine a fair and equitable apportionment. Any apportionment established shall be reviewed annually by the Finance Director before the renewal of such license.
- C. The Town Council may by resolution, in its discretion, implement a tax rate lower than the maximum rate established in subsection (a) of this section for all persons engaged in a cannabis retail business, or establish differing tax rates for each of different categories of cannabis retail business activity. The Town Council may, by resolution, also decrease or increase any such tax rate from time to time, provided that the tax rate shall not, at any time, be above the maximum tax rate established in subsection (a) of this section.
- D. For purposes of this section, the following terms have the following meanings:
 - 1. "Gross receipts" has the same meaning as the meaning ascribed to it in Revenue and Taxation Code section 6012.
 - 2. "Cannabis retail business" has the same meaning as the meaning ascribed to it in Section 9.30.020 of this Code.
 - 3. "Reporting period" means a year, quarter or calendar month, as determined by the tax collector.
- E. The cannabis business license tax is subject to all provisions of Chapter 5.04 of this Code, including, but not limited to, the process for collection of business license tax described in Article 6 and enforcement and penalties under Article 7, to the extent not inconsistent with the provisions herein.

SECTION 2. Amendment: This Ordinance may be amended from time to time by the Town Council without a vote of the People. Notwithstanding the foregoing, voter approval is required for any amendment that would increase, within the meaning of Government Code section 53750(h), the tax rate beyond the maximum rates authorized by this Ordinance.

SECTION 3. CEQA: This measure to be submitted to the voters adopts a general tax on cannabis retail businesses. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant impact on the environment. Prior to commencement of any project that may result from the expenditure

of revenues from this Ordinance, any necessary environmental review required by CEQA shall be completed.

SECTION 4. 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 5. Effective Date: This ordinance shall not take effect until ten days after the certification of its approval by a majority vote (50% + 1) of the electorate voting at the general election to be held on November 3, 2020 under Elections Code sections 9217 and 9222.

SECTION 6. Adoption: Notwithstanding Section 5 of this Ordinance, this Ordinance shall only take effect if Ordinance Number 20-xxxx regarding cannabis retail businesses is approved by a majority vote (50% + 1) of the electorate voting at the general election to be held on November 3, 2020.

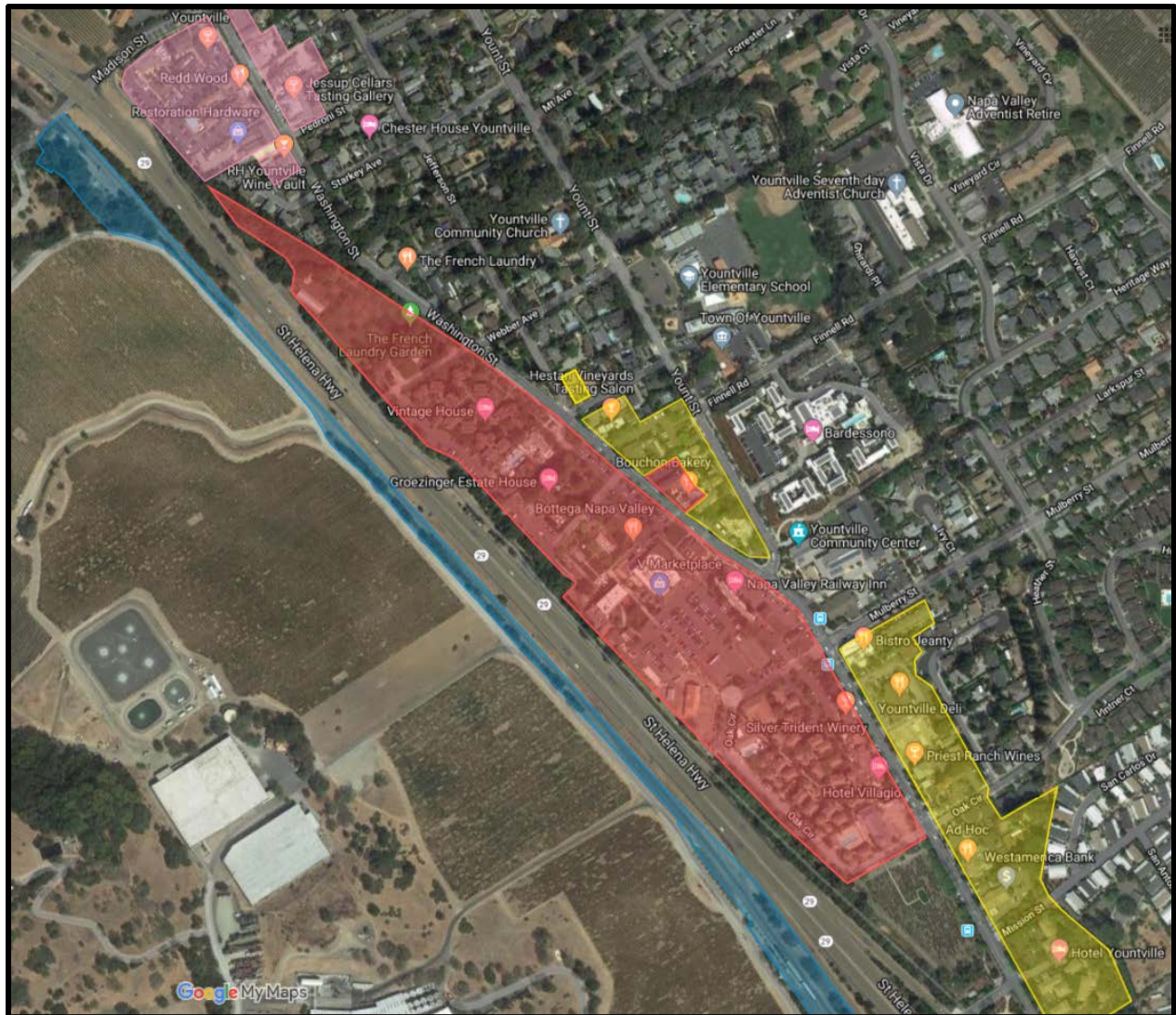
SECTION 7. Certification: The Mayor shall sign and the Town Clerk shall attest to the passage of this Ordinance upon certification by the Town Council of the results of the election approving this Ordinance.

I hereby certify that the foregoing ordinance was duly adopted by a majority of the voters of the Town of Yountville casting votes on the question in the election held on November 3, 2020:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk



Potential cannabis overlay zone locations by current zoning:

- Old Town Commercial (pink):
 - East of Washington Street
 - West of Washington Street
- Primary Commercial (red):
 - West of Washington Street
- Residential Scaled Commercial (yellow):
 - South of Mulberry Street
 - Within the triangle formed by Washington Street, Yount Street, and Humboldt Street
 - Rezoned parcel at Humboldt and Jefferson
- Public Facilities (blue):
 - Wine Train property, west of SR 29

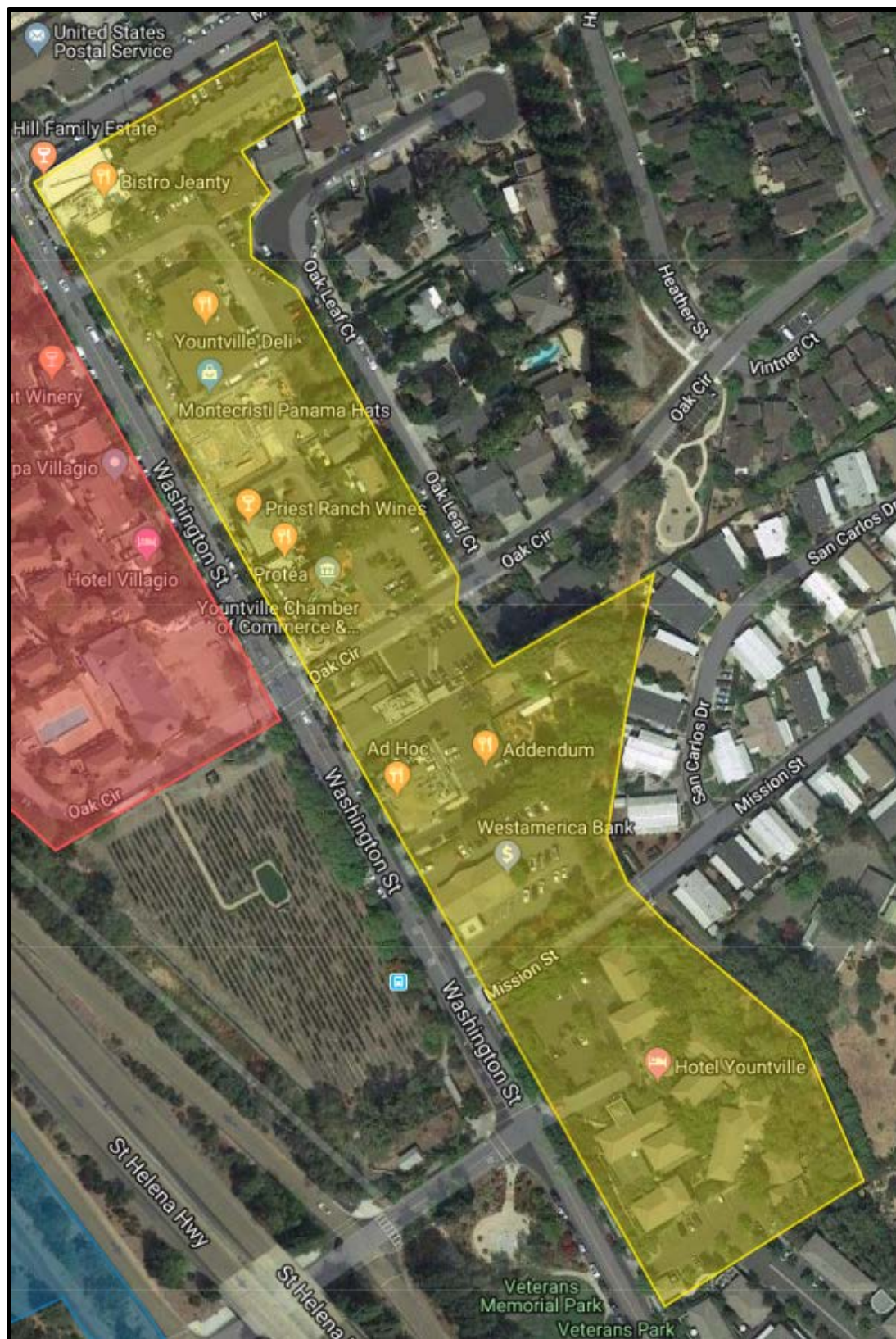


Detail 1: RSC in the triangle formed by Washington, Yount, and Humboldt

- + rezoned RSC parcel at Humboldt and Jefferson
- + PC formed by Bouchon within RSC triangle



Detail 2: Old Town Commercial



Detail 3: RSC south of Mulberry