

## **Title 15**

### **BUILDINGS AND CONSTRUCTION**

#### **Chapters:**

- 15.04 Building Regulations Generally**
- 15.08 Building Code**
- 15.12 Plumbing Code**
- 15.16 Electrical Code**
- 15.20 Mechanical Code**
- 15.24 Housing Code**
- 15.28 Fire Code**
- 15.32 Building Design Review Procedures**
- 15.34 Building Lines**
- 15.36 Moving Buildings**
- 15.40 Dangerous Buildings**
- 15.44 Building Demolition Permits**
- 15.48 Public Improvement Requirements For Issuance Of  
Building Permits**
- 15.50 Standard Mitigation Measures And Project  
Conditions**
- 15.51 Reimbursement Agreements**
- 15.52 Historic Preservation And Neighborhood  
Conservation**
- 15.56 Signs**
- 15.60 Swimming Pools**
- 15.64 Mobile Home Parks And Trailers**
- 15.68 Park Development Fees**
- 15.72 Orchard Avenue Area Park Fee**
- 15.76 North Jefferson Park And Street Improvement Fees**

- 15.78 City Of Napa Fire Department Fire And Paramedic  
Development Fees**
- 15.80 Building Permit School Fund Fees**
- 15.84 Street Improvement Fees**
- 15.88 High Priority Improvement Payback Fees**
- 15.92 Development Project Processing Fees**
- 15.94 City Of Napa Housing Trust Fund, Housing Impact  
Fee And Inclusionary/In Lieu Fee Requirements**
- 15.96 Environmental Impact Reports**
- 15.98 Big Ranch Specific Plan Area Development Impact  
Fee**

## Chapter 15.04

### BUILDING REGULATIONS GENERALLY

#### Sections:

**15.04.010 Interpretation of conflicts.**

**15.04.020 Inspector to have powers, duties prescribed by code.**

**15.04.010 Interpretation of conflicts.**

Except as in this title otherwise specifically provided, in the event that there is any conflict between any of the regulations contained in the National Electrical Code, the Uniform Building Code, the Uniform Plumbing Code, the Uniform Mechanical Code or the Uniform Housing Code, as adopted by this title, or in case there is any conflict between any of the regulations in the foregoing codes and the Uniform Fire Code adopted by Section 15.28.010, the most stringent regulations shall prevail. (Prior code § 7-1)

**15.04.020 Inspector to have powers, duties prescribed by code.**

The chief building inspector shall have the powers and duties prescribed by the Uniform Building Code adopted by reference as a part of this code. (Prior code § 7-15)

## Chapter 15.08

### BUILDING CODE

#### Sections:

- 15.08.010** Code adopted.
- 15.08.020** Copies to be available.
- 15.08.030** Amendments to Uniform Building Code.
- 15.08.040** Residential energy conservation.

#### **15.08.010** Code adopted.

The International Conference of Building Officials Uniform Building Code, 1985 Edition, including specifically the Appendix, and the Uniform Building Code Standards, 1985 Edition, is adopted by reference the same as though fully set forth herein. (Prior code § 7-16)

#### **15.08.020** Copies to be available.

One copy of the Uniform Building Code and Appendix and the Uniform Building Code Standards, as adopted by Section 15.08.010, and all amendments thereto, shall at all times be kept on file in the office of the city clerk for inspection by the public. (Prior code § 7-17)

#### **15.08.030** Amendments to Uniform Building Code.

The Uniform Building Code (UBC), as adopted, is amended as follows:

UBC Sec. 105. Building Code Board of Appeals.

105.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Building Code Board of Appeals consisting of five (5) members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. This Building Code Board of Appeals shall be the same Board of Appeals created pursuant to Section 15.12.030 of this code. The Chief Building Official shall be an ex-officio member of and shall act as Secretary to said Board but shall have no vote on any matter before the Board. Members of the Board of Appeals shall be appointed by the Council for a period of two (2) years. Members may serve for a maximum of four (4) years unless otherwise determined by the Council. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Chief Building Official.

105.2 Limitations of Authority. The Building Code Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code, nor shall the Board be empowered to waive requirements of this code.

105.3 The Chief Building Official may also use this Board in an advisory capacity to review and comment on the adoption of new codes, proposed code changes, alternate methods and materials and proposed regulation and ordinance changes. Authority for final decisions with regard to these matters shall remain with the Chief Building Official in advising and the City Council in adopting.

105.4 An appeal to the Council from any finding by the Building Code Board of Appeals may be made by the applicant, the Chief Building Official, a member of the Council or the City Manager, in writing, within ten (10) days from the date of the Board's action.

UBC Sec. 304. Fees. Add:

(f) Energy Insulation Inspection Fees. The fee for energy insulation inspection shall be set by Resolution.

(g) Strong Motion Instrumentation Program Fee. The fee for the strong motion instrumentation program shall be set by Resolution.

(h) Plan Retention Fee. The fee for plan retention shall be set by Resolution.

(i) Residential Swimming Pool Fee. The fee for residential swimming pools shall be set by Resolution.

UBC Sec. 305. Inspections.

(f) Other Inspections. In addition to the called inspections specified above, the Building Official may make or require any other inspections of any construction work to ascertain compliance with the provisions of this Code and other laws which are enforced by the Building Department.

Add:

(g) Re-roofing inspection shall be made during installation of new material.

For the purpose of certifying that the premises occupied by Group R-3 Occupancies (Dwellings) conform with zoning regulations, the inspection fee shall be as set by Resolution.

For the purpose of certifying Group R-3 (Dwellings) to conform with all codes and/or other applicable City ordinances, the inspection fee shall be as set by Resolution.

Add:

(h) Requests for inspection. The Building Official may require that every request for inspection be filed at least one day before such inspection is desired. Such request may be in writing or by telephone.

Add 307(b):

(b) Change in use of occupancy may require the installation of a Fire Sprinkler System NFPA 13 or 13D approved.

Delete Table 3A from UBC.

UBC Sec. 1214. Modifications. Add:

Private garages which are attached to or are constructed in conjunction with Group R Divisions 3 and M Occupancies shall be provided with not less than one-half hour fire-resistive material throughout, except where required by Section 503(d) to be one-hour fire resistant.

UBC Sec. 2516(g)-8. Wood Shingles/Shakes as Wall Covering.

Wood shingles and wood shakes applied as exterior wall covering shall be fire rated as Class B or better, treated in accordance with UBC Standard 32-7, unless approved by the Fire Chief. All wood shingles or wood shake re-siding exceeding 25 percent of the siding area will be as described above.

UBC Sec. 2623. Minimum Slab Thickness.

(a) Concrete Driveways. Concrete driveways shall be not less than 3 1/2 inches in thickness; 1/2-inch expansion joints shall be provided at the garage and at intervals not to exceed 30 feet and adjacent to the public sidewalk.

(b) Concrete Floors in Dwelling Areas. Concrete slab floors in dwellings or dwelling areas on the ground where the average slope of the ground is less than 1/4-inch per foot or where the average slope of the ground is not sufficient to permit adequate rain water run-off shall be placed not less than 14 inches above the adjacent curb grade. Determination of slope elevation shall be made at that portion of the building covering the highest elevation of ground opposite and at right angles to the uppermost section of the curb fronting the building site. In the absence of a curb, the center line or crown of the street shall govern, excepting, however, that slab floors in garage areas when attached to dwellings may be placed at ground level.

UBC Sec. 3202(b). Wood Materials as Roof Covering.

Wood shingles, wood shakes, or other wood materials applied as roof covering shall be fire rated as Class B or better, treated in accordance with UBC Standard 32-7.

Skylights shall be constructed as required in Chapter 34. Penthouses shall be constructed as required in Chapter 36. For use of plastics in roofs, see Chapter 52. For attics, access and area, see Section 3205. For roof drainage, see Section 3207. For solar energy collectors located above or upon a roof, see Section 1714.

UBC Appendix Sec. 3212-6. Fire Rating.

Wood shingles, wood shakes, or other wood materials applied as roof covering for re-roofing shall be fire rated as Class B or better; treated in accordance with UBC Standard 32-7. All wood shingles or wood shake re-roofing exceeding 25 percent of the roof area will have a minimum Class B rating.

UBC Chapter 38. For additional clarification see Uniform Fire Code and Chapter 15.28 of this title.

UBC Sec. 4203. Application of Controlled Interior Finish. Add:

5. All interior wall or ceiling finishes in Group R, Division 1 and 3 Occupancies, other than Class I and II materials, which are less than 3/8-inch in thickness shall be applied directly against an incombustible backing of not less than 1/2-inch gypsum board or equal.

(Prior code § 7-18)

(Ord. No. O96-028, Amended, 11/4/96)

#### **15.08.040 Residential energy conservation.**

A. The following minimum insulation values are hereby established for new residential buildings except apartment houses with four or more habitable stories and hotels:

1. Attic area: R-30;
2. Exterior walls: R-11;
3. Underfloor: R-19;
4. Glazing: R-1.5;

B. No electric resistance heating shall be installed.

C. Compliance with any provision of Title 24 of the California Administrative Code which would permit either directly or indirectly deviation from the provisions of this section is expressly prohibited. (Prior code § 7-19)

## Chapter 15.12

### PLUMBING CODE

#### Sections:

**15.12.010 Uniform Plumbing Code--Adoption by reference.**

**15.12.020 Copies to be available.**

**15.12.030 Amendments.**

**15.12.010 Uniform Plumbing Code--Adoption by reference.**

The International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, 1985 Edition, including specifically Appendices A, B, C, D, E, F, G and H, is hereby adopted by reference the same as though fully set forth herein. (Prior code § 7-45)

**15.12.020 Copies to be available.**

One copy of the Uniform Plumbing Code, and Appendices, as adopted by Section 15.12.010, and all amendments thereto, shall at all times be kept on file in the office of the city clerk for inspection by the public. (Prior code § 7-46)

**15.12.030 Amendments.**

The Uniform Plumbing Code (UPC), 1985 Edition, as adopted, is hereby amended as follows:

Delete: Section 20-7. Cost of Permit.

UPC Sec. 20.14. Board of Appeals.

A Board of Appeals is hereby created, consisting of five (5) members who are qualified by experience and training to determine the suitability of alternate materials and construction and to pass on matters pertaining to the adoption and administration of building and plumbing codes. This Board of Appeals shall be one and the same as the Board of Appeals created pursuant to Section 15.08.030 of this Code. The Building Official shall be an ex officio member and shall act as Secretary of the Board. A Board of Appeals shall be appointed by the Council and shall hold office for a period of two years. Members may serve for a maximum of four (4) years, unless otherwise determined by Council. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant, and may recommend to the Council such new legislation as is consistent therewith.

An appeal to the Council from any finding by the Board of Appeals may be made by the applicant, a member of the Council, or the City Manager, in writing, within ten (10) days from the date of the Board's action.

UPC Sec. 1309. Prohibited Locations.

(a) No water heater which depends on the combustion of fuel for heat shall be installed in any room used or designed to be used for sleeping purposes, bathroom, private garage or Group M Occupancy, clothes closet or in any closet or other confined space opening into any bath, bedroom or private garage of Group M Occupancy.

EXCEPTION: Sealed combustion chamber-type water heaters.

Where not prohibited by other regulations, water heaters may be located under a stairway and landing.

(b) A gas-fired domestic clothes dryer may be located in a room having access to a private garage when the access door is self-closing. Said room shall be vented to the exterior of the building by permanent openings or ducts with an unobstructed area not less than 2 square inches per 1,000 BTUs of the appliances. At least half of such opening

shall be located within 6 inches of the ceiling and the remainder located within 6 inches of the floor.  
(Prior code § 7-47)

## Chapter 15.16

### ELECTRICAL CODE

#### Sections:

- 15.16.010 Interpretation of language.
- 15.16.020 Chief to determine meaning.
- 15.16.030 Violations.
- 15.16.040 Applicability of chapter to public agencies.
- 15.16.050 Compliance by alterations and additions.
- 15.16.060 Responsibilities, liabilities not affected.
- 15.16.070 Office of chief electrical services/inspection created--Supervision--Qualifications.
- 15.16.080 Conflicts of interest.
- 15.16.090 General duties of chief--Records.
- 15.16.100 Right of entry.
- 15.16.110 Authority to disconnect service.
- 15.16.120 Enforcement of duties of chief--Generally.
- 15.16.130 Supervision of electrical facilities of city.
- 15.16.140 Delegation of chief's powers--Duties.
- 15.16.150 Permits required--Exceptions.
- 15.16.160 Application for permit--Issuance.
- 15.16.170 Permit scope--Deviations.
- 15.16.180 Permit expiration.
- 15.16.190 When permit not to be issued.
- 15.16.200 Annual permits for maintenance electricians.
- 15.16.210 Property owner's and contractor's signed statement required.
- 15.16.220 Fees to be paid.
- 15.16.230 Payment of fees for additional installations.
- 15.16.240 Amount of fees.
- 15.16.250 Notice, inspection required.
- 15.16.260 Approval of installation.
- 15.16.270 Disapproval--Correction of defects.
- 15.16.280 Temporary certificates of approval.
- 15.16.290 Preliminary certificates of approval.
- 15.16.300 Inspection prior to concealment.
- 15.16.310 Inspection of work under annual permits.
- 15.16.320 Supplying current to noncomplying installations.
- 15.16.330 Reconnecting disconnected installations.
- 15.16.340 Standards--Generally.
- 15.16.350 Commercial and industrial.
- 15.16.360 Code adopted.
- 15.16.370 Copies to be available.
- 15.16.380 Amendments.
- 15.16.390 Materials and devices.
- 15.16.400 Using used materials.
- 15.16.410 Point of attachment of service drop.

#### 15.16.010 Interpretation of language.

The language used in this chapter and the National Electrical Code, which is made a part of this chapter by reference, is intended to convey the common and accepted meaning familiar to the electrical industry. (Prior code § 7-59)

**15.16.020 Chief to determine meaning.**

The chief, electrical services/inspection is authorized to determine the intent and meaning of any provision of this chapter. Such determinations shall be made in writing and a record kept, which record shall be open to the public. (Prior code § 7-60)

**15.16.030 Violations.**

It is unlawful for any person, either as owner, architect, contractor, artisan or otherwise, to do or knowingly to cause or permit to be done any electrical wiring as defined in this chapter in such manner that the same shall not conform to all of the provisions of this chapter. (Prior code § 7-61)

**15.16.040 Applicability of chapter to public agencies.**

The requirements of this chapter are specifically declared to govern and control the installation, alteration or repair of electrical wiring, devices, appliances or equipment in any building or structures owned or controlled by any public or quasi-public or political corporation or body, except as to such electrical wiring as is specifically exempt under this chapter. (Prior code § 7-62)

**15.16.050 Compliance by alterations and additions.**

Additions or extensions to, and alterations and renewals of existing installations shall be made in compliance with the provisions of this chapter. (Prior code § 7-63)

**15.16.060 Responsibilities, liabilities not affected.**

This chapter shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any electric wiring, electric devices or electric material for damages to person or property caused by any defect therein, nor shall the city be held as assuming any such liability by reason of the inspection authorized herein, or certificate of inspection issued as herein provided. (Prior code § 7-64)

**15.16.070 Office of chief electrical services/inspection created--Supervision--Qualifications.**

The office of chief, electrical services/inspection is created and established. The chief, electrical services/inspection shall be under the administrative jurisdiction of the public works director. The chief, electrical services/inspection shall be a competent electrician of good moral character and shall be well versed in approved methods of electrical construction for safety to life and property, the statutes of the state relating to electrical work, the electrical rules and regulations issued under authority of the statutes governing industrial installations, the National Electrical Code as approved by the National Fire Protection Association, the electrical rules of the Board of Fire Underwriters of the Pacific and in the provisions of this chapter. (Prior code § 7-65)

**15.16.080 Conflicts of interest.**

It shall be unlawful for the chief, electrical services/inspection to engage in the business of the sale, installation or maintenance of electrical wiring, electrical devices and electrical material either directly or indirectly and he or she shall have no financial interest in any concern engaged in such business at any time while holding the office of chief, electrical services/inspection. Any violation of the provisions of this section by the chief, electrical services/inspection shall be sufficient cause for his or her removal from office. (Prior code § 7-66)

**15.16.090 General duties of chief--Records.**

It shall be the duty of the chief, electrical services/inspection to enforce the provisions of this chapter. He or she shall, upon application, grant permits for the installation or alteration of electrical wiring, devices, appliances and equipment and shall make inspections of all new electrical installations and reinspections of all electrical installations, all as provided in this chapter. He or she shall keep complete records of all permits issued, inspections and reinspections made and other official work performed in accordance with the provisions of this chapter. (Prior code § 7-67)

**15.16.100 Right of entry.**

The chief, electrical services/inspection shall have the right during reasonable hours to enter any building in the discharge of his or her official duties, or for the purpose of making any inspection, reinspection or test of the installation of electrical wiring, devices, appliances and equipment contained therein, except that he or she is not empowered to enter any dwelling while the same is occupied as a dwelling, without the consent of the occupant thereof. (Prior code § 7-68)

**15.16.110 Authority to disconnect service.**

The chief, electrical services/inspection shall have the authority to cut or disconnect any wire in cases of emergency where necessary for safety to life or property or where such wire may interfere with the work of the fire department. Said chief, electrical services/inspection is authorized to disconnect or order discontinuance of electrical service to any electrical wiring, devices, appliances or equipment found to be dangerous to life or property because they are defective or defectively installed until such wiring, devices, appliances and equipment and their installation have been made safe and approved by said chief, electrical services/inspection. (Prior code § 7-69)

**15.16.120 Enforcement of duties of chief--Generally.**

The chief, electrical services/inspection shall have supervision of all electrical work in and on all buildings and structure in the city and it shall be his or her duty to enforce all of the provisions of this chapter and of the National Electrical Code and of any other ordinance which is now in effect or which may hereafter be adopted regulating electrical wiring, and for such purpose he or she shall have the powers of a police officer. (Prior code § 7-70)

**15.16.130 Supervision of electrical facilities of city.**

The chief, electrical services/inspection shall have full charge of and be responsible for the maintenance and efficient operation of the fire alarm and police alarm systems, traffic signals and any additional such systems which the city may in the future install, and all electrical lighting systems or parts thereof now owned or hereafter constructed, installed or acquired by the city. (Prior code § 7-71)

**15.16.140 Delegation of chief's powers--Duties.**

The chief, electrical services/inspection may delegate any of his or her powers or duties to any of his/her assistants. (Prior code § 7-72)

**15.16.150 Permits required--Exceptions.**

No electrical wiring, devices, appliances or equipment shall be installed within or on any building, structure or premises, nor shall any alteration or addition be made in any such existing wiring, devices, appliances or equipment without first securing a permit therefor from the chief, electrical services/inspection except as stated in the following subsections:

A. No permit shall be required for the replacement of lamps or the connection of portable appliances to suitable receptacles which have been permanently installed;

B. No permit shall be required for the installation, alteration or repair of electrical wiring, devices, appliances and equipment installed by or for a public service corporation for the use of such a corporation in the generation, transmission, distribution or metering of electrical energy, or for the use of such a corporation in the operation of signals for the transmission of intelligence;

C. No permit shall be required for the installation of temporary wiring for testing electrical apparatus or equipment. (Prior code § 7-81)

**15.16.160 Application for permit--Issuance.**

Application for an electrical permit, describing the work to be done, shall be made in writing to the chief, electrical services/inspection by the person installing the work. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the installation as described will be in conformity with the requirements of this chapter. If it shall be found that the installation as described will in general conform with the requirements of this chapter, and if the applicant has complied with all provisions of this chapter, a permit for such installation shall be issued; provided, however, that the issuance of the permit shall not be taken as permission to violate any of the requirements of this chapter. (Prior code § 7-82)

**15.16.170 Permit scope--Deviations.**

The electrical permit when issued shall be for such installation as is described in the application and no deviation shall be made from the installation so described without the written approval of the chief, electrical services/inspection. (Prior code § 7-83)

**15.16.180 Permit expiration.**

Every permit issued by the chief, electrical services/inspection under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within sixty days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned, at any time after the work is commenced, for a period of sixty days, or if the construction is not completed within thirty-six months from date of issue. Before such work can be recommenced, a new permit shall be first obtained to do so and the fee therefor shall be one-half the amount required for a new permit for such work; provided no changes have been made or will be made in the original plans and specifications for such work and provided, further, that such suspension or abandonment has not exceeded one year. (Prior code § 7-84)

**15.16.190 When permit not to be issued.**

No permit shall be issued to any homeowner or contractor, or to any contractor acting as agent or contractor to the owner of structures, to which a permit for electrical work has been previously issued and where electrical work has been found to be deficient and such deficiencies have not been corrected within ten days of written notice, or where extra work has been performed or extra inspections are required such that extra fees are required and such extra fees have not been paid within ten days notice, or where temporary power has been applied subject to finishing the installation and obtaining a final inspection and such temporary power permit has expired, until these requirements have been met. (Prior code § 7-84.1)

**15.16.200 Annual permits for maintenance electricians.**

In lieu of an individual permit for each installation or alteration, an annual permit may, upon application therefor, be issued to any person regularly employing one or more electricians for the installation and maintenance of electrical wiring, devices, appliances and equipment on premises owned or occupied by the applicant for the permit. The application for such annual permit shall be made in writing to the chief, electrical

services/inspection and shall contain a description of the premises within which work is to be done under the permit. Within not more than fifteen days following the end of each calendar month, the person to which an annual permit is issued shall transmit to the chief, electrical services/inspection a report of all the electrical work which has been done under the annual permit during the preceding month. Each annual permit shall expire on December 31st of the year in which it is issued. (Prior code § 7-85)

**15.16.210 Property owner's and contractor's signed statement required.**

Prior to issuance of an electrical permit, each applicant shall file a signed statement certifying that the applicant is licensed as a contractor under the provisions of the state Business and Professions Code and giving his or her license number and stating that it is in full force, or, if the applicant is exempt from this requirement, so stating and giving the basis for the exemption. (Prior code § 7-86)

**15.16.220 Fees to be paid.**

The fees prescribed in this chapter must be paid for each electrical installation for which a permit is required by this chapter and must be paid at the time the permit is issued. (Prior code § 7-87)

**15.16.230 Payment of fees for additional installations.**

The fees for additional electrical installations not included in, or authorized on, the original permit shall be paid upon demand and prior to final approval by chief, electrical services/inspection. (Prior code § 7-88)

**15.16.240 Amount of fees.**

The fee(s) required under this chapter shall be set by resolution. (Prior code § 7-90)

**15.16.250 Notice, inspection required.**

Upon completion of the work which has been authorized by issuance of any permit, except an annual permit, it shall be the duty of the person installing the same to notify the chief, electrical services/inspection, who shall inspect the installation within forty-eight hours, exclusive of Saturdays, Sundays and holidays, of the time such notice is given or as soon thereafter as practicable. (Prior code § 7-91)

**15.16.260 Approval of installation.**

Where the chief, electrical services/inspection finds the installation to be in conformity with the provisions of this chapter, he or she shall issue to the person making the installation a certificate of approval, authorizing the use of the installation and connection to the source of supply, and shall send notice of such authorization to the electrical utility furnishing the electrical service. (Prior code § 7-92)

**15.16.270 Disapproval--Correction of defects.**

A. If upon inspection, the installation is not found to be fully in conformity with the provisions of this chapter, the chief, electrical services/inspection shall at once notify the person making the installation, stating the defects which have been found to exist.

B. All defects shall be corrected within ten days after inspection and notification or within other reasonable time as permitted by the chief, electrical services/inspection. (Prior code § 7-93)

**15.16.280 Temporary certificates of approval.**

When a certificate of approval is issued authorizing the connection and use of temporary work, such certificate shall be issued to expire at a time to be stated therein

and shall be revocable by the chief, electrical services/inspection for cause. (Prior code § 7-94)

**15.16.290 Preliminary certificates of approval.**

A preliminary certificate of approval may be issued authorizing the connection and use of certain specific portions of an uncompleted installation; such certificate shall be revocable at the discretion of the chief, electrical services/inspection. (Prior code § 7-95)

**15.16.300 Inspection prior to concealment.**

When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person installing the wiring shall notify the chief, electrical services/inspection and such parts of the wiring installation shall not be concealed until they have been inspected and approved by the chief, electrical services/inspection; provided that on large installations, where the concealment of parts of the wiring proceeds continuously, the person installing the wiring shall give the chief, electrical services/inspection due notice and inspections shall be made periodically during the progress of work. The chief, electrical services/inspection shall have the power to remove, or require the removal of, any obstruction that prevents proper inspection of any electrical equipment. (Prior code § 7-96)

**15.16.310 Inspection of work under annual permits.**

At least once in each calendar month, the chief, electrical services/inspection shall visit all premises where work has been done under annual permits and shall inspect all electrical wiring, devices, appliances and equipment installed under such a permit since the date of his or her last previous inspection and shall issue a certificate of approval for such work as is found to be in conformity with the provisions of this chapter after the fee required by Section 15.16.240 has been paid. (Prior code § 7-97)

**15.16.320 Supplying current to non-complying installations.**

Except where work is done under a maintenance electrician's permit, it shall be unlawful for any person to make connection from a source of electrical energy or to supply electrical service to any electrical wiring, devices, appliances or equipment for the installation of which a permit is required, unless such person shall have obtained satisfactory evidence that such wiring, devices, appliances or equipment are in all respects in conformity with all applicable legal provisions. (Prior code § 7-98)

**15.16.330 Reconnecting disconnected installations.**

It shall be unlawful for any person to make connections from a source of electrical energy or to supply electrical service to any electrical wiring, devices, appliances or equipment which have been disconnected or ordered to be disconnected by the chief, electrical services/inspection, until a certificate of approval has been issued by him/her authorizing the reconnection and use of such wiring, devices, appliances or equipment. The chief, electrical services/inspection shall notify the serving utility of such order to discontinue use. (Prior code § 7-99)

**15.16.340 Standards--Generally.**

All installations shall be in conformity with the provisions of this chapter and with approved standards for safety to life and property. (Prior code § 7-107)

**15.16.350 Commercial and industrial.**

Electrical installations in structures that are under the jurisdiction of the state Division of Industrial Accidents shall comply with the requirements of the Electrical Safety Orders. (Prior code § 7-108)

**15.16.360 Code adopted.**

The National Fire Protection Association National Electrical Code, 1981 Edition, is adopted by reference, the same as though fully set forth herein. (Prior code § 7-109)

**15.16.370 Copies to be available.**

Three copies of the National Electrical Code, as adopted by Section 15.16.360 and all amendments thereto, shall at all times be kept on file in the office of the city clerk for inspection by the public. (Prior code § 7-110)

**15.16.380 Amendments.**

The National Electrical Code (NEC), 1981 Edition, as adopted, is hereby amended as follows:

NEC Sec. 210-19. Conductors -- Minimum Ampacity and Size. (b) Household Ranges and Cooking Appliances. Delete Exception No. 2.

NEC Sec. 210-25. Receptacle Outlets Required.

(g) In duplexes and multi-family dwellings at least one receptacle outlet shall be installed outside where there is access to the yard, veranda, patios and/or porches large enough to be occupied.

(h) Garages. Garages shall be provided with at least one 20 ampere branch circuit to which no laundry equipment is connected and to which at least two duplex outlets at least 6 feet apart are attached.

NEC Sec. 230-41. Size and Rating.

(d) Service Entrance Conductors. All new, remodeled or reconditioned single-family residences, or single units of a duplex residence, shall have a service entrance conductor capacity of not less than that required by the National Electrical Code as adopted.

NEC Sec. 230-79. Rating of Disconnect.

(e) Single and Multi-Family Dwellings. For all single and multi-family dwellings the disconnecting means shall have a rating not less than the load to be carried. The load to be carried shall be determined by the combined ratings of the overcurrent devices used as a main disconnecting means.

NEC Sec. 230-91. Location.

(a) All residential and multi-family dwelling main disconnects shall be readily accessible.

NEC Sec. 240-21. Delete Exception No. 5 -- Branch circuit taps.

NEC Sec. 250-92. Installation.

(b) Equipment Grounding Conductor.

(3) Where connected to the grounding electrode, the grounding electrode conductor shall be readily accessible. The connection on a noncommercial building shall be accessible from the outside of the building without having to unlock or remove doors, hatches, windows, etc.

NEC Sec. 336-3. Uses Permitted or Not Permitted.

(c) Uses Not Permitted for Either Type NM or NMC.

Add:

(9) For direct connection of stationary or portable appliances.

NEC Sec. 347-3. Use Not Permitted. Add:

(f) Where exposed to the sun.

(Prior code § 7-111)

**15.16.390 Materials and devices.**

A. Anything in this chapter, or in the National Electrical Code, as adopted by Section 15.16.360, or in the electrical rules of the Board of Fire Underwriters of the Pacific to the contrary notwithstanding, all electrical materials, devices, appliances and equipment installed in this city, shall be in conformity with the provisions of this chapter and shall be reasonably safe to life and property and shall conform to the standards of the Underwriter's Laboratories, Inc., or the United States Bureau of Mines or the United States Bureau of Standards.

B. The maker's name, trademark or other identification symbol shall be placed on all electrical materials, devices, appliances and equipment sold or installed in this city.

C. All electrical materials, devices, appliances and equipment sold or installed in this city, not bearing the label or symbol of the Underwriter's Laboratories, Inc., or the United States Bureau of Mines, or the United States Bureau of Standards, shall be prima facie evidence of nonconformity with the provisions of this chapter and not reasonably safe to life and property.

D. In order to avoid the necessity of repetition of examinations by different examiners, frequently with inadequate facilities for such work, and to avoid the confusion which would result from conflicting reports as to the suitability of devices and materials examined for a given purpose, it is necessary that such examinations should be made under standard conditions and the record made generally available through promulgation by organizations properly equipped and qualified for experimental testing, inspections of the run of goods at the factories and service value determination through field inspections. For these reasons, the council has determined that materials, devices, appliances and equipment approved by the Underwriter's Laboratories, Inc., or the United States Bureau of Mines or the United States Bureau of Standards conform to the provisions of this chapter and are reasonably safe to life and property. (Prior code § 7-112)

**15.16.400 Using used materials.**

Previously used electrical material shall not be reused in any work without the written approval obtained in advance from the chief, electrical services/inspection. (Prior code § 7-113)

**15.16.410 Point of attachment of service drop.**

Anything in this chapter, or in the National Electrical Code, as adopted by Section 15.16.360, or in the electrical rules of the Board of Fire Underwriters of the Pacific to the contrary notwithstanding, the point of attachment of a service drop to a building shall be determined by and shall comply with General Order No. 95 of the state Public Utilities Commission. (Prior code § 7-114)

## Chapter 15.20

### MECHANICAL CODE

#### Sections:

- 15.20.010**      **Uniform Mechanical Code--Adoption by reference.**  
**15.20.020**      **Copies to be available.**  
**15.20.030**      **Amendments.**

**15.20.010**      **Uniform Mechanical Code--Adoption by reference.**

The Uniform Mechanical Code, 1985 Edition, including specifically Appendices A, B and C, sponsored by the International Association of Plumbing and Mechanical Officials and the International Conference of Building Officials, is adopted by reference the same as though fully set forth herein. (Prior code § 7-127)

**15.20.020**      **Copies to be available.**

One copy of the Uniform Mechanical Code, as adopted by Section 15.20.010, and all amendments thereto, shall at all times be kept on file in the office of the city clerk for inspection by the public. (Prior code § 7-128)

**15.20.030**      **Amendments.**

The Uniform Mechanical Code (UMC), 1985 Edition, as adopted, is amended as follows:

UMC Section 301. Permits Required. First paragraph:

No person shall install, alter or reconstruct any heating, ventilating, comfort cooling, or refrigeration equipment unless a permit therefor has been obtained from the Building Official except as otherwise provided in this Code.

UMC Section 304. Permit Fees. Add:

22. Reinspection Fee \$10.00

EXCEPTION: Heating permit fees for dwelling units shall be \$1.25 per 100 square feet or portion thereof of floor areas.

UMC Section 503. Type of Fuel and Fuel Connection.

(c) Gas-burning Appliances.

EXCEPTION: 5. No part of the connector shall be concealed within or run through any wall, floor or partition and the connector shall only be used outside the appliance and not pass through the appliance casing.

UMC Section 508. Location. First paragraph:

Appliances installed in commercial garages, warehouses or other areas where they may be subjected to mechanical damage shall be suitably guarded against such damage by being installed behind protective barriers or by being elevated or located out of the normal path of vehicles.

Second paragraph:

Appliances generating a glow, spark or flame capable of igniting flammable vapors may be installed in a commercial garage provided in the pilots and burners or heating elements and switches are at least 18 inches above the floor level.

EXCEPTION: Sealed combustion system appliances may be installed at floor level.

UMC Section 802. General. Third paragraph:

No vented decorative appliance, floor furnace, vented wall furnace, unit heater or room heater shall be located in any of the following places:

Add:

8. In any private garage of a Group J Occupancy.

UMC Section 1004. Installation of Ducts. (a) Metal Ducts. Second paragraph:

Underfloor ducts shall have a minimum clearance of 12 inches to the ground unless alternate means of access is provided to required spaces, in which case the minimum clearance may be 4 inches. Metal ducts when installed in or under concrete shall be encased in at least 2 inches of concrete.

UMC Section 1006. Fire Dampers. Third paragraph:

Residential heating or cooling floor registers located under sliding doors or under windows shall have not less than 8 inches clearance between the wall and the register opening.

UMC Section 1404. Location. 5. Delete exceptions 1 and 2.

UMC Section 2003. Hoods.

(a) Where required. A hood shall be installed at or above all commercial food heat-processing equipment in a food establishment. For the purpose of this Code a food establishment shall include any building or portion thereof appropriated to the processing of food.

Provisions shall be made for air to enter the room in which the hood is located at a rate not less than that at which the room air is exhausted by the hood.

There shall be installed in the wall or ceiling, approximately over the cooking facilities, a ventilating opening with a minimum size of 8 inches by 6 inches connected by an incombustible ventilating duct free to the outside of the building. The ventilating duct for each kitchen shall have a minimum cross-sectional area of 28 square inches. An approved forced-draft system of ventilation may be substituted for the natural-draft ventilating system when first approved by the Administrative Authority.

(Prior code § 7-129)

## Chapter 15.24

### HOUSING CODE

#### Sections:

- 15.24.010**      **Code adopted.**
- 15.24.020**      **Copies to be available.**
- 15.24.030**      **Amendments.**

#### **15.24.010**      **Code adopted.**

The International Conference of Building Officials Uniform Housing Code, 1985 Edition, is adopted by reference the same as though fully set forth herein. (Prior code § 7-31)

#### **15.24.020**      **Copies to be available.**

One copy of the Uniform Housing Code, as adopted by Section 15.24.010, and all amendments thereto, shall at all times be kept on file in the office of the city clerk for inspection by the public. (Prior code § 7-32)

#### **15.24.030**      **Amendments.**

The Uniform Housing Code (UHC), 1985 Edition, as adopted, is amended as follows:  
UHC Section 201. General.

(a) Authority. The Building Official, and/or the Health Officer are hereby authorized and directed to administer and enforce all of the provisions of this Code. Whenever the words "Building Official" are used hereinafter, they shall also mean "Health Officer," and whenever the words "Health Officer" are used hereinafter, they shall also mean "Building Official."

(Prior code § 7-33)

## Chapter 15.28

### FIRE CODE

#### Sections:

<b>15.28.005</b>	<b>General findings.</b>
<b>15.28.010</b>	<b>Codes adopted.</b>
<b>15.28.020</b>	<b>Copies to be available.</b>
<b>15.28.030</b>	<b>Amendments.</b>
<b>15.28.040</b>	<b>Violations.</b>
<b>15.28.050</b>	<b>Repealed.</b>
<b>15.28.060</b>	<b>Repealed.</b>
<b>15.28.070</b>	<b>Repealed.</b>

#### **15.28.005 General findings.**

A. Napa is characterized by a narrow valley floor surrounded and intermingled with steep, hilly terrain that contains areas that are very susceptible to wildland fires. This in turn exposes development within the City of Napa to an increased risk of fire. The most vulnerable structures are the homes adjacent to wild vegetation.

B. The Fire and Police Protection section of the City of Napa General Plan recommends that on-site fire mitigation should include use of fire resistant materials, sprinklers, and early warning systems; and

C. Wind is an important factor in the spread of fire by carrying burning embers to adjacent areas. Napa has a characteristic southerly wind that originates from the San Francisco Bay. During the dry season, the City of Napa experiences an occasional north wind of significant velocity that can be a significant factor in the spread of wildland fires.

D. The Seismic/Safety Element of the City of Napa General Plan provides that factors which contribute to the potential for fire are vegetation and distance from fire stations; and

E. The Fire Response Radii and Hazard Map in the City of Napa General Plan shows potential fire hazards in the City; and

F. The major wildland fire hazard risks for residential development are in the City of Napa's hilly areas characterized by steep slopes, poor fire suppression delivery access, inadequate water pressure, and highly flammable vegetation. Recognizing that these areas differ from the typical urban fire to be served by City of Napa fire departments, there has been a move statewide to include built-in fire protection measures for development in these high-risk areas; and

G. Because response time of fire suppression units has a critical impact on the ability to protect life and property in case of fire or other emergencies, buildings must be provided with built-in fire protection systems to offset the negative impact of excessive response time; and

H. The Land Use Element of the City of Napa General Plan policies for residential development prescribes that density and population shall not exceed that which can be served by current fire service levels; and

I. Residential fire sprinklers have been proven since 1987 to efficiently extinguish fires in the incipient stage preserving life and property; and

J. Faults within and outside the county could affect the City of Napa in the event of an earthquake, including four active fault zones in the region outside the county: the San Andreas, the Hayward, the Calaveras and the Healdsburg-Rodgers Creek faults. Three active faults within Napa County – the Cordelia, the Green Valley and the West Napa faults – also pose a risk to Napa residents and property; and

K. The Land Use Element of the City of Napa General Plan for residential development states that all environmental constraints including fire hazards shall be

mitigated consistent with General Plan policies, including appropriate on-site and off-site measures; and

L. The Seismic/Safety Element of the City of Napa General Plan policies provides that fire protection requirements for new construction and remodeled buildings shall be strengthened to reduce planned growth on Fire Department capabilities and to provide a reasonable degree of fire and life safety at minimum fire suppression costs; and

M. The City Council desires to enhance the adequate protection of buildings and structures by the adoption of this ordinance.

(Ord. No. O95-033, Enacted, 12/05/95; Ord. No. O99-10, Amended, 06/01/1999)

**15.28.010 Codes adopted.**

The Uniform Fire Code, 1997 Edition, including specifically appendices I-A, I-C, II-A, II-B, II-C, II-D, II-E, II-F, II-G, II-H, II-I III-A, III-B, III-C, III-D, IV-A, IV-B, V-A, VI-A, VI-B, VI-D, VI-E, VI-F and the Uniform Fire Code Standards 1997 Edition, compiled and published by the International Conference of Building Officials and the Western Fire Chiefs Association, Inc., the 1997 Editions of the California Fire Code (as it pertains to State Fire Marshal regulated buildings), is adopted by reference the same as though fully set forth herein, save and except those portions hereinafter deleted, modified or amended by Section 15.28.030. (Prior code § 11-49)

(Ord. No. O95-033, Amended, 12/05/95; Ord. No. O99-10, Amended, 06/01/1999)

**15.28.020 Copies to be available.**

Three copies of the Uniform Fire Code, as adopted by Section 15.28.010, and all amendments thereto, shall at all times be kept on file in the office of the city clerk for inspection by the public. (Prior code § 11-50)

(Ord. No. O99-10, Amended, 06/01/1999)

**15.28.030 Amendments.**

A. Specific Findings for Code Amendments. Each amendment to the Uniform Fire Code and California Fire Code adopted by this ordinance, is reasonably necessary because of the following determinations due to local climatic, geological, and topographic conditions:

The City of Napa is characterized by a narrow valley floor surrounded and intermingled with steep hill terrain, containing areas which are very susceptible to wildland fires. Such fires expose residential and other development within the City to an increased risk of conflagration.

Wind is a predominant factor in the spread of fire in that burning embers are carried with the wind to adjacent exposed areas. Napa has a characteristic southerly wind which originates from the San Francisco Bay and becomes a factor in the control of fires. Further, in the dry season, Napa experiences an occasional north wind of significant velocity which is recognized by Fire Officials to be a significant concern with regard to fire spread.

Napa is divided geographically into three parts by the north to south flow of the Napa River and the north/south freeway section of State Highway 29. These natural barriers can serve as severe impediments to the delivery of public safety services in time of flood or earthquake with Napa being susceptible to both of these events.

Several areas within the City of Napa offer poor access for the delivery of public safety services because of the severity of slopes and the existence of natural barriers such as the Napa River, Napa Creek, Redwood Creek, Dry Creek and Tulocay Creek.

B. The following sections and/or subsections of the Uniform Fire Code (UFC), 1994 Edition and the California Fire Code, 1997 Edition, are hereby amended to read as follows:

## **SECTION 101—GENERAL**

101.4 Supplement Rules and Regulations. The Chief is authorized to render interpretations of this code and to make and enforce rules, supplemental regulations and standards in order to carry out the application and intent of its provisions. Such interpretations, rules, regulations and standards shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours.

101.6.1 Conflicting Provisions. Where there is a conflict between National Standards and Local Standards and this Code, the Chief or his authorized representative will determine standards, rules and/or regulations that will prevail.

## **SECTION 103--INSPECTION AND ENFORCEMENT**

103.1.3 Practical Difficulties. The Fire Chief is authorized to modify any of the provisions of this code upon application in writing by the owner, lessee or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of the code, provided that the spirit of the code shall be complied with, public safety secured and substantial justice done. The particulars of such modification and the decision of the Chief shall be entered upon the records of the department, and a signed copy shall be furnished to the applicant. Such modification shall be determined on a specific case basis and shall not have the effect of a precedent which would result in a permanent modification of this code.

UFC Sec. 103. Fire Code Board of Appeals.

103.1.4 Appeals. To determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a Fire Code Board of Appeals consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. The Chief shall be an ex-officio member and shall act as Secretary of the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant.

103.1.5 Advisory Role. The Fire Chief may also use this Board in an advisory capacity to review and comment on proposed code changes and proposed regulations and ordinance changes. Authority for final decisions with regard to these matters shall remain with the Fire Chief and the City Council.

103.1.6 Limitations of Authority. The Fire Code Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code.

103.1.7 Appeal to Council. An appeal to the City Council from any finding by the Fire Code Board of Appeals may be made by the applicant, the Chief, a member of the Council or the City Manager, in writing, within ten (10) days from the date of the Board's action.

103.2.1.1.1 General. Emergency Response and Mitigation. In addition to potential civil and/or criminal penalties, any person, individual, group of individuals, firm, trust, corporation, partnership, association, or business concern responsible for an unauthorized release of hazardous material, a malicious false alarm, excessive unintentional false alarms, or igniting and/or maintaining an illegal fire, shall be liable for reimbursing the City of Napa for all costs incurred resulting from their emergency response and mitigation activities involving these incidents. Incurred costs may include such activities as firefighting, rescue, evacuation, hazardous material containment, control and/or disposal, incident investigation, report writing, and additional mitigation activities that may be contracted by the City.

103.2.1.2 Fire Prevention Bureau Personnel and Police. The Chief, members of the Fire Prevention Bureau, and certain other officers of the Fire Department designated by the Chief shall have the powers of a Police Officer in performing their duties under this code.

When requested to do so by the Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

103.3.2.1.1 Plan Review. The building division shall, upon receipt of plans for the above purposes, furnish the Fire Prevention Division with appropriate sets of construction plans.

The Fire Chief shall cause these construction plans to be reviewed for the purpose of ascertaining and causing to be corrected any condition liable to cause fire or endanger life from fire or panic or any violation of this Code, state law or regulation, or any local ordinance or standard which may be under the jurisdiction of the Chief.

The Fire Prevention Division, upon completion of plan review, shall return said plans with appropriate violations and/or corrections so noted and signed by the individual that completed said plan review.

103.3.2.1.2 Fees for Inspections, Plan Checks and Permits. The Napa City Council has, by resolution, established a schedule of fees to be charged and collected for inspection services, plan checking and for issuance of permits. A copy of the current fee schedule shall be kept in the office of the City Clerk and the office of the Fire Prevention Division for public inspection.

103.4.1.1 General. When the Chief or his designated officers engaged in fire prevention activities finds any building, premises, vehicle, storage facility or outdoor area that is in violation of this code, said personnel are authorized to issue correction orders and/or citations for such violations.

## **SECTION 104--CONTROL AND INVESTIGATION OF EMERGENCY SCENES**

104.2 Investigations. The Fire Department is authorized to investigate promptly the cause, origin and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury to person or destruction or damage to property and, if it appears to the bureau of investigation that such fire is of suspicious origin, they are authorized to take immediate charge of all physical evidence relating to the cause of the fire and are authorized to pursue the investigation to its conclusion.

The Chief is authorized to investigate the cause, origin and circumstances of unauthorized releases of hazardous materials and/or other events which cause a response by the Fire Department.

The Police Department is authorized to assist the Fire Department in its investigations when requested to do so.

104.2.1 Product Liability. A Fire Prevention Division Investigator shall insure that all consumer product fires are investigated thoroughly to insure product liability is maintained.

104.2.2 Hazardous Materials Incidents. A Fire Prevention Division Investigator shall investigate each incident to determine if a responsible party is in existence that presents a possible avenue for cost recovery.

104.2.3 Fires of Suspicious Origin. When fires are determined to be of suspicious origin, the incident shall be referred to a Fire Prevention Investigator who shall assume responsibility for the incident and subsequent investigational activity.

104.2.4 Physical Evidence. Fires of suspicious or incendiary origin shall have all physical evidence obtained and controlled by a Fire Prevention Division Investigator. Physical evidence shall include the securing of photographs and sketches, as deemed necessary by the Investigator, in order to preserve the actual situation.

104.2.5 Search Warrant. The Fire Prevention Division Investigator shall secure appropriate search warrants, in order to preserve evidence obtained.

104.2.6 Law Enforcement Assistance. The Police Department shall assist the Fire Investigator, if requested, in pursuing the investigation to its conclusion, unless otherwise directed by the Chief of Police.

104.2.7 Authority to Take Photographs or Make Sketches. The Fire Chief or his authorized representative shall photograph and/or sketch as deemed necessary to execute required duties. After due notice of a perceived violation of this Code or the Napa

Municipal Code has been issued, photographs and/or sketches shall be accomplished as deemed necessary. No person shall interfere with, refuse or obstruct such activity.

## **SECTION 105--PERMITS**

105.3 Application for Permit. Applications for permits shall be made to the bureau of fire prevention in such form and detail as prescribed by the bureau. Applications for permits shall be accompanied by such plans, specifications and calculations as required by the bureau.

105.3.1 Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of any work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

105.3.2 Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the fire official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction.

105.3.3 Approved Plans. When the fire official issues the permit where plans are required, he shall endorse, in writing, or stamp the plans and specifications "REVIEWED." Such reviewed plans and specifications shall not be changed, modified or altered without authorizations from the fire official, and all work regulated by this code shall be done in accordance with the reviewed plans.

The fire official may issue a permit for the construction of part of an installation before the entire plans and specifications for the whole installation have been submitted or reviewed, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his own risk without assurance that the entire installation will be granted.

105.3.4 Retention of Plans. One set of reviewed plans, specifications and computations shall be retained by the fire official until completion of the work covered therein; and one set of reviewed plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

105.3.5 Validity of Permit. The issuance or granting of a permit or review of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the fire official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this code or of any other ordinances of this jurisdiction.

105.3.6 Suspension or Revocation. The fire official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.

105.3.7 Permit Fees. Fees shall be assessed in accordance with the provisions as set forth in the fee schedule adopted by the City.

105.3.8 Plan Review Fees. When a plan or other data are required to be submitted by Section 105.3, a plan review fee shall be paid upon completion of plan review. Said plan review fee shall be charged at the prevailing rate.

The plan review fees specified in this subsection are separate fees from the permit fees, specified in Section 105.3.7 and are in addition to the permit fees.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the established hourly inspection rate.

105.3.9 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other

data submitted for review may thereafter be returned to the applicant or destroyed by the fire official. The fire official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee, equal to the initial plan review plus the present applicable fee.

105.3.10 Work Without a Permit. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a penalty fee may be assessed in addition to regular permit fees.

105.3.11 Fee Refunds. The fire official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

105.3.11.1 The fire official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

105.3.11.2 The fire official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

105.3.12 Before a permit may be issued under Section 105.8 or before final approval of the construction of fire projects, systems or components may be approved, the Chief or his authorized representative shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Department, joint approval shall be obtained from all departments concerned.

105.3.12.1 It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the fire official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

105.3.12.2 Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

105.3.13 Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the fire official that such work is ready for inspection. The fire official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the fire official.

It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

105.3.14 A yearly inspection of permitted uses under this article shall be conducted by the Fire Prevention Bureau and charged at the fee rate established by the City Council.

105.8 Permit Required.

f.1.1. Fire protection systems. To install, alter, repair, make inoperable or remove any fire protection system.

f.6. Festival seating. A permit to allow festival seating at any event. (See Definitions, Article 2)

r.4. Restaurant hood and duct fire extinguishing equipment. To operate a restaurant with a hood and duct fire extinguishing system.

s.2 Security gates. To install any gate that obstructs emergency vehicle access as provided by this code.

## **ARTICLE 2--DEFINITIONS AND ABBREVIATIONS**

### **SECTION 204-C**

CHIEF OF THE BUREAU OF FIRE PREVENTION is the Fire Marshal or designated Division Chief.

COMMERCIAL DWELLING UNIT is any dwelling unit that generates revenues for the property owner other than a single family residence.

CONDOMINIUM for the purpose of this Code includes attached single-family dwellings of 2 or more units separated by a property line and located under a common roof.

CORPORATION COUNSEL is the City Attorney.

### **SECTION 205-D**

DUPLEX - see dwelling.

### **SECTION 207-F**

FESTIVAL SEATING is any assembly that does not designate an assigned space or seating for the participant or does not provide for standard aisleways or exiting.

FIRE APPARATUS ACCESS ROAD is any road, street, alley, driveway, lane, highway, etc., approach or surface leading to a building or area, either public or private, that is required or approved by the Fire Chief for the purpose of transporting emergency fire apparatus, equipment and personnel to a building or area, including the required emergency operational area adjacent to any buildings.

FIRE PREVENTION ENGINEER is the Fire Marshal or designated Division Chief.

### **SECTION 216-O**

OCCUPANCY CLASSIFICATION CHANGE shall mean a change in the purpose for which a building is used. For purposes of the application of these requirements, individual occupancy classifications shall be defined by Section 216-O Occupancy Classification of the 1994 Edition of the Uniform Fire Code.

### **SECTION 219-R**

REMODEL shall not include building improvements which are strictly aesthetic in nature such as changes in paint, floor and/or wall coverings, and similar surface treatments; or minor alterations in plumbing, mechanical, or electrical fixtures which do not increase the use of the building; or similar minor alterations which do not increase the Fire hazard potential of the building.

RESPONSE DISTANCE is measured as travel distance over acceptable roadway and route from the nearest City of Napa Fire Station to the building or structure in question as delineated on a map which is posted in the Fire Prevention Bureau.

### **SECTION 221-T**

TOTAL FLOOR AREA shall be as defined by Sec. 207-F Floor Area of the Uniform Building Code regardless of area separations.

TOWNHOUSE - see condominium or apartment.

### **SECTION 222-U**

UNDETERMINED USE. A building shall be considered of undetermined use if the specific occupancy is not determined at the time the permit is issued.

### **SECTION 901--GENERAL**

901.4.4 Premise Identification. Approved 4" (min.) numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall be in distinct contrast with their background and addresses shall conform to the installation standards established by the Fire Chief.

901.4.5 Street or Road Signs. When required by the Fire Chief, a street or road shall be identified with approved signs. Said street or road names shall be approved by the Fire Chief or his designee.

## **SECTION 902--FIRE DEPARTMENT ACCESS**

902.2.2.1 Dimensions. The unobstructed width of a fire apparatus access road shall not be less than 24 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

EXCEPTION: The required access width or height may be modified by the Fire Chief when special provisions are made to mitigate the adverse impact of the reduction in width or height, and such reduction in width or height meets with the approval of the Director of Public Works when designed to accommodate public access in addition to emergency access.

EXCEPTION: Vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.

902.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an asphalt paving, concrete or approved equal surface.

902.2.2.7 Hazardous or Inaccessible Areas. The Fire Chief may require fire apparatus access roads when certain lands are deemed fire hazardous or inaccessible for firefighting equipment.

902.2.2.8 Speed Control Devices. Speed bumps, dips or similar devices are prohibited in any public or private fire access road or parking area without written approval of the Fire Chief or his designee.

902.2.4.2.1 Security Gates. The installation of security gates is prohibited without the written approval of the Fire Chief or his/her designee. All security gate installations shall comply with the security gate installation standard.

## **SECTION 1001--GENERAL**

1001.7.1.2 Parking. Parking is prohibited for a distance of 15 feet from hydrants placed along an access way, fire lane, or fire road, unless clearly marked to indicate an acceptable distance.

## **SECTION 1003--FIRE-EXTINGUISHING SYSTEMS**

1003.1.1 General. An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in this section.

Fire hose threads used in connection with fire-extinguishing systems shall be national standard hose thread or as approved by the Chief.

The location of fire department hose connections shall be approved by the Chief.

In buildings used for high-piled combustible storage, fire protection shall be in accordance with Article 81.

1003.1.2 Standards. Fire extinguishing systems shall comply with current National Fire Protection Association and/or Napa City Fire Department Standards. When conflict arises between N.F.P.A. and local standards, the local standard shall prevail.

Delete UFC 1003.1.2 EXCEPTIONS: 1, 2 and 3

1003.1.2.1 Standards (UBC). Uniform Building Code Standards Sprinklers and Standpipes. Where the 1997 edition of the UBC Standards 9-1 and 9-3 (Automatic Fire Sprinkler Systems) and 9-2 (Standpipe Systems) are referenced in this code, substitute the current edition of N.F.P.A. 13, 13R, 13D and 14, respectively.

Delete UFC 1003.1.3, 1003.2, 1003.2.1

### **1003.2 REQUIRED AUTOMATIC FIRE SPRINKLER INSTALLATIONS**

1003.2.1 In all newly constructed buildings or structures having a total square footage exceeding 200 square feet.

EXCEPTION: Detached garages, pool houses, workshops and similar structures, built in conjunction with existing non-sprinklered single-family residences and provided

the new structure is less than 1000 square feet and not served by water, drain or sewer lines.

1003.2.2 In all existing buildings where the square footage is increased by 1000 square feet or more.

1003.2.3 In all existing commercial buildings where an increase in square footage results in a total square footage of 3000 square feet or greater.

1003.2.4 In buildings where alterations or additions cause the height of the building to exceed 24 feet.

1003.2.5 In buildings where alterations or remodel causes replacement of 75% or more of the linear footage of the exterior walls.

EXCEPTION: Buildings raised on existing foundations that do not create habitable space below.

1003.2.5.1 Provisions of this code shall NOT BE EVADED by performing a series of small alterations to a building or area if those alterations can be performed as a single undertaking. Subsequent alterations made within three (3) years of the original work shall be considered in total for purposes of application of provisions of this code.

1003.2.6 In all buildings or tenant spaces where a change in occupancy results in a change to the group and/or division classification of the building or tenant space, as defined in Table 3-A of the Uniform Building Code, 1997 Edition and the Sprinkler Requirement Matrix.

1003.2.7 In all single-family dwellings converted to duplexes, "granny units," bed and breakfasts, inns, lodging houses, congregate residences accommodating 10 or less, or other similar uses.

1003.2.8 In all existing buildings where fire burns 50% or more of the structure.

1003.2.9 In all existing structures on land parcels that are split or subdivided.

1003.2.11 In all existing non-residential structures on parcels annexed into the City, when

1. The occupancy use of the building is hazardous, as defined in Table 3-A of the U.B.C., 1997 Edition.

2. The building square footage is 10,000 square feet or more.

1003.3 Sprinkler System Monitoring and Alarms.

1003.3.1 Where required. All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:

1. 20 or more in Group I, Division I.1 and 1.2 Occupancies.

2. 50 or more in all other occupancies.

3. Systems of 50 or more sprinklers installed on or after September 15, 1983, require supervision.

4. Systems of 100 or more sprinklers installed on or after August 1, 1979, require supervision.

5. Valve monitoring and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote station or proprietary monitoring station as defined by U.F.C. Standard or, when approved by the fire official and shall sound an audible signal at a constantly attended location.

6. Existing sprinkler systems, not otherwise required by code to be monitored, shall be monitored when modifications or additions are made to sprinkler systems in an amount in excess of \$5000.00.

1003.3.1.2 Control valves above grade on piping serving fire hydrants shall be electronically monitored for tamper.

1003.3.3 Discontinuance of Supervision. Supervision of any automatic fire sprinkler system shall not be discontinued without a written request, approved, in writing, by the Fire Chief.

1003.4 Permissible Sprinkler Omissions. Subject to the approval of the fire official, sprinkler omissions shall comply with the appropriate N.F.P.A. standard and local standards.

## **SECTION 1007--FIRE ALARM SYSTEMS**

1007.2.4 Group E Occupancies.

1007.2.4.1 General. Group E, Division 1 Occupancies having an occupant load of 50 or more shall be provided with an approved manual fire alarm system. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system, and the building fire alarm system shall be both automatic and manual. Group E, Division 3 Occupancies having an occupant load of 13 or more shall be provided an approved automatic and manual fire alarm system.

1007.2.9 Group R, Division 1 Occupancies.

1007.2.9.1.1 General. Group R, Division 1 Occupancies shall be provided with a manual and automatic fire alarm system in apartment houses three or more stories in height or containing 16 or more dwelling units, in hotels three or more stories in height or containing 20 or more guest rooms, in congregate residences three or more stories in height or having an occupant load of 20 or more and in bed and breakfasts, inns, lodging houses and similar uses two or more stories in height.

Delete UFC 1007.2.9.1.1 General. EXCEPTIONS: 2.

## **SECTION 1103--COMBUSTIBLE MATERIALS**

1103.2.1.6 Illegal Dumping. No person shall place, deposit or dump any ashes or combustible waste material in or upon any lands not approved for such use.

1103.2.2 Rubbish Within Dumpsters. Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 (1.15m<sup>3</sup>)] or more shall not be stored in buildings or placed within 10 feet (3048 mm) of combustible walls, openings or combustible roof eave lines.

## **SECTION 1105--ASPHALT KETTLES**

1105.1.2 Fuel Cylinder Mounting. Fuel cylinders used with asphalt kettles shall be securely mounted and placed to prevent damage from passing vehicles.

1105.1.3 Fueling Line Mounting. Fuel lines from cylinders shall be supported and securely mounted to prevent stress on fittings.

## **SECTION 1111--MAINTENANCE OF FIRE-RESISTIVE CONSTRUCTION**

1111.1.2 Wood Materials as Roof Covering. Wood shingles, wood shakes or other wood materials applied as roof covering shall be fire rated as Class B or better, treated in accordance with the 1997 Edition of the UBC Standards.

1111.1.3 Wood Materials as Siding. Building Permit Required. A building permit shall be required for a re-siding of all structures. Wood shingles and wood shakes applied as exterior wall covering shall be fire rated as Class B or better, treated in accordance with the 1997 Edition of the UBC Standards unless approved by the Fire Chief. All wood shingles or wood shake re-siding exceeding 25 percent of the siding area will be as described above.

## **SECTION 1210--STAIRWAYS AND RAMPS**

1210.4 Stairway Identification. Approved stairway identification signs shall be located at each floor level in all enclosed stairways in buildings three or more stories in height. The sign shall identify the stairway, indicate whether there is roof access, the floor level, and the upper and lower terminus of the stairway. The sign shall be located approximately 5 feet above the floor landing in a position which is readily visible when the door is in the open or closed position. In setting the requirements for stairway identification signs the Fire Chief may be guided by Appendix I-C.

## **SECTION 1211--MEANS OF EGRESS ILLUMINATION**

1211.1 General. Means of egress illumination shall be provided and maintained when the occupant load exceeds 49 or when the building code requires 2 or more exits. Means of egress shall be illuminated when the building or structure is occupied.

1211.1.1 Separate Sources of Power. The power supply for exit illumination shall be provided hard-wired through the premises' wiring system. In the event of power failure, illumination shall be automatically provided from an emergency system .

## **SECTION 1212--MEANS OF EGRESS IDENTIFICATION**

1212.2 Where Required. The path of exits in a building shall be identified by internally illuminated exit signs when the occupant load exceeds 49 or when the building code requires 2 or more exits. Exit signs shall be readily visible from any direction of approach. Exit signs shall be located as necessary to clearly indicate the direction of egress travel. No point shall be more than 100 feet (30 480 mm) from the nearest visible sign.

### **EXCEPTION:**

1. Main exterior exit doors which obviously and clearly are identifiable as exit signs when approved by the building official.
2. Rooms or areas which require only one exit access.
3. In Group R, Division 3 Occupancies and within individual units of Group R, Division 1 Occupancies.
4. Exists or exit access from rooms or areas with an occupant load of less than 50.

1212.4 Illumination. Exit signs shall be internally illuminated when the occupant load exceeds 49 or when the building code requires 2 or more exits.

EXCEPTION: Approved self-luminous signs that provide evenly illuminated letters that have a minimum luminance of 0.06 foot lambert (0.21 cd/m<sup>2</sup>)

## **SECTION 4502--SPRAY FINISHING**

4502.1 Location of Spray-finishing Operations. When conducted in buildings used for assembly, educational, institutional, or residential occupancies, spray-finishing operations shall be located in a spraying room protected with an approved automatic sprinkler system and separated vertically and horizontally from other areas in accordance with the Building Code. In all other occupancies, all spraying operations performed inside of a building shall be conducted within an approved spray booth, spraying area or spraying room approved for such use. Limited spraying areas for "touch up" or "spot" painting may be approved, provided they meet the requirements of Section 4502.6.

4502.1.1 Spray finishing operations which disperse chemicals defined in Article 45 of this code as physical or health hazards, shall not be conducted within a residential occupancy or neighborhood, except normal property maintenance spraying operations.

4502.5.1 General. Spraying areas shall be provided with mechanical ventilation adequate to prevent the dangerous accumulation of vapors.

Mechanical ventilation shall be kept in operation at all times while spraying operations are being conducted and for a sufficient time thereafter to allow vapors from drying coated articles and finishing material residue to be exhausted. Spraying equipment shall be interlocked with the ventilation of the spraying area such that the spraying operations cannot be conducted unless the ventilation system is in operation. Additionally, spray booths shall have enclosure doors suitably interlocked with the ventilation system such that the spraying operations cannot be conducted when enclosure doors are open.

Air exhausted from spraying operations shall not be re-circulated.

## **SECTION 7703--USE, HANDLING AND TRANSPORTATION**

7703.3.5 Terminal Requirements. 13. The storage of explosives and/or blasting agents is prohibited in the principal business districts, closely built commercial areas and heavily populated areas, except for temporary storage for use in connection with approved blasting operations, provided, however, this prohibition shall not apply to wholesale and/or retail stocks of small arms ammunition, black and smokeless sporting powder, small arms primers, percussion caps and special industrial explosive devices when stored and handled in accordance with the provisions of UFC Sec. 7702.2.

## **SECTION 7902--STORAGE**

7902.1.7.2.3 Underground Tanks Out of Service 180 Days. Any underground tank which has been out of service for a period of 180 days shall be removed from the ground in accordance with Section 7902.1.7.4.

Abandonment in place may be approved by the Fire Chief if it is determined that removal would prove to be impractical. Requirements for abandonment in place shall be determined by the Fire Chief.

7902.1.7.2.3.1 Extension of Time. The Fire Chief may, upon request, grant an extension of time, not to exceed 90 days, for removal of unused tanks when extreme hardships appear to exist.

7902.1.7.2.3.2 Prohibited Storage. Flammable and combustible liquid tanks that are physically removed from service shall be removed from the jurisdiction on the same day.

7902.1.7.3.3 Aboveground Tanks Out of Service 180 Days. Any aboveground tank which has been out of service for a period of 180 days shall be removed from the property in accordance with Section 7902.1.7.4.

7902.1.8.1.4 Commercial Vehicle Fuel Tanks. Commercial vehicles with an aggregate fuel tank capacity exceeding 60 gallons or a 26,000 pound gross vehicle weight rating shall not be parked in a residential neighborhood.

7902.1.8.2.1.1 Storage of Class I and Class II liquids in stationary aboveground tanks outside of buildings is prohibited within jurisdiction.

EXCEPTION: Aboveground tanks with special enclosures used for storage and dispensing of motor vehicle fuels into the fuel tanks of motor vehicles outside of buildings and located at a motor vehicle fuel dispensing station not accessible to the public.

EXCEPTION: Aboveground tanks with special enclosures used for storage of "used oil" at locations approved by the Fire Chief.

EXCEPTION: Aboveground tanks with special enclosures used for storage and delivery of fuel to "standby" and/or "emergency power equipment.

## **SECTION 7903--DISPENSING, USE, MIXING AND HANDLING**

7903.2.2.3.1.1 Parts Washing Appliances. Parts washing appliances shall be of the approved type and equipped with automatic closing devices.

## **SECTION 7904--SPECIAL OPERATIONS**

7904.6.6.1 Garaging and Servicing. A hazardous materials tank or transport vehicle shall not be parked, garaged or serviced inside of any building other than one that has been specifically approved for such use by the Fire Chief.

## **SECTION 8204--LOCATION OF CONTAINERS**

8204.2.1 Maximum Capacity Within Established Limits. Within the jurisdiction the aggregate capacity of any one installation shall not exceed 120 gallons water capacity, except that in particular installations this capacity limit may be altered at the discretion of the Fire Chief after consideration of special features such as topographical conditions, nature of occupancy, proximity to all buildings and property lines, degree of private fire protection to be provided, as well as, facilities of the local fire department. The location of this proposed storage of liquefied petroleum gas shall conform to the provisions of the local zoning ordinance.

EXCEPTION: Liquefied petroleum gas bulk plants are prohibited within the jurisdiction.

## **SECTION 8211--FIRE PROTECTION**

8211.1 General. All stationary storage tanks shall be protected by a deluge fire sprinkler system of a type approved by the Fire Chief.

Special protection installations shall be in accordance with the 1997 Edition of UFC Standard 82-1, as well as appropriate nationally recognized and accepted standards.

## **APPENDIX I-A**

### **SECTION 6--SMOKE DETECTORS**

6.1 General. Where Required. Smoke detectors conforming to the UBC Standards and listed by the California State Fire Marshal shall be installed in every commercial dwelling unit, multi-family occupancies including, but not limited to, duplexes, triplexes, apartments, townhouses or condominiums, and in every guest room in hotels, motels, lodging houses, bed and breakfasts, inns or similar type occupancy used for sleeping purposes.

6.1.1 Single Family Dwellings. Smoke detectors conforming to the UBC Standards and listed by the California State Fire Marshal shall be installed in all newly constructed dwelling units and in existing dwelling units that are added to or remodeled and the building costs are \$1,000.00 or more.

6.1.2 Permit Installation. Installation of all code required smoke detectors shall require a permit from the City of Napa Building Department.

6.2 Power Source. Smoke detectors shall receive their power from building wiring when such wiring is served by a commercial source.

EXCEPTION: Single-family residences that are added to or remodeled, and the building costs are \$1000.00 or more, may receive their power from batteries.

6.5 Sale of Single Family Dwellings. Upon sale of a single family dwelling, smoke detectors shall be installed in conformance with UBC Standards. Smoke detectors installed under this section and smoke detectors otherwise not required by code may receive their power from batteries.

## **APPENDIX I-C**

### **SECTION 2--GENERAL**

Standardized signs shall be provided in new and existing buildings which are three or more stories in height. Such signs shall be installed in stairways to identify each stair landing and indicate the upper and lower termination of the stairway.

## **APPENDIX II-F**

### **SECTION 1--SCOPE**

Storage and dispensing of motor fuels into the fuel tanks of motor vehicles from aboveground tanks which are located outside of buildings, or as approved by the Fire Chief, shall be in accordance with this appendix.

EXCEPTION: Aboveground tanks used for storage and dispensing of motor fuels are prohibited at motor vehicle fuel-dispensing stations that are accessible to the public.

### **SECTION 5--INSTALLATION OF TANKS**

5.1.2 Aggregate Capacity. Protected aboveground tank installations shall not exceed 5,000 gallons (18927L) aggregate capacity of primary tanks. Tank installations having the maximum allowable aggregate capacity shall be separated from other installations of protected aboveground tanks by not less than 100 feet (3048 mm).

## **APPENDIX III-B**

### **SECTION 6--APPROVAL OF INSTALLATION**

The Fire Chief shall have control of the design, installation specifications and locations of fire hydrants. (Prior code § 11-51)

(Ord. 4307 § 2, 1992)

(Ord. No. O95-033, Amended, 12/05/95)

(Ord. No. O96-028, Amended, 11/04/96)

(Ord. No. O99-10, Amended, 06/01/1999)

**15.28.040 Violations.**

A. Any person whether as principal, agent, employee or otherwise, guilty of violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by such person.

B. The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions. (Prior code § 11-52)  
(Ord. O1999 10, Amended, 06/01/1999)

**15.28.050 Repealed.**

*EDITOR'S NOTE: Ordinance O96-028, adopted 11/4/96, amended this code by repealing Section 15.28.050 pertaining to Attached single-family dwelling units. Said former section was derived from Prior code 7-216.*

**15.28.060 Repealed.**

*EDITOR'S NOTE: Ordinance O96-028, adopted 11/4/96, amended this code by repealing Section 15.28.060 pertaining to Fire resistive protection. Said former section was derived from Prior code 7-217.*

**15.28.070 Repealed.**

*EDITOR'S NOTE: Ordinance O96-028, adopted 11/4/96, amended this code by repealing Section 15.28.070 pertaining to Automatic sprinkler system required. Said former section was derived from Prior code 7-218.*

## Chapter 15.32

### BUILDING DESIGN REVIEW PROCEDURES

#### Sections:

<b>15.32.010</b>	<b>Purpose.</b>
<b>15.32.020</b>	<b>Definitions.</b>
<b>15.32.030</b>	<b>Architectural review required.</b>
<b>15.32.040</b>	<b>Final architectural review.</b>
<b>15.32.050</b>	<b>Final architectural review decision.</b>
<b>15.32.060</b>	<b>Notification of decision.</b>
<b>15.32.070</b>	<b>Time limitation on approval.</b>
<b>15.32.080</b>	<b>Architectural plan check.</b>
<b>15.32.081</b>	<b>Water efficient landscape review.</b>
<b>15.32.082</b>	<b>Public education of benefits.</b>
<b>15.32.090</b>	<b>Appeal and review--Final architectural review.</b>
<b>15.32.100</b>	<b>Appeal procedure.</b>
<b>15.32.110</b>	<b>Notice of hearing on appeal.</b>
<b>15.32.120</b>	<b>Form of notice of hearing on appeal.</b>

#### **15.32.010 Purpose.**

The purpose of architectural review is to secure the general purposes of this chapter and the general plan; to promote good design of buildings; to achieve a harmonious relationship of buildings; to promote the values and benefits of landscaping while recognizing the need to invest water and other resources as efficiently as possible; to establish a procedure for designing, installing and maintaining water efficient landscapes in new projects; and to promote the unique character of the Napa environment, its architecture and its buildings of historical significance.

(Ord. No. O92-010 § 2, 1992: prior code § 31-1)

#### **15.32.020 Definitions.**

The following definitions shall be used in this chapter, unless the context clearly indicates otherwise:

"Architectural plan check" means review and action on building permit plans for those developments that have received final architectural review.

"Area of design concern" means a property or group of properties identified by council resolution, that have special architectural or historic merit, or are so located with the community that architectural review is necessary.

"Certificate of appropriateness" means an approval by the cultural heritage commission required by Section 15.52.050 of this title.

"Decision-making authority" means the public official or body authorized to make the final architectural review decision.

"Development" means any project that involves construction which requires a building permit.

"Director" means the planning director of the city, or the director's authorized representative.

"Final action" means the adoption of a resolution(s) granting a permit for development by the city council or the planning commission, or the issuance of a building permit.

"Final architectural review" means review and final approval of preliminary architectural plans and water efficient landscaping plans.

"Preliminary architectural review" means review of preliminary architectural plans by the planning director prior to final action on the development application.

"Rehabilitated landscape" means any installation of new plant materials or new irrigation systems into an existing landscaped area when that change represents an increase in water consumption.

"Water efficient landscape review" means review and approval of water efficient landscape plans.

(Ord. No. O92-010 § 3, 1992: prior code § 31-2; Ord. No. O99-32, Amended, 11/02/1999)

#### **15.32.030 Architectural review required.**

Powers of the city council, planning commission, cultural heritage commission and planning director are as set out in this section.

A. Every development application shall be subject to review and determination in accordance with this chapter prior to final action on any development. Permits for the construction of single-family dwellings or buildings accessory thereto on a lot of record in each and every zoning district shall not be subject to this chapter. This exception shall not apply to residential construction in a district combined with the Hillside (HS) overlay district, in an area of concern or that requires a certificate of appropriateness.

B. Except as provided in subsection D of this section, the cultural heritage commission shall be responsible for final architectural review for development that requires a certificate of appropriateness.

C. Except as provided in subsections B and D of this section, the planning commission shall be responsible for final architectural review for development that requires a noticed public hearing by the planning commission.

D. The city council shall be responsible for final architectural review of development that requires a noticed public hearing by the city council or that is located in an area of design concern.

E. The planning director shall review and make recommendations on all preliminary architectural plans prior to final action on a development application. Except as provided in subsections B, C and D of this section, the planning director shall be responsible for final architectural review for all development.

F. The planning director shall be responsible for all architectural plan checks.

G. Except as provided in subsection H of this section, water efficient landscape review shall be required, regardless of the need for any other city permit approval, for all new and rehabilitated landscaping including, but not limited to, public agency projects; private development projects; industrial, commercial or recreational projects; and developer-installed and/or homeowner association-maintained landscaping in single-family and multi-family projects.

H. Water efficient landscape review shall not be required for landscaping provided by a homeowner at his/her own residence, cemeteries, registered historical sites, open space preserved and maintained in a natural state (i.e., riparian habitat), or any project with a landscaped area less than one thousand square feet.

(Ord. No. O92-010 § 4, 1992: prior code § 31-3; Ord. No. O99 32, Amended, 11/02/1999)

#### **15.32.040 Final architectural review.**

At the conclusion of final architectural review, the decision-making authority may approve, approve with conditions, or disapprove a design review application. (Prior code § 31-7)

#### **15.32.050 Final architectural review decision.**

A. The decision-making authority shall consider the following in making its final architectural review decision:

1. The recommendations of the planning director where applicable;
2. The compliance of the development application with the California Environmental Quality Act;

3. The consistency of the project design with the general plan and Title 17 of this code;

4. Consistency of the project design with the purpose of this chapter and any architectural and water efficient landscape policies and standards adopted by the city. (Prior code § 31-8)  
(Ord. No. O92-010 § 5, 1992)

**15.32.060 Notification of decision.**

Notice of a final architectural review decision mailed to the applicant. (Prior code § 31-9)

**15.32.070 Time limitation on approval.**

A. Design approval for projects shall remain valid for the same period as the underlying permit.

B. Design approval for architectural plans that have not received an underlying permit, shall expire within one year of final architectural review by the planning director. (Prior code § 31-10)

**15.32.080 Architectural plan check.**

A. Prior to issuance of a building permit for a project, the planning director must find that the building permit plans are consistent with the final architectural review decision.

B. The final landscape plans and irrigation plans shall be fully implemented prior to final building inspection of the project, provided that if implementation has not been completed on such date, an extension of time for completion may be granted by the director if implementation is secured by an agreement and the posting of adequate security. (Prior code § 31-11)

**15.32.081 Water efficient landscape review.**

As a part of the water efficient landscape review for any applicable project, the landscape documentation package as described in the current edition of "City of Napa Water Efficient Landscape Guidelines" (guidelines) shall be submitted to the planning department. The landscape documentation package shall be reviewed for conformance with the city's standards as outlined in the guidelines. Upon completing the installation of the landscaping and irrigation system, an irrigation audit and final inspection shall be performed and certified complete. This certification and the landscape documentation package shall be delivered to the property owner for future reference. The city may request an audit anytime it has reason to believe that water efficient practices are no longer being followed.

(Ord. No. O92-010 § 6, 1992)

**15.32.082 Public education of benefits.**

In order to educate water users on the efficient use of water, all landscaped model homes and at least one model home in each new subdivision or condominium project consisting of twenty or more homes shall demonstrate the principles of water efficient landscapes. Signs shall identify the model as an example of a water efficient landscape and shall identify elements such as hydrozones and irrigation equipment. Information shall be made available which encourages potential buyers to design, install and maintain water efficient landscapes.

(Ord. No. O92-010 § 7, 1992)

**15.32.090 Appeal and review--Final architectural review.**

Within ten days after the decision is placed in the mail, the applicant or any affected person may appeal to the city council any final architectural review decision by the planning director or planning commission. The appeal shall specify the design

components in contention. An appeal to the city council shall be filed with the city clerk. (Prior code § 31-16)

**15.32.100 Appeal procedure.**

In accord with the following provisions, any applicant or other interested person dissatisfied with any action taken under this chapter may appeal such action and decision:

A. Unless otherwise indicated, appeals from the decision of the zoning administrator, planning director or any other administrative official, in taking any of the actions authorized by this chapter, shall be made to the planning commission through the planning director. Appeals from the decision of the planning commission in taking any of the actions authorized by this chapter shall be made to the council through the city clerk.

B. Unless otherwise indicated, all appeals shall be made in writing and be accompanied by the appropriate fee. Appeals must be received by the planning director or city clerk not later than ten calendar days following the date of action from which such appeal is being taken. If the tenth calendar day is a weekend or a city holiday, the deadline is extended to the next working day of the city.

C. The letter of appeal must state: (1) the specific action objected to; (2) the action the appellant requests the council to take; (3) the reason for the appeal; and (4) the name, address and telephone number of the appellant or contact person if there are multiple appellants.

D. Within three working days of receipt of the appeal, the city clerk shall examine the appeal, and if it is found to be incomplete, return it by certified mail to the appellant for revision. Appellant shall have five working days to file an amended appeal. Upon failure to file an amended appeal within said five days, the appeal shall be deemed withdrawn.

E. The receipt of a written appeal shall stay all actions, or put in abeyance all permits or other discretionary approvals which may have been granted, pending the effective date of the decision of the body hearing the appeal.

F. Appeals shall be scheduled for the earliest regular meeting of the hearing body, not less than fifteen days or more than forty-five days after the date of filing an appeal, consistent with the agenda preparation procedures and schedule of the hearing body.

G. All appeals shall be considered in a public hearing consistent with the procedures set forth in Section 17.06.070. All decision-making bodies hearing appeals shall consider the project in its entirety, or de novo. (Prior code § 31-17)

(Ord. No. 4298 § 1, 1992)

**15.32.110 Notice of hearing on appeal.**

Notice of appeal shall be given by first class mail, postage prepaid, to the applicant, the appellant, any person who spoke at the hearing from which the appeal lies, and to any other person who has filed a written request for such notice with the secretary or city clerk. (Prior code § 31-18)

**15.32.120 Form of notice of hearing on appeal.**

The notice of meeting on appeal shall state:

- A. The time and place of the meeting;
- B. A brief description of the project, which is the subject of the appeal;
- C. The purpose of the meeting. (Prior code § 31-19)

## Chapter 15.34

### BUILDING LINES

#### Sections:

<b>15.34.010</b>	<b>Purpose.</b>
<b>15.34.020</b>	<b>Initiation of procedure.</b>
<b>15.34.030</b>	<b>Investigation, and recommendation of city manager.</b>
<b>15.34.040</b>	<b>Procedure to be followed.</b>
<b>15.34.050</b>	<b>Building permits during proceedings.</b>
<b>15.34.060</b>	<b>Protests to be written--Hearing.</b>
<b>15.34.070</b>	<b>Final action by council.</b>
<b>15.34.080</b>	<b>Establishment by council--Effect.</b>
<b>15.34.090</b>	<b>Effect on yard requirements.</b>
<b>15.34.100</b>	<b>Specific lines established.</b>
<b>15.34.110</b>	<b>Exceptions.</b>

#### **15.34.010 Purpose.**

In order to promote the public health, safety and general welfare, it is the object and purpose of this chapter to provide for the establishment of building lines along any street or portion thereof so as to regulate the distance from the street line at which buildings, structures or improvements may be erected, constructed, established or maintained. (Prior code § 6-1)

#### **15.34.020 Initiation of procedure.**

Procedure for the establishment of building lines along any street or portion thereof may be initiated by the filing of an application signed by one or more of the owners or lessees whose property abuts such street or by a resolution adopted by the council. Such application or resolution shall designate the street or portion thereof along which the building lines are sought to be established and the distance from the street line at which such lines are to be located. (Prior code § 6-2)

#### **15.34.030 Investigation, and recommendation of city manager.**

Upon the filing of an application for the establishment of building lines or the adoption of such resolution, the city manager shall cause an investigation to be made and shall thereafter present the application or resolution to the council together with the recommendations of the city manager. (Prior code § 6-3)

#### **15.34.040 Procedure to be followed.**

Before ordering the establishment of any building line authorized by this chapter, the following steps must be taken:

A. The council shall pass a resolution of intention so to do, designating the building line proposed to be established.

B. Such resolution shall be published once in a newspaper of general circulation published and circulated in this city and designated by the council for the purpose, and one copy of the resolution shall be posted conspicuously upon the street in front of each block or part of block on any street, public way or place where such building line is proposed to be established. The resolution shall also contain a notice of the day, hour and place when and where any and all persons having any objection to the establishment of the proposed building line or lines may appear before the council and present any objection which they may have to the proposed building line as set forth in the resolution of intention.

C. The time of hearing shall not be less than fifteen nor more than forty days from the date of the adoption of the resolution of intention; the publication and posting of the resolution shall be made at least ten days before the time of the hearing. (Prior code § 6-4)

**15.34.050 Building permits during proceedings.**

After the adoption of a resolution of intention, and prior to the time the ordinance establishing a building line in such proceedings becomes effective, no building permit shall be issued for the erection of any building, structure or improvement between any proposed building line and the street line and any permits so issued shall be void. (Prior code § 6-5)

**15.34.060 Protests to be written--Hearing.**

At any time not later than the hour set for hearing objections and protests to the establishment of the proposed building line, any person having an interest in the land upon which the building line is proposed to be established may file with the city clerk a written protest or objection against the establishment of the building line designated in the resolution of intention. Such protest must be delivered to the city clerk not later than the hour set for the hearing, and no other protests or objections shall be considered; provided, however, that those having filed may appear before the council at the hearing, either in person or by counsel, and be heard in support of their protests or objections. At the time set for hearing, or at any time to which the hearing may be continued, the council shall hear and pass upon all protests or objections so made and its decision shall be final. (Prior code § 6-6)

**15.34.070 Final action by council.**

The council shall have the power and jurisdiction to sustain any protest or objection and abandon the proceedings, or to deny any and all protests or objections and order by ordinance the establishment of the building line described in the resolution of intention, or to order the same established with such changes or modifications as the council may deem proper. (Prior code § 6-7)

**15.34.080 Establishment by council--Effect.**

Upon consideration of such application or resolution, or whenever the public health, safety or general welfare require, the council is authorized and empowered to determine by ordinance the minimum distance back from the street line for the erection, construction, establishment or maintenance of buildings, structures or improvements along any street or portion thereof and to order the establishment of a line to be known and designated as a building line between which line and the street line no building, structure or improvement shall be erected, constructed, established or maintained. (Prior code § 6-8)

**15.34.090 Effect on yard requirements.**

A. The setback lines established in this chapter shall in all cases be in addition to the yard requirements established by the zoning regulations in Title 17, of this code.

B. Upon widening of any street on which setback lines are required pursuant to this chapter, in all zones other than R-1 and R-2 zones, the yard requirements of Title 17 of this code, so far as the frontage along the street so widened is concerned, shall no longer be effective. In all R-1 and R-2 zones, such yard requirements shall continue to be in effect regardless of such widening. (Prior code § 6-9)

**15.34.100 Specific lines established.**

Building setback lines, establishing the minimum distance back from the centerline of the street for the erection, construction, establishment or maintenance of buildings, structures or improvements shall be as follows:

A. From the centerline of the following streets, in E-1, R-1, R-TH, R-2 and R-3 zones, fifty feet; in R-4, R-5, T-1, C-1, C-1-C and C-L zones, forty-five feet; and in C-2, C-3 and M zones, forty-two feet;

1. Coombsville Road, Silverado Trail to east city limits,
2. First Street, Soscol Avenue to Silverado Trail,
3. Jefferson Street, South city limits to north city limits,
4. Old Sonoma Road, Lilienthal Avenue to Jefferson Street,
5. Soscol Avenue, Napa River to Caymus Street,
6. Third Street, Jefferson Street to Church Street,
7. Trancas Street, Freeway to east city limits.

B. From the centerline of the original fifty foot right-of-way in E-1, R-1, R-TH, R-UTH, R-2 and R-3 zones, forty-three feet on the west side and fifty-seven feet on the east side; in R-4, R-5, T-1, C-1, C-1-C, C-L, O-R and P-S zones thirty-eight feet on the west side and fifty-two feet on the east side; and in C-2, C-3 and M zones thirty-five feet on the west side and forty-nine feet on the east side:

Soscol Avenue, Lincoln Avenue to north city limits.

C. From the centerline of the original fifty foot right-of-way in E-1, R-1, R-TH, R-UTH, R-2 and R-3 zones, thirty-nine feet on the west side and eighty-seven feet on the east side; in R-4, R-5, T-1, C-1, C-1-C, C-L, O-R and P-S zones, thirty-four feet on the west side and eighty-two feet on the east side; and in C-2, C-3 and M zones thirty-one feet on the west side and seventy-nine feet on the east side:

Soscol Avenue, Caymus Street to five hundred feet south of the centerline of Lincoln Avenue.

D. From the centerline of the original fifty foot right-of-way in E-1, R-1, R-TH, R-UTH, R-2 and R-3 zones, fifty-one feet on the west side and eighty-seven feet on east side; in R-4, R-5, T-1, C-1, C-1-C, C-L O-R and P-S zones, forty-six feet on the west side and eighty-two feet on the east side; and in C-2, C-3 and M zones, forty-four feet on the west side and seventy-nine feet on the east side:

Soscol Avenue, Lincoln Avenue to five hundred feet south of the centerline of Lincoln Avenue.

E. From the westerly line of the following street, in all zonal districts, twenty-four feet:

Silverado Trail, South city limits to north city limits.

F. From the centerline of the following street, in E-1, R-1, R-TH, R-2, R-3, R-4, R-5, T-1, C-1, C-1-C and C-L zones, fifty feet; and in C-2, C-3 and M zones, forty-two feet.

Lincoln Avenue, west city limits to east city limits.

G. From the centerline (projected) of Clay Street from Warren Street to Monroe Street, in R-1, R-2 and R-3 zones, fifty feet; and in R-4 and R-5 zones, forty-five feet. For the portion of Clay Street between the above-described limits that is thirty feet in width, the centerline (projected) is the southerly line of said thirty foot wide right-of-way. (Prior code § 6-10)

**15.34.110 Exceptions.**

In the instance of all setback lines established in this chapter, no structures shall be allowed within the setback line established, save and excepting that temporary nonresidential structures, which may subsequently be required to be removed, may be built as hereafter stated:

A. The owner of the property, upon application to the council accompanied by building plans, shall be allowed to build within the setback line, provided:

1. The council determines that such structure will not interfere with the basic purpose of the setbacks as set forth in Section 6-1;

2. A structure or portion of a structure allowed within the setback line shall be limited to one story not exceeding one thousand square feet of floor area or not more than ten percent of the floor area of the building to which attached;
3. The applicant shall post a cash or security deposit with the city in an amount equal to one hundred fifty percent of the estimated cost of removal;
4. Said structure shall encroach into a front yard required by Title 17.
  - B. Such authority to so building shall be subject to revocation by the council at any time and the owner of the property shall remove such structure, within sixty days from the date of written notice of such revocation, at his sole cost and expense.
  - C. No compensation shall be due the owner of such property in the event of revocation.
  - D. Any approval shall expire after one year if not used. (Prior code § 6-11)

## Chapter 15.36

### MOVING BUILDINGS

#### Sections:

<b>15.36.010</b>	<b>Compliance required.</b>
<b>15.36.020</b>	<b>House moving permit.</b>
<b>15.36.030</b>	<b>Application fee.</b>
<b>15.36.040</b>	<b>Exceptions.</b>
<b>15.36.050</b>	<b>Planning commission hearing.</b>
<b>15.36.060</b>	<b>Planning commission recommendation.</b>
<b>15.36.070</b>	<b>Agreement and bond.</b>
<b>15.36.080</b>	<b>Building permit required.</b>
<b>15.36.090</b>	<b>House moving route approval.</b>
<b>15.36.100</b>	<b>House mover's license.</b>
<b>15.36.110</b>	<b>House moving charges.</b>
<b>15.36.120</b>	<b>House mover's bond.</b>
<b>15.36.130</b>	<b>House mover's insurance.</b>
<b>15.36.140</b>	<b>Supervision of house moving.</b>
<b>15.36.150</b>	<b>Tree trimming.</b>
<b>15.36.160</b>	<b>Penalty.</b>

#### **15.36.010 Compliance required.**

It shall be unlawful for any person to move any building or structure into, out of, through or within this city, upon, across or along any public street or way, without first securing a house moving permit as hereinafter required. (Prior code § 7-185)

#### **15.36.020 House moving permit.**

Applications to move buildings or structures that are proposed to be placed on any lot or plot of land within the city limits shall be submitted to the planning commission.

All other applications to move buildings or structures shall be submitted to the public works director. (Prior code § 7-186)

#### **15.36.030 Application fee.**

The application fee for a house moving permit will be established by resolution of the council. (Prior code § 7-187)

#### **15.36.040 Exceptions.**

House moving permits shall not be required for the following:

A. Buildings or structures having a floor area of two hundred forty square feet or less and a width of twelve feet or less and a moving height of fourteen feet or less;

B. Buildings or structures being moved from one portion of a lot or plot of land to another portion of the same lot or plot of land, without the necessity of using any public street or way. (Prior code § 7-188)

#### **15.36.050 Planning commission hearing.**

The planning commission shall set a date for hearing on such application and shall cause notice of such hearing to be given by publication in a newspaper of general circulation in this city not more than ten days or less than five days prior to the date of the public hearing and by mailed notice to the applicant, the owner of the property, and all property owners within three hundred feet of the property which is the proposed location for the removed building or structure. (Prior code § 7-189)

**15.36.060 Planning commission recommendation.**

After the hearing provided for by Section 15.36.050, the planning commission shall either approve or disapprove the issuance of such house moving permit. In considering its decision, the planning commission shall take into account the following factors:

A. The extent to which the proposal preserves houses which would otherwise be destroyed;

B. The extent to which the city is able to insure that the house(s) to be moved will be in compliance with all applicable codes, regulations, ordinances and statutes;

C. The consistency of approving the permit with the historic preservation element of the general plan;

D. Any additional factors which the planning commission determines will meet the objectives of subsections A through C.

The decision of the planning commission may be appealed to the council within ten days by any interested person. (Prior code § 7-190)

**15.36.070 Agreement and bond.**

In approving the issuance of the house moving permit pursuant to Section 15.36.060, the planning commission may authorize issuance of such permit subject to conditions to insure conformity with the factors outlined in Section 15.36.060. In the event such conditions are imposed, then and in that event, the applicant shall enter into an agreement with the city and provide a performance bond guaranteeing performance of such conditions. (Prior code § 7-191)

**15.36.080 Building permit required.**

The applicant shall obtain a building permit for any building or structure that is proposed to be placed on a lot or plot of land within the city limits and shall comply with all the rules and regulations to said building permit. (Prior code § 7-192)

**15.36.090 House moving route approval.**

Any applicant for a house moving permit shall submit an application for a house moving route approval in writing and filed with the public works director and shall state that the applicant is the holder of a house mover's license and shall specify the character and size of the building or structure to be moved, the points from which and to which it is to be moved and the public streets or ways upon, across and along which the applicant desires to move same. Such application shall be checked by the public works director, who shall designate the moving route, and a house moving permit, if issuable under the provisions hereof, shall be issued. In the event the building or structure to be moved is of such size, shape or weight that, in the opinion of the public works director, its moving would cause excessive damage to public or private property, he or she may deny said application or require the building or structure to be moved in sections.

The applicant shall make arrangements for the removal and replacement of any affected overhead wires and cables, and the removal and replacement of any affected traffic signal, lighting or utility poles with the respective utility companies or agencies, prior to the approval of the house moving route by the public works director. (Prior code § 7-193)

**15.36.100 House mover's license.**

A house mover's business license shall be obtained from the city collections department upon payment of the license fee provided by Chapter 5.04 of this code and submission of a bond and insurance certificates. (Prior code § 7-194)

**15.36.110 House moving charges.**

Every person to whom a house moving permit is issued pursuant to this chapter shall be required to reimburse the city for the time spent by city personnel in actual moving operations within the city limits, at an hourly rate established by the city.

City personnel from the police, fire and public works departments will usually be required to accompany the house mover during the moving operations. (Prior code § 7-195)

**15.36.120 House mover's bond.**

Before a house mover's license is issued hereunder, the house mover shall file with the public works department a surety bond in favor of the city in an amount as determined by the public works director upon the condition that the principal will strictly comply with all requirements of the building laws now or hereafter in effect and with all requirements of this article and any law or ordinance hereafter in effect regulating the moving of buildings or structures in this city and that the principal will pay for any and all damages to any fence, tree, pavement, street or sidewalk or any other property belonging to the city resulting from the moving of any building or structure by him, which surety bond shall operate as a continuing bond for the purpose of this chapter for a term of two years from and after the date thereof. (Prior code § 7-196)

**15.36.130 House mover's insurance.**

At the time of issuance of the house moving permit, the house mover shall have procured, at his/her own expense, and, at all times during the prosecution of the work under the permit, shall maintain in full force and effect, workers' compensation insurance, public liability insurance and fire insurance as hereinafter required.

A. Workers' Compensation Insurance. A policy covering the full liability of the house mover to any and all persons employed by him/her directly or indirectly in or upon said work, or their dependents, in accordance with the provisions of Division IV of the state Labor Code relating to workers' compensation and insurance.

B. Public Liability Insurance. A policy of public liability insurance insuring the city, the council and all city officers and employees, against loss from the liability imposed by law, contingent and otherwise, for injury to, or death of, any person, or persons, or damage to real or personal property, and arising in or by reason of or in connection with the performance of the work herein contemplated, and agreeing to defend against all claims, demands, actions or legal proceedings made or brought by any person by reason of any such injury, death or damage and to pay all judgments, interest, costs and legal and other expenses arising out of or in connection therewith. The limits of liability of such policy shall be not less than five hundred thousand dollars, exclusive of interest and costs, on account of injury or death to any one person, and, subject to the same limit as respects injury to or death of one person, not less than one million dollars, exclusive of interest and costs, on account of any one accident resulting in injury or death of more than one person, and not less than two hundred fifty thousand dollars for damage to real or personal property;

C. Fire and Extended Coverage Insurance. A fire insurance policy including extended coverage, vandalism and malicious mischief endorsements, such insurance at all times to be of sufficient amount to cover fully all loss or damage to the work resulting from fire or the perils covered by the extended coverage, vandalism and malicious mischief endorsements;

D. Policies and certificates. The policies mentioned in this section shall be issued by an insurance carrier satisfactory to the city and shall be delivered to the city at the time of issuance of the permit. In lieu of actual delivery of such policies, a certificate issued by the insurance carrier showing such policies to be in force for the period covered by the permit may be delivered to the city. Such policies and such certificates shall be in a form approved by the city attorney. (Prior code § 7-197)

**15.36.140 Supervision of house moving.**

The house mover shall notify the city, in writing, of the name, address and telephone number of the field supervisor in charge of the house moving operation.

The house mover shall notify the police, fire and public works department, in writing, forty-eight hours in advance of the moving. The house movers shall also notify, in writing, forty-eight hours in advance of the moving, all vehicle owners along the movement route, to move their vehicles.

The house mover shall keep the fire department advised at all times of the location of any building or structure on any public street or way.

The house mover shall schedule his or her moving operations so that the buildings or structures being moved are removed from the public streets prior to seven a.m. each morning, unless written permission is first obtained from the public works director. Buildings or structures shall not be permitted to remain on any public street.

The house mover shall notify the Southern Pacific Transportation Company whenever a building or structure is scheduled to be moved over or across any railroad track, and shall comply with all rules and regulations of the company. Buildings or structures shall not be permitted to remain on or obstruct any railroad track.

The house mover shall provide all flaggers, lights, barricades and other traffic control devices which are required to direct traffic around or through the house moving route in a safe manner. The house mover shall comply with all city and state safety rules and regulations in effect at the time of the house moving operation. (Prior code § 7-198)

**15.36.150 Tree trimming.**

Should it be necessary to cut or trim any trees obstructing the moving of any building or structure, the house mover shall apply to the public works director for a tree trimming permit and shall obtain written permission for such cutting or trimming from the property owner whose property abuts said trees to be cut or trimmed. Any cutting or trimming of trees shall be done under the supervision and control of the public works director or his/her authorized representative. (Prior code § 7-199)

**15.36.160 Penalty.**

A penalty in the sum of two hundred and fifty dollars shall be charged by the city for each hour, or fraction thereof, during which the building or structure is being moved along any city street not on the approved route or not in conformance with the approved permit. (Prior code § 7-200)

## Chapter 15.40

### DANGEROUS BUILDINGS

#### Sections:

<b>15.40.010</b>	<b>Definitions.</b>
<b>15.40.020</b>	<b>Conditions constituting a menace to public safety.</b>
<b>15.40.030</b>	<b>Board of condemnation created.</b>
<b>15.40.040</b>	<b>Board's right of entry.</b>
<b>15.40.050</b>	<b>Board to determine safety--Inspection authorized.</b>
<b>15.40.060</b>	<b>Notice of hearing before board.</b>
<b>15.40.070</b>	<b>Findings of board.</b>
<b>15.40.080</b>	<b>Written report to council--Setting--Notice of hearing before council.</b>
<b>15.40.090</b>	<b>Hearing, determination by council.</b>
<b>15.40.100</b>	<b>Contest of council's action.</b>
<b>15.40.110</b>	<b>Nuisance declared--Abatement.</b>
<b>15.40.120</b>	<b>Abatement by city--Lien for costs.</b>
<b>15.40.130</b>	<b>Recording, collecting lien.</b>
<b>15.40.140</b>	<b>Violations.</b>

#### **15.40.010 Definitions.**

As used in this chapter:

"Owner" means the holder or holders of the record title and all recorded interests herein on the day upon which the notice of hearing by the board of condemnation is issued. (Prior code § 7-161)

#### **15.40.020 Conditions constituting a menace to public safety.**

Any building or structure in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall constitute a menace to public safety:

- A. Inadequate sanitation, which shall include but not be limited to the following:
1. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit;
  2. Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel;
  3. Lack of, or improper kitchen sink;
  4. Lack of hot and cold running water to required plumbing fixtures in a hotel;
  5. Lack of hot and cold running water to required plumbing fixtures in a dwelling unit;
  6. Lack of adequate heating facilities;
  7. Lack of, or improper operation of required ventilating equipment;
  8. Lack of minimum amounts of natural light and ventilation required by the Uniform Building Code, as adopted;
  9. Room and space dimensions less than required by the Uniform Building Code, as adopted;
  10. Lack of required electrical lighting;
  11. Dampness of habitable rooms;
  12. Infestation of insects, vermin or rodents as determined by the health officer;
  13. General dilapidation or improper maintenance;
  14. Lack of connection to required sewage disposal system;
  15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer;
  16. Discharge of sewage on the surface of the ground;
  17. Lack of an approved water supply.

- B. Structural hazards, which shall include but not be limited to the following:
1. Deteriorated or inadequate foundations;
  2. Defective or deteriorated flooring or floor supports;
  3. Flooring or floor supports of insufficient size to carry imposed loads with safety;
  4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
  5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
  6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
  7. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;
  8. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration;
  9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;
  10. Cesspools and septic tanks which are structurally unsound.
- C. Nuisances. Any of the following:
1. Any public nuisance known at common law or in equity jurisprudence;
  2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors;
  3. Whatever is dangerous to human life or is detrimental to health, as determined by the health officer;
  4. Overcrowding a room with occupants;
  5. Insufficient ventilation or illumination;
  6. Inadequate or unsanitary sewage or plumbing facilities;
  7. Uncleanliness, as determined by the health officer;
  8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.
- D. Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
- E. Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.
- F. Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good safe condition.
- G. Faulty weather protection, which shall include but not be limited to the following:
1. Deteriorated, crumbling or loose plaster;
  2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors;
  3. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other approved protective covering;
  4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.
- H. Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the fire chief or his/her deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- I. Faulty Materials of Construction. All materials of construction except those which are specifically allowed or approved by the Uniform Building Code, as adopted, and which have been adequately maintained in a good and safe condition.

J. Hazardous or Unsanitary Premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards.

K. Inadequate Maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with Section 203(a) of the Uniform Building Code, as adopted.

L. Inadequate Exits. All buildings or portions thereof not provided with adequate exit facilities as required by the Uniform Building Code, as adopted, except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.

M. Inadequate Fire Protection or Firefighting Equipment. All buildings or portions thereof which are not provided with the fire-resistive construction of fire-extinguishing systems or equipment required by the Uniform Building Code, as adopted, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

N. Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies. (Prior code § 7-162)

**15.40.030 Board of condemnation created.**

There shall be a board of condemnation which shall consist of the health officer, the chief, electrical services/inspection, the public works director and city engineer, the chief building inspector, the fire chief, the city assessor and the planning director, or their designated representatives. (Prior code § 7-163)

**15.40.040 Board's right of entry.**

Upon presentation of proper credentials, the members of the board of condemnation, or their duly authorized representatives, may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon them by this chapter. (Prior code § 7-164)

**15.40.050 Board to determine safety--Inspection authorized.**

The board of condemnation is granted the power, after hearing, to find and determine whether any building constitutes a menace to public safety. Said board may, as part of said hearing, inspect such building and the facts observed by said board at such inspection shall constitute evidence upon which it may base its findings. (Prior code § 7-165)

**15.40.060 Notice of hearing before board.**

Notice of hearing shall be given by the board by posting in a conspicuous place on the building sought to be condemned, at least thirty days prior to the date of hearing, a notice directed to the owner, designating the building sought to be condemned, the grounds therefor and the time and place of hearing. A copy of this notice shall be sent by registered or certified mail, postage prepaid, return receipt requested, at least thirty days prior to the date of such hearing, to the owner at his or her last known address or if such address cannot after due diligence be ascertained, then to said owner at "Napa, California." (Prior code § 7-166)

**15.40.070 Findings of board.**

Whenever the board of condemnation shall have determined that a building constitutes a menace to public safety, it shall thereupon find and determine what repairs or alterations are necessary or whether the total destruction of such building is necessary in order that such building shall not constitute a menace to public safety, and said board shall also find and determine the length of time necessary to complete such repairs, alterations or destructions, such time to begin to run upon service of copy of report hereinafter mentioned. (Prior code § 7-167)

**15.40.080 Written report to council--Setting--Notice of hearing before council.**

The board shall, with all diligence, make a written report of its findings and said report shall be filed in the office of the city clerk. At the next regular meeting of the council the city clerk shall lay the said report before the council and the council shall fix a time for hearing objections to the same, which time shall not be less than one week thereafter. The city clerk shall thereupon send a notice of such hearing by registered or certified mail, postage prepaid, return receipt requested, to the owner, at his/her last known address or if such address cannot after due diligence be ascertained, then to said owner at "Napa, California." (Prior code § 7-168)

**15.40.090 Hearing, determination by council.**

At the time fixed or to which the hearing may be adjourned, the council shall hear the objections, if any, and shall pass upon the same. If such objections are sustained, all proceedings in regard to the building sought to be condemned shall be stopped but proceedings may be again commenced at any time by the board of condemnation. If there are no objections, or if the objections are overruled, the council shall proceed to pass upon said report and may confirm, correct or modify the same and a copy of said report, as finally confirmed, corrected or modified, shall be sent by registered or certified mail, postage prepaid, return receipt requested, to the owner at his or her last known address and, if after due diligence he or she cannot be found, shall in lieu thereof be posted for ten days in a conspicuous place on the building. (Prior code § 7-169)

**15.40.100 Contest of council's action.**

Any owner having any objections to, or feeling aggrieved at, any proceedings taken by the council in ordering abatement of any nuisance, must bring an action in a court of competent jurisdiction, within thirty days after the date of notice of the council action declaring the nuisance to exist, to contest the validity of any proceedings leading up to the council action; otherwise all objections will be deemed to have been waived. (Prior code § 7-170)

**15.40.110 Nuisance declared--Abatement.**

Every building found to constitute a menace to public safety shall, if not destroyed, altered or repaired within the time allowed by and in accordance with said report as finally confirmed, corrected or modified, be deemed and every such building is declared to be a public nuisance and every such nuisance may be abated summarily with the consent of the property owner or by civil action. (Prior code § 7-171)

**15.40.120 Abatement by city--Lien for costs.**

The owner of property condemned under this chapter shall within the time prescribed in such order of condemnation, do the work required in such order. In the event such work is not so done, the city engineer may proceed to have such work done by city crews or by advertising for bids and awarding a contract. In either case, an accurate record of the costs thereof shall be kept and said costs shall be billed to the owner who shall have thirty days from such service to reimburse the city. If such reimbursement is not made

within said time, the amount of such costs shall become a lien against the property on which such work is done. (Prior code § 7-172)

**15.40.130 Recording, collecting lien.**

The finance director shall note the amount of each lien for costs incurred hereunder on the assessment books of the city after the amount of taxes assessed against the respective lots is charged, and thereafter the amount of each such charge shall be collected in the same manner and at the same time as city taxes, and if not so paid, the same penalties shall be added as are now or may hereafter be added to delinquent taxes, and thereafter the property upon which it is a lien shall be sold and be subject to redemption in the same manner as property is now sold for delinquent taxes. The provisions of this section shall not apply to any piece of property, land or lot, the charge against which has been paid prior to the delivery to the county auditor of said abstract. (Prior code § 7-173)

**15.40.140 Violations.**

It shall be unlawful for any owner of any building found to constitute a menace to public safety to fail, after service of said report as provided in Section 15.40.090, to destroy, alter or repair such building in accordance with said report and within the time allowed by said report, provided such owner has the legal right and power so to destroy, alter or repair such building, and it shall be unlawful for any owner, after he/she has received the notice of hearing as provided in Section 15.40.060, to disable him or herself from destroying, altering or repairing such building. Each day's failure so to alter, destroy or repair such building shall constitute a distinct and separate offense. (Prior code § 7-174)

## Chapter 15.44

### BUILDING DEMOLITION PERMITS

#### Sections:

- 15.44.010** Demolition permit required.
- 15.44.020** Application for demolition permit.
- 15.44.030** Public notice.
- 15.44.040** Response and discussion period.
- 15.44.050** Issuance of demolition permit.
- 15.44.060** Exemptions.
- 15.44.070** Violation.

#### **15.44.010** Demolition permit required.

A demolition permit must be obtained for the demolition of any building which is included by inventory form in the city's portion of the Napa County Historic Resources Inventory, or has been officially designated as a city, state or national landmark. (Prior code § 7-230)

#### **15.44.020** Application for demolition permit.

Application for a demolition permit shall be in writing and filed with the building department. The application shall specify the location, size, character and age of the building and the reasons for the demolition. An application fee shall accompany the application in an amount as set from time-to-time by resolution of the council. (Prior code § 7-231)

#### **15.44.030** Public notice.

Within fifteen days after an application for a demolition permit is filed, the building department shall cause notice of such application to be given by at least one publication in a newspaper of general circulation in this city and by posting notice on the property involved or adjacent thereto and/or by mailing or delivering notice to all owners of property within three hundred feet of the property involved. Written notice shall also be delivered personally or by mail to each person who has requested, in writing, notice of such applications. (Prior code § 7-232)

#### **15.44.040** Response and discussion period.

Within fifteen days after the notice required in Section 15.44.030 has been given, any person may file with the building department, a written request that a demolition permit for the property involved not be issued for a period of up to forty-five days subsequent to the fifteen day response period. If such a request is received, no demolition permit shall be issued for the specified period. The request shall be forwarded to the applicant and any interested persons may thereafter discuss and investigate with the applicant alternatives to demolition of the building. (Prior code § 7-233)

#### **15.44.050** Issuance of demolition permit.

If no request to delay issuance of a demolition permit is received as provided herein or if the applicant continues to desire demolition after expiration of the discussion period, the building department shall issue the demolition permit. (Prior code § 7-234)

#### **15.44.060** Exemptions.

- A demolition permit shall not be required:
- A. Where the demolition is mandated by court order;

B. Where the building has been declared a public nuisance pursuant to Section 15.40.110; or

C. Where the demolition is necessary for the protection of persons and property in the event of an emergency, as defined in Section 2.88.020. (Prior code § 7-235)

**15.44.070 Violation.**

It shall be unlawful for any owner of any building subject to this chapter to demolish, raze or destroy, entirely or in significant part, such building without first obtaining a demolition permit as herein provided. (Prior code § 7-236)

## Chapter 15.48

### PUBLIC IMPROVEMENT REQUIREMENTS FOR ISSUANCE OF BUILDING PERMITS

#### Sections:

<b>15.48.010</b>	<b>Agreement for construction of public improvements.</b>
<b>15.48.020</b>	<b>Drawings and plans.</b>
<b>15.48.030</b>	<b>Design standards.</b>
<b>15.48.040</b>	<b>Easements.</b>
<b>15.48.050</b>	<b>Drainage.</b>
<b>15.48.060</b>	<b>Reserved strips.</b>
<b>15.48.070</b>	<b>Encroachment permit required.</b>
<b>15.48.080</b>	<b>Inspection fee imposed.</b>
<b>15.48.090</b>	<b>Completion of improvements.</b>

#### **5.48.010 Agreement for construction of public improvements.**

A. Prior to the issuance of a building permit for any construction, a property owner, or his or her designee, shall enter into an agreement with the city pursuant to which the property owner agrees:

1. To construct any and all public improvements which are reasonably related to the construction for which the building permit is to be issued; and

2. To dedicate any and all parcels of land intended or designated to be used for public purposes; provided, however, when the estimated cost of the public improvements is less than five thousand dollars the encroachment permit issued pursuant to Chapter 12.08 of this code shall serve as the agreement required by this chapter. All other provisions of this chapter shall apply to said encroachment permit.

B. The agreement shall be secured by a faithful performance bond or an instrument of credit acceptable to the city. The faithful performance bond shall be in an amount equal to one hundred percent of the estimated cost of installing all of the required improvements.

C. All agreements shall be approved by the public works director and shall specify that the required improvements will be completed within a certain time limit. If the required improvements are not satisfactorily completed within the time limit, the city shall have the authority to complete the improvements and the faithful performance bond shall be forfeited. The agreement may provide for extensions of time under specific conditions. Encroachment permits shall be approved by the public works director.

D. As used in this chapter, "public improvements" include on-site and off-site improvements and includes, but are not limited to, right-of-way and easement dedications, installation of curb, gutter, sidewalk, street paving, street lights, street trees, drainage facilities, on-site grading, paving, drainage, traffic circulation, parking, landscaping, and safety improvements. (Prior code § 22-86)

#### **15.48.020 Drawings and plans.**

A. Drawings depicting any and all public improvements required pursuant to Section 15.48.010 shall be prepared by a registered civil engineer (unless an exception to this requirement is made by the city engineer), and shall be reviewed and approved by the city engineer prior to the issuance of a building permit for the construction.

B. The building permit applicant shall pay a separate plan checking fee at the time the public improvement drawings are submitted for review and approval. The plan checking fee shall be established by resolution of the council.

C. All streets, drainage, facilities, water distribution facilities, sanitary sewer facilities and other required improvements shall be designed and constructed in accordance with

provisions of the city standard specifications for public improvements, adopted or approved by the council. (Prior code § 22-87)

**15.48.030 Design standards.**

A. The street structural section shall be designed in accordance with Section 7-600 of the planning manual issued by the Division of Highways of the state Department of Public Works. Resistance ("R") value tests of the native material shall be submitted to the city engineer by the developer for the determination of the total gravel equivalent required.

B. Sidewalk, curbs and gutters shall be constructed of Class A concrete. Standard vertical curbs shall be used.

C. Drainage structures shall be of a size to provide sufficient open areas to carry the stormwaters from drainage areas which they serve, as based on standard engineering principles as outlined in the standard specification. When free fall occurs at the outfall, satisfactory means shall be provided to prevent erosion of soil. Culverts shall have concrete head walls and wing walls where conditions require.

D. Water distribution and fire protection facilities shall be designed in accordance with the standard specifications and the standards of the American Water Works Association and the Board of Fire Underwriters. Fire hydrants shall be located as specified by the fire chief.

E. Water and sewer services shall be brought to the property line of each parcel. Water service shall be no less than one inch service for lots over five thousand square feet in area.

F. Street name signs of approved type shall be located at all street intersections. Additional regulatory, warning and informational signs shall be installed as required by the city engineer.

G. Street trees of approved types shall be located and planted by the developer as required by the city engineer.

H. Retaining walls shall be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the rights-of-way, as determined by the city engineer.

I. All lots shall be graded as required by the city engineer and the Uniform Building Code. (Prior code § 22-88)

**15.48.040 Easements.**

A. Easements shall be dedicated for water, sewer and drainage facilities and for public utilities when the facilities and utilities are located outside of the dedicated street right-of-way.

B. Pedestrian easements may be required where necessary to provide access to schools and other public areas.

C. Where a cut or fill road slope is outside the normal right-of-way of the street, an easement of sufficient width shall be provided which will include all slopes. (Prior code § 22-89)

**15.48.050 Drainage.**

The developer shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes conforming substantially with the center line of any natural watercourse or channel, stream or creek that traverses the property. He or she shall also provide additional easements and install required drainage facilities to dispose of all additional surface and stormwaters. The minimum width of easement for stormdrain purposes shall be considered as ten feet. (Prior code § 22-90)

**15.48.060 Reserved strips.**

Reserved strips controlling the access to public ways, or which will not prove taxable for special improvements, will not be approved unless such strips are necessary for the

protection of the public welfare or substantial property rights, or both, and in no case except when the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the city under conditions approved by the city council. (Prior code § 22-91)

**15.48.070 Encroachment permit required.**

Any person who has entered into an agreement with the city pursuant to Section 15.48.010 shall obtain an encroachment permit pursuant to Chapter 12.08 of this code prior to commencement of construction of any public improvements which are the subject of the agreement. (Prior code § 22-92)

**15.48.080 Inspection fee imposed.**

Prior to the issuance of a building permit for the construction of any and all public improvements pursuant to this chapter, the property owner shall pay an inspection fee in the amount of two percent of the estimated construction cost of the required improvements or in the amount designated by the encroachment permit fee schedule, as determined by the public works director. (Prior code § 22-93)

**15.48.090 Completion of improvements.**

A. The developer shall complete all of the public improvements required pursuant to this chapter prior to occupancy of the new improvements or development.

B. Upon satisfactory completion of all such public improvements, the faithful performance bond shall be released. (Prior code § 22-94)

## Chapter 15.50

### STANDARD MITIGATION MEASURES AND PROJECT CONDITIONS

#### Sections:

#### 15.50.010 Purpose.

#### 15.50.010 Purpose.

The city council may, from time to time, adopt by resolution standard mitigation measures and conditions of approval for development projects including, without limitation, subdivisions, use permits, and architectural review.

(Ord. 4311, § 1, 1992)

## Chapter 15.51

### REIMBURSEMENT AGREEMENTS

#### Sections:

<b>15.51.010</b>	<b>Purpose.</b>
<b>15.51.020</b>	<b>Definitions.</b>
<b>15.51.030</b>	<b>Procedure.</b>
<b>15.51.040</b>	<b>Reimbursement agreements.</b>
<b>15.51.050</b>	<b>Administrative fee.</b>
<b>15.51.060</b>	<b>Procedure cumulative.</b>

#### **15.51.010 Purpose.**

The purpose of this Article is to provide a means to reimburse developers who install off-site improvements that may benefit other properties.

(Ord. No. O94-040, Enacted, 01/03/95)

#### **15.51.020 Definitions.**

A. Off-site Improvements. As used in this Article, "off-site improvements" shall include storm drain lines, water lines, and public streets.

B. Construction. As used in this Article, "construction" shall include design, acquisition of property, and engineering inspection as well as actual construction. Administration and legal fees are included in the 2 1/2% (Sec. 19-44) and are not reimbursable.

(Ord. No. O94-040, Enacted, 01/03/95)

#### **15.51.030 Procedure.**

A. When a developer is required to install an off-site improvement which the Public Works Director determines could benefit other properties, the City may enter into an agreement to reimburse such developer for that portion of the cost of construction of the off-site improvement in excess of the developer's fair share contribution to such improvement in accordance with Section 15.51.040 hereof.

B. No such agreement shall be executed until the City, after duly noticed public hearing, adopts a resolution or other enactment which sets forth a description of the off-site improvement(s), the area of benefit, the estimated cost, the method of apportionment, the fees to be imposed, the time of collection of the fees, and such other matters as may be required or convenient to include in such resolution.

C. The City shall require that developer prepare or pay for the preparation of the notices, resolutions, estimates, studies, etc., reasonably necessary or convenient to comply with the requirements of this section.

D. The Public Works Director shall review all material prepared and may require such procedures as he or she deems necessary to ensure the reasonable and accuracy of all information. The (estimated) costs for actual construction shall reflect the bid of the lowest responsible bidder.

(Ord. No. O94-040, Enacted, 01/03/95)

#### **15.51.040 Reimbursement agreements.**

Each reimbursement agreement authorized hereunder shall:

A. Require all costs of construction of the off-site improvement to be paid for by the developer.

B. Set the term of reimbursement which shall not exceed ten (10) years from the date of execution of the agreement by the City.

C. Provide that the City of Napa is an accommodator and not a guarantor of reimbursement pursuant to the agreement; recognizing that other properties may not develop during the term of the agreement, or new information or circumstances including use or density changes may modify the assumptions underlying the cost allocations.

D. Provide that the Developer shall waive any claim against the City for any shortfall in the amounts collected.

E. Provide that the Developer shall indemnify, defend, release, and hold City harmless from all and any claims, liabilities, actions, injuries, and damages of any sort whatsoever, including attorney fees and expert witness fees, which in any way arise out of or is connected to the adoption and implementation of the resolution, reimbursement agreement, the method of apportionment, collection and/or payment of the funds. The reimbursement agreement may also include such additional terms as may be advisable.

(Ord. No. O94-040, Enacted, 01/03/95)

**15.51.050 Administrative fee.**

At the time of execution of the agreement, developer shall pay City a nonrefundable fee in the amount of 2 1/2% of the estimated cost of actual construction to cover the City's cost in administering the reimbursement agreement.

(Ord. No. O94-040, Enacted, 01/03/95)

**15.51.060 Procedure cumulative.**

The procedure provided for herein for developer reimbursement is not intended to be exclusive or preempted of other procedures that are available, or may become available, under State law or which the City may chose to pursue by virtue of the California Constitution, Article XI, Section. 7 or the Napa City Charter.

(Ord. No. O94-040, Enacted, 01/03/95)

## Chapter 15.52

### HISTORIC PRESERVATION AND NEIGHBORHOOD CONSERVATION

#### Sections:

<b>15.52.010</b>	<b>Findings and purpose.</b>
<b>15.52.020</b>	<b>Definitions.</b>
<b>15.52.030</b>	<b>Cultural heritage commission.</b>
<b>15.52.040</b>	<b>Designation of cultural resources, landmarks and neighborhood conservation areas.</b>
<b>15.52.050</b>	<b>Certificate of appropriateness.</b>
<b>15.52.060</b>	<b>Maintenance and lawful demolition of buildings and structures.</b>
<b>15.52.070</b>	<b>Economic hardship.</b>
<b>15.52.080</b>	<b>Preservation incentives.</b>
<b>15.52.090</b>	<b>Notice of public hearing.</b>
<b>15.52.100</b>	<b>Appeal procedure.</b>

*EDITOR'S NOTE: Ordinance No. O99-31, adopted 11/2/1999, amended this code by repealing Chapter 15.52 pertaining to HISTORIC PRESERVATION. Said former sections were derived from 15.52.010 Purposes and objective; 15.52.020 Definitions; 15.52.030 Cultural heritage commission; 15.52.040 Designation of landmarks and historic districts-Master list of historic resources.*

#### **15.52.010 Findings and purpose.**

##### A. Findings.

1. The City of Napa Historic Preservation and Neighborhood Conservation Ordinance embodies General Plan policy and implements important preservation and neighborhood conservation concepts. It defines the role of the cultural heritage commission, cultural resources, appropriate conservation criteria and processes for new investment in Central Napa, exceptions to the protections of the Historic Preservation and Neighborhood Conservation Ordinance, preservation incentives and enforcement procedures.

2. The Historic Preservation Ordinance supports five key concepts. These are as follows:

a. The quality of Napa's traditional neighborhoods will be protected through implementation of General Plan policies.

b. Central Napa's traditional neighborhoods have a preponderance of cultural resources and other desirable features of urban design and will be treated as neighborhood conservation areas.

c. The City of Napa will define the boundaries, guidelines and standards for local landmark districts.

d. Appreciation for Napa's cultural resources will be furthered by educational opportunities and incentives for preservation.

e. The cultural heritage commission will provide the expertise and leadership for historic preservation throughout the city and for maintaining character in landmark districts and neighborhood conservation areas.

##### B. Purposes and Objectives.

1. The identification, protection, enhancement, perpetuation and use of buildings, structures, sites or areas that have important associations with past eras, events and persons important in local, state or national history, or which provide significant examples of architectural styles of the past or are Landmarks in the history of architecture, or which are unique and irreplaceable assets to the city and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived;

2. The development and maintenance of appropriate settings and environments for such buildings or structures, and in such sites and areas;
  3. The enhancement of property values, the stabilization of neighborhoods and areas of the city, the increase of economic and financial benefits to the city and its inhabitants and the promotion of tourist trade and interest;
  4. The encouragement of compatible contemporary designs and construction;
  5. The preservation and encouragement of a city of varied architectural styles, reflecting the distinct phases of its history: cultural, social, economic, political and architectural;
  6. The enrichment of human life in its educational and cultural dimensions in order to serve spiritual, as well as material, needs by fostering knowledge of the living heritage of the past;
  7. The continuance of the fundamental traditional design characteristics of Central Napa neighborhoods; and
  8. The promotion of livable neighborhoods in Central Napa.
- (Ord. No. O99 31, Repealed and Replaced, 11/02/1999)

**15.52.020 Definitions.**

A. General definitions.

“Alteration” shall mean any exterior change or modification, through public or private action, of any landmark, cultural resource or of any property located within a landmark district including, but not limited to, exterior changes to or modification of a building or structure, architectural details or visual characteristics such as surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property. Painting is not considered an alteration unless painting and/or painted features and/or unpainted features are designated as significant or characteristic of the landmark or contributing resource in a landmark district.

“Alteration, substantial” shall mean, in a neighborhood conservation area, the expansion or reduction of the exterior envelope of a building or structure resulting in an increase or decrease of more than 100 square feet or the addition, enclosure, or removal of a porch, or other change as may be defined in any design guidelines that may be adopted by resolution of the city council for a neighborhood conservation area.

“Building” shall mean any structure intended for any use or occupancy with substantial walls and roof.

“Building official, chief” shall mean the officer or other designated authority charged with the administration and enforcement of the building, housing, plumbing, electrical and related codes, as provided by Title 15 of this code.

“California Register” shall mean the California Register of Historical Resources as defined in California Public Resources Code Section 5020.1.

“Certificate of appropriateness” shall mean a certificate issued pursuant to this chapter approving such plans, specifications, statements of work and any other information which is reasonably required to make a decision on any proposed project.

“Certified Local Government” (CLG) shall mean a local government that has been certified by the National Park Service to carry out the purposes of the National Historic Preservation Act of 1966 (16 U.S.C. Section 470 et seq.) as amended, pursuant to Section 101(c) of that act and the regulations adopted under the act, which are set forth in Part 61 (commencing with Section 61.1) of Title 36 of the Code of Federal Regulations.

“Characteristic” shall mean the same as “feature.”

“City” shall mean the City of Napa.

“Commission” shall mean the cultural heritage commission.

“Construction” shall mean any work for which a building permit is required, and also shall include fences, substantial grading or landscaping and the erection, installation or painting of signs.

“Construction, substantial” shall mean the construction of a new building or structure with a floor area of more than 100 square feet.

“Contributing resource” shall mean a feature, structure, object or site within a landmark district that embodies the significant physical characteristics and features, or adds to the historical associations, historic architectural qualities or archaeological values identified for the landmark district, and was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period.

“Cultural resource” shall mean any improvement, building, structure, archaeological feature, natural feature, district, object or site of historic, aesthetic, educational, cultural or architectural importance. Examples of a “cultural resource” include, but are not limited to, a plaza, bridge, park, windrow of trees, water tower or public building.

“Cultural resource nomination” shall mean the consideration of a cultural resource for listing in the Historic Resources Inventory.

“Demolition” shall mean the complete destruction of a building or structure, or the permanent or temporary removal of more than thirty percent (30%) of the perimeter walls, or removal of any portion of a street-facing façade.

“Design guidelines” shall mean the document prepared by the cultural heritage commission and adopted by the city council which illustrate appropriate and inappropriate methods of rehabilitation, alteration and construction.

“Exterior architectural features” shall mean the architectural features embodying style, design, general arrangement and components of all of the outer surfaces of an improvement including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

“Feature” shall mean fixtures, components or appurtenances attached to, contiguous to or otherwise related to a building, structure or property including, without limitation, materials, landscaping, setbacks, distinguishing aspects, roof attributes, overlays, moldings, sculptures, fountains, light fixtures, windows, and monuments. “Feature” may include interior areas of publicly-owned buildings and structures that are accessible or made available to the public.

“Good repair” shall mean that level of maintenance and repair which clearly furthers the continued availability of buildings and structures for lawful reasonable uses and prevents deterioration, dilapidation and decay of buildings and structures.

“Historic Resources Inventory” shall mean a listing of cultural resources having historic significance to the City of Napa as adopted in Resolution No. 97-015 and as may be amended from time to time.

“Improvement” shall include any building, structure, place, fence, gate, landscaping, tree, wall, parking facility, or other object constituting a physical feature which is not a natural feature.

“Integrity” shall mean the ability of a cultural resource to convey its significance through the survival of key elements of its original style, scale, materials and detailing.

“Inventory” shall mean the same as “Historic Resources Inventory.”

“Landmark” shall mean any cultural resource which the city council officially designates by resolution as worthy of protection as a landmark as provided for in this ordinance.

“Landmark district” shall mean any delineated geographic area having historical significance, special character or aesthetic value which serves as an established neighborhood, community center or distinct section of the city, possessing a significant concentration of cultural resources united historically or aesthetically by plan or by physical development, and which the city council designates by resolution as worthy of protection as provided for in this chapter.

“Landmark nomination” shall mean the nomination of a cultural resource for designation as a landmark or as a landmark district.

“Mills Act” shall mean Government Code Section 50280, et seq., as such section(s) may be amended from time to time.

“Minimum maintenance requirements” shall mean those regulations adopted by the city council requiring property owners to maintain the buildings, structures and land associated with a landmark or landmark district.

“National Register of Historic Places” shall mean the official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (as amended). (16 U.S.C. 470-470t, 36 C.F.R. Sections 60, 63).

“Natural feature” shall mean a planting, land form, rock outcropping, body of water or other object of the native landscape on property which has historical significance.

“Neighborhood conservation area” shall mean any delineated geographic area designated by council as having special character or aesthetic value which serves as an established neighborhood or distinct section of the city, possessing buildings or structures united aesthetically by plan, or by physical development. A neighborhood conservation area need not have historic significance.

“Neighborhood conservation property” shall mean any cultural resource which the city council officially designates by resolution as worthy of protection as a neighborhood conservation property as provided for in this ordinance.

“Nominated resource” shall mean a cultural resource for which a landmark nomination is pending.

“Nomination notice” shall mean a letter sent to the owner of a nominated resource indicating that the property(ies) will be considered for designation as a landmark or as a landmark district.

“Non-contributing resources” shall mean all properties or structures within a landmark district that are not identified as contributing resources.

“Ordinary maintenance and repair” shall mean any work, the sole purpose and effect of which is to prevent or correct deterioration, decay or damage, including repair of damage caused by fire or other disaster and which does not result in a change in the historic appearance and materials of a property.

“Period of significance” shall mean the span of time during which a cultural resource attained the significance for which it is recognized under the provisions of this chapter.

“Preservation” shall mean the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

“Preservation easement” shall mean, for the purpose of this chapter, the right vested in a person or entity other than the owner of the cultural resource to require preservation of the resource subject to the easement.

“Proposed project” shall mean any alteration, addition or rehabilitation to a property or any new construction, whether or not a permit or entitlement is required. A proposed project excludes painting, unless painting and/or painted features and/or unpainted features are designated as significant or characteristic of a landmark or a contributing resource in a landmark district.

“Public way” shall mean any outdoor place regularly accessible by the public. This includes, but is not limited to, streets, alleys, sidewalks, parks, paths and roads.

“Quorum” shall mean three of the voting members of the commission.

“Rehabilitation” shall mean the act or process of returning a building or structure to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the cultural resource which are significant to its historical, architectural and cultural value.

“Relocation” shall mean the act or process of moving a building or structure from one site to another site, or to a different location on the same site.

“Renovation” shall mean the act or process of returning a building or structure to a state of utility through repair or alteration which makes possible a contemporary use.

“Restoration” shall mean the act or process of accurately recovering the form and details of a building or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

“Secretary of Interior’s Standards for Rehabilitation Projects” shall mean the U.S. *Secretary of the Interior’s Standards for Rehabilitation of Historic Buildings*, issued by the National Park Service (36 Code of Federal Regulations Part 67), together with the accompanying interpretive *Guidelines for Rehabilitating Historic Buildings*, as they may be amended from time to time.

“Staff” shall mean the staff of the City of Napa planning department.

“State Historical Building Code” shall mean the State Historical Building Code as contained in Part 2.7 of the California Health and Safety Code of the California Code of Regulations.

“Structure” shall mean anything constructed or erected, except fences, the use of which requires permanent location on the ground.

“Survey” shall mean a process by which structures, features, objects or sites within specified geographic areas are documented relative to their possible eligibility for landmark or landmark district consideration.

“Zoning ordinance” shall mean Chapter 17 of the Napa Municipal Code.  
(Ord. No. O99 31, Repealed and Replaced, 11/02/1999)

### **15.52.030 Cultural heritage commission.**

#### **A. Creation and Membership.**

1. There is created the cultural heritage commission (hereafter “commission).
2. The commission shall consist of five members.
3. All members shall have a demonstrated interest, competence or knowledge of historic preservation and the cultural resources of the city.
4. No less than three of the members shall, if possible, be appointed from among professionals in the fields or disciplines of architecture, landscape architecture, history, architectural history, rehabilitation construction, urban planning, American studies, cultural geography, pre-historic and historic archaeology, folklore or cultural anthropology, conservation or other historic preservation-related disciplines to the extent that such professionals are available in the community.

5. The remaining commission membership shall include members who have a demonstrated interest in preservation-related fields and urban design.

6. When filling commission vacancies, the city council will give first consideration to representatives from Central Napa neighborhoods, but may appoint from other areas.

7. At least three of the members shall be residents and registered voters of the city. The other members may be residents of the county.

#### **B. Term of Office.**

1. Commission members shall have a term of office of two years, with two members appointed each even-numbered year and three members appointed each odd-numbered year.

2. The maximum number of full consecutive terms a member may serve is three (3).

#### **C. Removal from Office.**

The city council may remove any member from the commission at will, for any or no reason.

#### **D. Operating Procedures.**

1. The commission shall elect a chairperson from its membership.

2. The commission shall adopt by-laws for its organization and implementation of its powers and duties.

3. The commission shall act by majority vote of at least a quorum of its members.

#### **E. Powers and Duties.**

The commission shall have the following powers and duties, subject to the direction and control of the city council:

##### **1. General.**

a. Make recommendations to the city council regarding the Historic Preservation Element of the City’s General Plan.

b. Take steps to encourage or bring about preservation of cultural resources.

c. Promote and educate the community about the preservation of the city's archaeological resources.

d. As directed by the city council, review and comment on land use, housing, redevelopment and other types of planning and programs undertaken by any agency of the city, the county or state as they relate to the cultural resources of the city.

e. Recommend to the city council or redevelopment agency the purchase of fee or less-than-fee interests in property for purposes of historic preservation.

f. Recommend to the city council the acceptance of preservation easements on cultural resources, including the interior of privately-owned buildings or structures.

g. Investigate and report to the city council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic preservation in the city.

h. Promote the preservation and historic character of cultural resources, landmarks and buildings or structures in landmark districts.

i. Maintain an ongoing survey process to determine the status of cultural resources in the city.

j. Comment on National Register nominations for submittal to state and/or federal government agencies.

k. As directed by the city council, cooperate with local, county, state and federal governments in the pursuit of the objectives of historic preservation.

l. Participate in, promote and conduct public information, educational and interpretive programs pertaining to cultural resources.

m. Perform any other functions requested by the city council.

2. Landmarks and Landmark Districts.

a. Recommend to the city council the designation of landmarks and landmark districts in accordance with this chapter.

b. Promote the maintenance and traditional character of landmarks and landmark districts.

3. Historic Resources Inventory.

Establish and maintain a list of those cultural resources determined by the commission as being historically significant. The commission shall also publicize and periodically update this Historic Resources Inventory.

4. Neighborhood Conservation Areas.

a. Recommend to the city council the designation of neighborhood conservation areas in accordance with this chapter.

b. Promote the maintenance and traditional character of these areas.

5. Design Review.

a. Approve, approve with conditions or deny applications for a certificate of appropriateness, subject to appeal to the city council, as provided for in this chapter.

b. Prepare and recommend for city council approval design guidelines for the review of an application for a certificate of appropriateness.

c. Advise the planning commission on design review actions that are final with the planning commission and do not require a certificate of appropriateness, but which involve a property or improvement listed on the Historic Resources Inventory.

d. Advise the city council and provide comments on the impacts of proposed work for any proposed project which requires special considerations pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

e. Render advice and guidance, upon the request of the property owner or occupant, on new construction or on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource.

F. Delegation of Powers and Duties.

1. The commission may delegate its decision-making authority to city staff to approve, approve with conditions, or deny, in whole or in part, applications for a certificate of appropriateness.

2. The commission shall define the procedures for such delegated authority in its by-laws.

G. Commission Meetings.

The commission shall meet at least once each month, unless there is no new business scheduled.

H. Annual Reports.

The commission shall report to the city council each year describing the past year's activities, the status of preservation in the city, the status of neighborhood conservation and recommend any improvements which the commission deems necessary.

I. Commission Training.

Each member of the commission shall participate in one or more training sessions annually, subject to available funds. Topics shall include preservation methods and standards, hearing procedures, CEQA and other related information.

J. Staff Assistance.

In order to assist the commission in the performance of its duties, the planning department shall, subject to available funding:

1. Administer the city's historic preservation program.
2. Conduct surveys and survey updates to help maintain the Historic Resources Inventory.
3. Consult with other city departments regarding rehabilitation standards and cultural resource surveys performed in conjunction with proposed projects.
4. Consult with other city departments regarding any potential protections suitable for cultural resources involved in proposed projects.
5. Make recommendations to the commission, planning commission and city council regarding proposed projects (including those for landmarks or for buildings or structures in a landmark district or a neighborhood conservation area).
6. Take such steps, including training, as are necessary for the city to remain a certified local government.
7. Determine the completeness of a proposed project application.
8. Perform such other functions provided in this chapter, commission by-laws or any other applicable law.

(Ord. No. O99-31, Repealed and Replaced, 11/02/1999)

**15.52.040 Designation of cultural resources, landmarks and neighborhood conservation areas.**

A. Historic Resources Inventory.

1. A cultural resource may be listed in the city's Historic Resources Inventory by the commission, subject to appeal to the city council, if the commission finds it to be of historic, aesthetic, educational, cultural or architectural importance.

2. Buildings or structures listed in the Inventory, with the exception of non-contributing resources in a landmark district, shall be deemed to be "qualified properties" for the purpose of application of the State Historical Building Code.

3. Notice shall be given to the owner of property being considered for inclusion on the inventory not less than ten (10) calendar days prior to the meeting, and if included, mailed notice of the decision and right of appeal shall be provided to said owner.

B. Landmarks and Landmark Districts.

1. A cultural resource may be designated by the city council, upon the recommendation of the commission, as a landmark if it:

- a. Exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, architectural or natural history; or
- b. Is identified with persons or events significant in local, state or national history; or
- c. Embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- d. Represents the work of a notable builder, designer or architect; or
- e. Is one of the few remaining examples in the city, region, state or nation possessing distinguishing characteristics of an architectural or historical type or specimen.

2. A group of cultural resources may be designated by the city council upon the recommendation of the commission as a landmark district if:

a. The majority of the properties reflect significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning; or

b. The majority of the properties convey a sense of historic or architectural cohesiveness through their design, setting, materials, workmanship or association; or

c. The majority of the properties have historic significance and retain a high degree of integrity; or

d. The area in general is associated with a historically significant period in the development of the community or is associated with special historical events; or

e. The majority of the properties embody distinctive characteristics of a style, type, period or method of construction, or are a valuable example of the use of indigenous materials or craftsmanship; or

f. The majority of the properties represent the works of notable builders, designers or architects.

3. Designation Nomination.

a. A landmark or landmark district may be nominated by the city council, the cultural heritage commission, the owner of the building(s) or structure(s) to be designated or by an established community-based organization whose purpose is to promote historic preservation.

b. No city permits shall be issued for any reason while a landmark or landmark district nomination is pending, except for ordinary maintenance and repair that does not diminish the integrity of the cultural resource.

4. Notification.

a. For a landmark, a nomination notice shall be provided consistent with Section 15.52.090.

b. For a landmark district, a nomination notice shall be provided to the owner(s) of property within the potential landmark district consistent with Section 15.52.090.

5. Designation Hearing.

a. The commission shall hold a public hearing to determine the proposed designation.

b. If the commission votes in support of a landmark or landmark district designation at the hearing, it shall forward a recommendation to the city council for the designation of the nominated resource(s) as a landmark or landmark district based on the criteria set forth in this chapter and the facts presented in connection with the application.

6. Designation Resolution.

a. A landmark or landmark district shall be designated by a numbered resolution of the city council. In determining whether to accept or reject the commission's recommendation, the council shall consider the facts and findings submitted in the recommendation.

b. Each such designating resolution shall include a description of the characteristics of the landmark or landmark district which justify its designation, a description of the key features that should be preserved, a description of the location and boundaries of the landmark or landmark district (including assessor parcel numbers) and a site plan or map of the property or district.

c. A list of all contributing resources in a landmark district shall be included with the designation resolution.

7. Notice of Action.

a. Staff shall transmit a notice of the resolution to the owner(s) of the designated cultural resource.

b. Staff shall also cause a copy of the designating resolution to be recorded in the office of the county recorder.

c. Notice of the designation shall also be transmitted to the departments of planning, community resources, fire, public works, the building division of the public works department, the redevelopment agency of the city, the assessor and the recorder of Napa County, and any other interested departments and governmental and civic agencies.

(1) Each city department and division shall incorporate the notice of designation into its records, so that future decisions regarding or affecting any landmark or landmark district will have been made with the knowledge of the designation, and in accordance with the procedures set forth in this chapter.

(2) The planning department shall be responsible for keeping records of all landmark and landmark district designations.

8. Repeal or Amendment of Designation.

The city council, after recommendation of the commission, shall consider a repeal or amendment of a previously approved landmark, landmark district or contributing resource in a landmark district designation in the same manner provided by this chapter for the designation of the landmark, landmark district or contributing resource if the city council determines that it no longer meets the designation criteria.

C. Neighborhood Conservation Properties and Neighborhood Conservation Areas.

1. Any property designated with an :HP or :HPR zoning overlay as of October 19, 1999, may be designated as a neighborhood conservation property by the city council.

2. An individual cultural resource may be designated as a neighborhood conservation property by resolution of the city council upon recommendation of the commission if:

a. The property represents an established and familiar visual feature of a neighborhood, community or of Central Napa; or

b. The property has historic, architectural or engineering significance.

3. A group of cultural resources may be designated as a neighborhood conservation area by resolution of the city council upon the recommendation of the commission if:

a. The majority of the properties represent established and familiar visual features of a neighborhood, community or of Central Napa; or

b. The majority of the properties convey a sense of cohesiveness through their design, setting, materials or association; or

c. The majority of the properties reflect significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning; or

d. The character of the neighborhood is defined by similarities in basic elements of urban design, such as uniform alignment of porches along the street, or a similarity in building scale, materials and landscapes.

4. Properties considered for designation as a neighborhood conservation property or neighborhood conservation area need not have historic significance.

(Ord. No. O99-31, Repealed and Replaced, 11/02/1999)

**15.52.050 Certificate of appropriateness.**

A. Certificate of Appropriateness Required.

1. Landmarks and Landmark Districts.

a. No person, owner or other entity shall, without first having applied for and obtained a certificate of appropriateness, do, allow, undertake or permit any proposed project affecting a landmark or in a landmark district including, but not limited to, any of the following:

(1) Any new construction in a landmark district.

(2) Any restoration, rehabilitation, alteration, addition or change in appearance to a landmark or contributing resource in a landmark district.

(3) Any alteration or addition to a non-contributing resource in a landmark district.

(4) Changes to major interior architectural features of a publicly-owned landmark.

(5) Demolition of a building or structure.

b. No city permit shall be issued for the proposed work until a certificate of appropriateness has been approved by the commission and then shall be issued only in conformity with such approval. The city-issued permits covered for projects affecting a landmark or in a landmark district include, without limitation, the following:

(1) Building permits, including rehabilitation and new construction.

(2) Building relocation permits.

(3) Sign permits.

- (4) Certificates of occupancy.
  - (5) Grading permits.
  - (6) Demolition permits, including building permits involving full or partial demolition.
  - (7) Communication permits, including wireless permits.
  - (8) Paving and striping permit.
  - (9) Electrical and gas meter split permit.
  - (10) Encroachment permits.
2. Neighborhood Conservation Property and Neighborhood Conservation Area.
- a. No person, owner or other entity shall, without first having applied for and obtained a certificate of appropriateness, do, allow, undertake or permit any proposed project on a neighborhood conservation property or in a neighborhood conservation area including, but not limited to, any of the following:
    - (1) Any substantial construction visible from a public way.
    - (2) Any substantial alteration or addition visible from a public way.
    - (3) Demolition of a building or structure.
  - b. No city permit shall be issued for the proposed work until it has been approved by the commission and then shall be issued only in conformity with such approval.
3. Historic Resources Inventory.
- a. No person, owner or other entity shall, without first having applied for and obtained a certificate of appropriateness, do, allow, undertake, or permit any demolition of any building or structure listed on the Historic Resources Inventory.
  - b. No certificate of appropriateness for demolition shall be issued for any proposed project while a cultural resource is being considered for listing in the inventory.
- B. General Provisions for a Certificate of Appropriateness.
1. Application for a Certificate of Appropriateness.
- a. All applications, and required materials, for proposed projects which require a certificate of appropriateness shall be made with the planning department. Applications shall be made upon forms developed by the commission for this purpose.
  - b. In the following cases, a certificate of appropriateness shall not be required, and the planning department shall process the proposed project application without further reference to this chapter:
    - (1) When the application is for a permit to construct on the site of a landmark that has been lawfully demolished and which is not in a landmark district or neighborhood conservation area.
    - (2) When the application is for a permit to make interior alterations only to a privately-owned building or structure.
    - (3) When the application is for a permit to do ordinary maintenance and repairs only.
    - (4) When any measures of construction or alteration are necessary to correct the unsafe or dangerous condition of any building or structure, as provided in Section 15.52.060B.
2. Notice of Hearing for a Certificate of Appropriateness.
- Notice of a hearing before the Commission for a Certificate of Appropriateness shall be provided consistent with Section 15.52.100. No public hearing shall be required for a determination by City staff on those applications for a Certificate of Appropriateness which the Commission has delegated to City staff pursuant to Section 15.52.030 F; provided, however, that if such City staff determination is appealed to the Commission pursuant to this Section, a public hearing by the Commission, noticed consistent with Section 15.52.100 shall be required.
3. Process for Staff Determination of Delegated Applications for Certificates of Appropriateness and Appeal to the Commission.
- For those applications for a Certificate of Appropriateness which the Commission has delegated to City staff for determination pursuant to Section 15.52.030 F, the following procedure shall apply:
- a. As soon as reasonably practicable following the staff determination, written notice of staff's determination, including findings, and the right to appeal the determination to the Commission pursuant to this section shall be provided to the

applicant, adjacent property owners, the Commission and any other person who requests notice.

b. Any person for whom such notice is required shall have the right to appeal staff's determination to the Commission within ten (10) days of the date notice has been provided. Such appeal shall be in writing and shall specify all reasons for the appeal.

c. If no appeal is timely filed pursuant to this section, the determination by staff shall be final.

C. Findings for a Certificate of Appropriateness for Landmarks and Landmark Districts.

1. Findings for Applications Pertaining to a Landmark: No certificate of appropriateness shall be issued unless findings are made that the proposed project preserves, enhances or restores, and shall not damage or destroy, the exterior architectural features of the landmark (and where specified in the designating resolution for a publicly-owned landmark, its major interior architectural features); and that the proposed project will not adversely affect the special character or special historic, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting, nor of the landmark district in applicable cases.

2. Findings for Applications Pertaining to a Contributing Resource in a Landmark District: No certificate of appropriateness shall be issued unless findings are made that, other than for a landmark itself, the proposed project preserves, enhances or restores, and shall not damage or destroy, the exterior architectural features of the contributing resource, considering the degree of its compatibility with the character of the landmark district, the feasibility of rehabilitation and other pertinent factors.

3. Findings for Remodeling or Other Proposed Exterior Changes to a Non-Contributing Resource in a Landmark District: No certificate of appropriateness shall be issued unless findings are made that such remodeling or exterior change is compatible with the character of the landmark district as described in the designating resolution and shall not adversely affect the special character of historic, architectural or aesthetic interest or value of the landmark district.

4. Findings for New Construction: No certificate of appropriateness shall be issued unless findings are made that new construction is compatible with the character of the landmark district as described in the designating resolution and an application for a certificate of appropriateness for new construction must be approved if such compatibility exists.

5. General Findings for Landmarks and Landmark Districts: No certificate of appropriateness shall be issued unless findings are made that the following site development and design issues are satisfied, when applicable:

a. Architectural Design - A building shall appear compatible in form and detail to the tradition of the district or surrounding buildings and structures. Buildings and structures shall be visually compatible with older, surrounding buildings and structures.

b. Mass and Scale - A building shall be compatible in mass and scale with the landmark structure or contributing resource in a landmark district.

c. Building Form - A building shall have basic roof and building forms that are similar to those seen traditionally in the landmark district.

d. Construction Materials - Building materials shall contribute to the visual continuity of the landmark district.

e. Building Orientation - The traditional pattern of building orientation shall be maintained.

f. Building Alignment - The distance from the street or property line to the front of the building shall be similar to that established historically in the landmark district.

g. Parking - The visual impacts associated with parking shall be minimized, as shall the number of curb cuts seen along the street.

h. Landscaping - Landscaping shall be used to create continuity among buildings, especially in front yards and along the street edge. Landscaping shall be selected that is adapted to the Napa climate, and consideration shall also be given the future care and maintenance of these materials.

i. Signs - A sign shall be subordinate to the overall character of the area and be subordinate to the individual buildings to which they are related.

j. Street Furniture - Street furnishings, including bicycle racks, waste receptacles and light standards, shall not impede one's ability to interpret the historic character of the area.

6. Any special guidelines prepared and adopted to assist in the above review, as well as the Secretary of the Interior's Standards for Rehabilitation shall also be considered.

D. Findings for a Certificate of Appropriateness on a Neighborhood Conservation Property or in a Neighborhood Conservation Area.

No certificate of appropriateness shall be issued unless the following findings are made:

1. Mass and Scale - The traditional mass and scale of the area shall be maintained.

2. Building Form - A building shall have basic roof and building forms that are similar to those seen traditionally in a neighborhood.

3. Construction Materials - Building materials shall contribute to the visual continuity of the neighborhood.

4. Building Orientation - The traditional patterns of building orientation shall be maintained.

5. Building Alignment - The distance from the street or property line to the front of the building shall be similar to that seen traditionally in the neighborhood.

6. Project Context - The project shall be compatible with those neighborhood characteristics that result from common ways of building. This sense of setting shall be preserved.

7. Character-Defining Features - Major character-defining features of the property under review shall not be destroyed.

E. Findings for a Certificate of Appropriateness to Demolish a Building or Structure.

No certificate of appropriateness that proposes removal or demolition of a building or structure listed in the city's Historic Resources Inventory, a landmark or a contributing resource in a landmark district shall be issued unless findings are made on each of the following factors:

1. The architectural significance of the building or structure;

2. The historic significance of the building or structure;

3. The structural integrity of the building or structure;

4. The location of the building or structure within or in close proximity to a landmark or landmark district;

5. The economic feasibility of rehabilitating the building or structure including the economic return on the property after rehabilitation has been completed; and

6. The applicant's plans for the property if the certificate of appropriateness is approved.

(Ord. No. O2000-4, Amended, 05/02/2000; Ord. No. O99-31, Add, 11/02/1999)

#### **15.52.060 Maintenance and lawful demolition of buildings and structures.**

A. General.

1. Nothing contained in this chapter shall be construed to prevent ordinary maintenance or repair of any exterior features of a landmark or neighborhood conservation property, or of a building or structure within a landmark district or neighborhood conservation area which does not involve any change or modification of such exterior features. In such cases, the work shall be approved by staff, and no certificate of appropriateness from the commission shall be required. Examples of this work shall include, but not be limited to, the following:

a. Caulking or re-glazing windows.

b. Minor repairs to windows, doors, siding, gutters, etc.

c. Construction, demolition or alteration of side and rear yard fences.

d. Repairing or re-paving of flat concrete work in the side and rear yards.

- e. Re-paving of existing front yard paving, concrete work and walkways, if the same material in appearance as existing is used.
- f. Roofing work, if no change in appearance occurs.
- g. Foundation work, if no change in appearance occurs.
- h. Chimney work, if no change in appearance occurs.
- i. Landscaping, unless the resource designation specifically identifies the landscape layout, features or elements as having particular historical, architectural or cultural significance.

2. The administrative determination whether a certificate of appropriateness shall be required may be appealed to the commission and shall be filed and processed in the same manner as a certificate of appropriateness.

**B. Immediately Dangerous Buildings or Structures.**

1. The provisions of this chapter shall not be construed to regulate, restrict, limit or modify the authority of the city and the building official, or his or her designee, to issue permits for the demolition of a landmark, contributing resource in a landmark district, neighborhood conservation property, contributing resource in a neighborhood conservation area or any other cultural resource listed in the Historic Resources Inventory that is determined to be dangerous by damage sustained from an earthquake or other natural disaster. However, the building official, or his or her designee, shall first consult with the planning department and the State Historic Preservation Officer, or his or her local designee, for the purpose of discussing the following:

- a. Whether the condition of the building(s) or structure(s) is immediately dangerous within the meaning of the Napa Municipal Code; and
- b. Whether there are any feasible alternatives to demolition that will protect adequately the health and safety of the public including, but not limited to, abatement of the immediate threat through repair, securing the premises through security fencing or other measures, stabilization and limited demolition.

2. If the building official, or his or her designee, determines that the building or structure is immediately dangerous and that there is no feasible alternative to demolition, the building official, or his or her designee, may issue a permit authorizing the demolition of the building or structure without complying with the consultation process.

**C. Lawful Demolition, Removal or Disturbance.**

1. When a building or structure has been lawfully demolished or removed pursuant to any provisions of this chapter, it shall be deleted from the list of city landmarks, neighborhood conservation properties or from the Historic Resources Inventory.

Upon deletion, the provisions of this chapter shall not be considered to encumber any remaining property on which the landmark was located, unless the commission finds that any such remaining site features retain historic significance, which therefore merit preservation.

2. When a contributing resource in a landmark district has been lawfully demolished or removed pursuant to any provisions of this chapter, the commission shall downgrade the property to a non-contributing resource in the landmark district.

3. Cultural resources in which the commission finds that more than fifty percent (50%) of the significant features and characteristics are destroyed by natural disaster(s) shall be considered lawfully demolished or removed for the purposes of this section.

(Ord. No. O99 31, Add, 11/02/1999)

**15.52.070 Economic hardship.**

A. The commission may, in its discretion, approve a proposed project which does not otherwise satisfy the requirements of this chapter, or overturn a staff decision, and approve a certificate of appropriateness if the commission finds:

- 1. Denial of the certificate of appropriateness would result in an undue economic hardship to the property owner; and
- 2. No feasible alternatives or mitigation measures are available to reduce the negative impact of the proposed project on the cultural resource; and

3. Reasonable economic use of the cultural resource would be lost by the property owner; and

4. The economic hardship suffered by the property owner would exceed historic or cultural value of the cultural resource; and

5. The economic hardship is unique and is not the result of the property owner's own conduct.

B. The applicant shall bear the burden of proving economic hardship and shall provide substantiation of the claim as the commission may require. The commission also may consider additional information, documentation and expert testimony, the cost of which shall be paid by the applicant and considered by the commission in its related findings.

C. The commission may identify specific forms of relief or mitigation and recommend them for approval by the city council.

(Ord. No. O99-31, Add, 11/02/1999)

#### **15.52.080 Preservation incentives.**

In order to carry out more effectively and equitably the purpose of this chapter, the commission may recommend that the council, by resolution, adopt a program of economic and other incentives to support the preservation, maintenance and appropriate rehabilitation of the city's cultural resources.

(Ord. No. O99-31, Add, 11/02/1999)

#### **15.52.090 Notice of public hearing.**

The following procedures shall be observed when a public hearing is required by this title:

A. Notice required under this chapter shall include:

1. The date, time and place of the hearing;

2. The identity of the hearing body;

3. A brief description of the matter to be considered and permits required;

4. A description (text or diagram) of the location of the property involved;

5. Substantially, the following statement:

"The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the city is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the city must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge which is not filed within that 90-day period will be barred.

If a citizen wishes to challenge the nature of the above actions in court, they may be limited to raising only those issues they or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City of Napa at, or prior to, the public hearing."

B. Notice required under this chapter shall be given not less than ten (10) calendar days prior to the public hearing by publication in a newspaper of general circulation and in accordance with the following:

1. Notice shall be mailed to the applicant, the owner of the property, persons who have requested notice of a hearing for a specific project, and all property owners listed on the last equalized assessment roll who are within three hundred feet of the proposed project site.

2. The applicant shall provide appropriate mailing labels (name, address and assessor's parcel number) for surrounding property owners.

3. Notice for all applications considered by the city council at a public hearing which have been considered previously by the commission shall also include mailed notice to each person who enters written or oral comments to the commission hearing, or who specifically requests a notice from the city clerk.

C. The commission, on its own motion, may continue a hearing from time to time. No additional notice shall be required for the continuance of a noticed public hearing to a

specific date. At their own discretion, applicants may request that their project be acted upon rather than continued.

D. Each application which goes to the city council from the commission, whether by appeal or as otherwise required by state law or the provisions of this title, shall appear on the city council's next agenda available after the commission's hearing on the application. At this time, the application shall be set for public hearing at a subsequent meeting and noticed in accord with the provisions of this section.

(Ord. No. O99-31, Add, 11/02/1999)

**15.52.100 Appeal procedure.**

In accord with the following provisions, any applicant or other interested person dissatisfied with any action taken under this chapter may appeal such action and decision:

A. Unless otherwise indicated, appeals from the decision of the planning director or any other administrative official, in taking any of the actions authorized by this chapter, shall be made to the commission through the planning director. Appeals from the decision of the commission in taking any of the actions authorized by this chapter shall be made to the council through the city clerk.

B. Unless otherwise indicated, all appeals shall be made in writing and be accompanied by the appropriate fee. Appeals must be received by the planning director or city clerk not later than ten (10) calendar days following the date of action from which such appeal is being taken. If the tenth calendar day is a weekend or a city holiday, the deadline is extended to the next working day of the city.

C. The letter of appeal must state: (1) the specific action objected to; (2) the action appellant requests the council to take; (3) the reason for the appeal; and (4) the name, address and telephone number of the appellant or contact person if there are multiple appellants.

D. Within three working days of receipt of the appeal, the city clerk shall examine the appeal, and if it is found to be incomplete, return it by certified mail to the appellant for revision. Appellant shall have five (5) working days to file an amended appeal. Upon failure to file an amended appeal within said five days, the appeal shall be deemed withdrawn.

E. The receipt of a written appeal shall stay all actions, or put in abeyance all permits or other discretionary approvals which may have been granted, pending the effective date of the decision of the body hearing the appeal.

F. Appeals shall be scheduled for the earliest regular meeting of the hearing body, not less than fifteen (15) days or more than forty-five (45) days after the date of filing an appeal, consistent with the agenda preparation procedures and schedule of the hearing body.

G. All decision-making bodies hearing appeals shall consider the project in its entirety, or de novo.

(Ord. No. O99-31, Add, 11/02/1999)

## Chapter 15.56

### SIGNS

#### Sections:

15.56.010	Purpose.
15.56.020	Definitions for sign types.
15.56.030	General regulations.
15.56.040	Illumination.
15.56.050	Calculating height of sign.
15.56.060	Calculating area of sign.
15.56.070	Location of signs.
15.56.080	Permitted signs.
15.56.090	Central Business District and Central Business Pedestrian District standards.
15.56.100	Signs permitted in all zones.
15.56.110	Special signs.
15.56.120	Prohibited signs.
15.56.130	Exempt signs.
15.56.140	Restrictions for state highways.
15.56.150	Comprehensive sign program requirements.
15.56.160	Nonconforming and abandoned signs.
15.56.170	Administrative procedures.

*EDITOR'S NOTE: Ordinance O94-004, adopted 02/15/94, amended this code by repealing Chapter 15.56 SIGNS (15.56.010 through and including 15.56.190). Said former sections were derived from prior code Chapters 7 and 31.*

#### **15.56.010 Purpose.**

The purpose of the sign regulations in this Chapter is to provide standards and minimum requirements in order to evaluate and regulate signs displayed in the City of Napa. While recognizing that signs are an integral part of the marketing function, it is the intent and purpose of these regulations to:

- A. Reduce visual clutter.
- B. Provide adequate identification and information.
- C. Preserve the character and quality of the environment while achieving aesthetic harmony for the community.

(Ord. No. O94-004, Amended, 02/15/94)

#### **15.56.020 Definitions for sign types.**

(Refer to Figure 1 at end of chapter.)

A. "Abandoned Signs" shall mean any sign which pertains to a business or occupation which is no longer using the particular property, or which relates to a time or event which no longer applies, constitutes abandoned advertising/identification.

B. "Awning, Canopy or Marquee" shall mean a permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, wood, glass or plastic. A hood or cover which projects from the wall of a building and is composed of rigid or non-rigid materials.

C. "Balloon Sign" shall mean a temporary sign which may or may not contain graphics painted on or affixed to a balloon or inflated character.

D. "Banner" shall mean a temporary sign (for Grand Openings or Special Events) composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as not to allow movement of the sign.

E. "Building Face" shall mean the exterior elevation of that portion of the building directly adjacent to a street, a plaza, a mall or a shopping center parking lot.

F. "Building Sign" shall mean a sign lettered to give the name of a building itself or the date constructed, as opposed to the name of occupants or services.

G. "Changeable Copy Sign" shall mean a sign which, in part or whole, provides for periodic changes in the material composing the sign. Signs on which the only change is a periodic price change for the product or products customarily sold on the premises and on which the location, size and color of the numbers remains constant are not to be considered changeable copy signs.

H. "Illegal Sign" shall mean any sign or advertising statuary which was not lawfully erected or maintained, or was not in conformance with the ordinance in effect at the time of the erection of the sign or advertising statuary, or which was not installed with a valid permit from the City, shall be considered illegal.

I. "Illuminated Awning" shall mean an internally illuminated shelter projecting from and supported by the exterior wall of a building constructed of a non rigid translucent covering over a supporting framework. This type of sign may or may not contain graphics or copy on the surface of the awning.

J. "Incidental Sign" shall mean a sign pertaining to and advertising goods, products, services or facilities which are available on the premises. Such signing is in addition to the main identification signing.

K. "Interior Signs" shall mean a sign may be displayed in any fashion within a business or residence as long as such sign(s) meet this code's definition of an interior sign (one which is not displayed so as to be viewed from any public space).

L. "Monument Sign (Freestanding/Detached/Pole)" shall mean a sign supported by structures or supports that are placed on, or anchored in, the ground that are independent from any building or other structure.

M. "Non-Appurtenant Sign" shall mean a sign which advertises products, services or other uses not associated with the premises upon which it is located.

N. "Pennant" shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

O. "Portable Free-standing Sign" shall mean a sign that is designed to be movable and is not structurally attached to the ground, a building, a structure or any other sign.

P. "Projecting Sign" shall mean a sign which uses a building structure as its main source of support and contains copy that is perpendicular, or at an angle, to the Building Face.

Q. "Real Estate Sign" shall mean a temporary on premises sign which gives notice of the sale, rental, or lease of real estate.

R. "Roof Sign" shall mean a sign placed upon, projecting from, or above the eaves of the roof, or the roof itself. A sign hanging from and below a roof eave is not a roof sign.

S. "Sign" shall mean any medium, including its structure and component parts in view of the general public, which is used to attract attention for advertising or identifying purposes.

Street

T. "Furniture Sign" shall mean a sign located on a bench or similar structure which is located within the public right-of-way.

U. "Temporary Sign" shall mean a sign used for Grand Openings or Special Events.

V. "Under Canopy Sign" shall mean a sign suspended beneath a canopy, marquee or awning.

W. "Vehicular Sign" shall mean a sign affixed on a vehicle or trailer for the purpose of circumventing the regulations within this chapter.

X. "Wall Sign" shall mean a sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than two feet from the building or structure and does not extend above the roof, parapet, building facade or any outermost edge of the building or structure.

Y. "Window Sign" shall mean any sign painted on or attached to a window or located inside designed to be viewed from the outside of the building in which the window is located. This term does not include merchandise located in a window.  
(Ord. No. O94-004, Amended, 02/15/94)

**15.56.030 General regulations.**

A. Code Requirements: No sign shall be erected so as to be in direct violation of this Chapter and the regulations contained herein.

B. Maintenance: The maintenance of signs shall comply with the following:

1. All signs shall be maintained in a safe structural condition as defined by the Chief Building Inspector.

2. The maintenance of signs shall also include the replacement of any defective parts, painting, repainting, cleaning and any other work that may be necessary to maintain the sign and any landscape planter associated with the sign.

C. Obstructions Prohibited: No signs shall be erected so as to obstruct any door or fire escape of any building, or to obstruct passage of a pedestrian or vehicle over any public right of way.

D. Copy Content and Location: All signs shall be located and used solely for information relating to the business on the property. Sign copy shall be kept as simple as possible to avoid excessive clutter and to aid in the legibility of the sign's message.

(Ord. No. O94-004, Amended, 02/15/94)

**15.56.040 Illumination.**

A. Signs for the purposes of identifying Residential Developments, Commercial, Office and/or Industrial uses may be illuminated according to the regulations contained in this chapter. Illuminated signs shall be designed and constructed so that the color and thickness of the materials used (e.g. canvas, plexiglass, etc.) as well as the brightness of the bulbs used to illuminate the sign will avoid excessive illumination and glare. Excessive illumination and glare includes but is not limited to casting light beyond the limits of the sign as well as beyond the limits of the property onto adjacent properties.

B. Illuminated signs shall be permitted to be illuminated at any time unless the sign identifies a business within, or adjacent to, a residential Zoning District. In such case, the business is required to turn off its sign(s) within two hours after the business is closed. The two forms of illumination for signs are:

1. Direct Illumination: The light source is an external part of the sign and is directed so as to light only the sign.

2. Interior Illumination: The light source is an internal part of the sign.

(Ord. No. O94-004, Amended, 02/15/94)

**15.56.050 Calculating height of sign.**

Height of Sign: The vertical distance from the uppermost point used in measuring the area of a sign to the ground (finished grade) immediately below such point. The height of a Monument Sign (Freestanding/Detached) shall be measured according to the method above or from the center of the uppermost point of the sign to the ground (finished grade) immediately below such point, whichever is higher.

(Ord. No. O94-004, Amended, 02/15/94)

**15.56.060 Calculating area of sign.**

Area of Sign: The entire area within a single continuous perimeter composed of one or more squares or rectangles which encloses the extreme limits of the advertising message, announcement or decoration on a building face or wall. If the sign is irregularly shaped (not a square or rectangle) the available mathematical formula for the shape(s) will be used to calculate the area within the extreme limits of the message. All sides of a multi-sided sign will be included within the total area calculations.

(Ord. No. O94-004, Amended, 02/15/94; Ord. No. )

**15.56.070 Location of signs.**

A. No sign shall be located within the area designated as the vision triangle as contained within Chapter 17.72, and Appendices, of the Napa Municipal Code. The "Vision Triangle" is the area at the corner of the intersection of two streets, or the intersection of a driveway and a street, which has specific height limitations for vegetation and structures.

B. All projecting signs shall have a minimum 8 foot overhead clearance above a walkway and a minimum of 15 feet above a private street/access or Right of Way.

C. Monument signs shall be located no closer to the right-of-way than one-half the distance of a required Front or Side Setback. Use Permit approval shall be required for any request to locate a monument sign closer to the right-of-way than is permitted above. (Ord. No. O94-004, Amended, 02/15/94; Ord. No. )

**15.56.080 Permitted signs.**

**The following regulations shall apply in the:  
CC, COMMUNITY COMMERCIAL; CH, HEAVY COMMERCIAL; CV, VISITOR COMMERCIAL**

SIGN USE	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM SIGN AREA (SIGN PLAN CHECK Section 15.56.170)	MAXIMUM SIGN AREA (SIGN PERMIT Section 15.56.170)	COPY/CONTENT	NUMBER OF SIGNS	TOTAL SIGNS PERMITTED
Business not within a Center	Monument	4'	12 square feet one sided, 24 square feet two sided	24 square feet one sided, 48 square feet two sided	N/A	1/site or business	Administrative Approval for a maximum of <u>3</u> signs; any combination of sign types.  Planning Commission will process requests for more than 3 signs per business.
	Wall	Below eave and/or parapet	10% of building face	N/A	24" maximum letter height	1/building face	
	Window	N/A	N/A	N/A	N/A	N/A	
	Canopy/Awning	8' minimum height over public pedestrian R.O.W.	10 square feet	15 square feet	10" letters maximum height located over main entrance	1 sign/site	

**15.56.080 Permitted signs (continued).**

<b>The following regulations shall apply in the:                      CC, COMMUNITY COMMERCIAL; CH, HEAVY COMMERCIAL; CV, VISITOR COMMERCIAL</b>							
Commercial Center Identification (requires filing of a Comprehensive Sign Program per Sec. 15.56.150)	Monument	6'	N/A	48 square feet	Center name at 24" maximum letter height	1/shopping center	Subject to Comprehensive Sign Program Approval
Tenant Identification within Commercial Center (Shall conform to commercial center's Comprehensive Sign Program)	Wall	Below eave and/or parapet	N/A	10% of building face	24" maximum letter height	1/business within the center	
	Window	N/A	N/A	N/A	N/A	N/A	
	Canopy/Awning	8' minimum height over public pedestrian R.O.W.	N/A	15 square feet	10" maximum letter height	1 Awning Sign/site or business	
	Under Canopy	8' minimum height over public pedestrian R.O.W.	N/A	3 square feet	Business I.D. only	1/business within the center	

**15.56.080 Permitted signs (continued).**

<b>The following regulations shall apply in the:                      CN, NEIGHBORHOOD COMMERCIAL &amp; CEN, EXPANDED COMMERCIAL</b>							
SIGN USE	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM SIGN AREA (SIGN PLAN CHECK Section 15.56.170)	MAXIMUM SIGN AREA (SIGN PERMIT Section 15.56.170)	COPY/CONTENT	NUMBER OF SIGNS	TOTAL SIGNS PERMITTED
Business not within a Center	Monument	4'	12 square feet one sided, 24 square feet two sided	24 square feet one sided, 48 square feet two sided	N/A	1/site or business	Administrative Approval for a maximum of <u>3</u> signs; any combination of sign types.  Planning Commission will process requests for more than 3 signs per business.
	Wall	Below eave and/or parapet	10% of building face	20% of building	24" maximum letter height	1/building face	
	Window	N/A	N/A	N/A	N/A	N/A	
	Canopy/Awning	8' minimum height over public pedestrian R.O.W.	10 square feet	15 square feet	10" letters maximum height located over main entrance	1 sign/site	

**15.56.080 Permitted signs (continued).**

<b>The following regulations shall apply in the: CN, NEIGHBORHOOD COMMERCIAL &amp; CEN, EXPANDED COMMERCIAL</b>							
Commercial Center Identification (requires filing of a Comprehensive Sign Program per Sec. 15.56.150)	Monument	6'	N/A	48 square feet	Center name at 24" maximum letter height	1/shopping center	Subject to Comprehensive Sign Program Approval
Tenant Identification within Commercial Center (Shall conform to commercial center's Comprehensive Sign Program)	Wall	Below eave and/or parapet	N/A	10% of building face	24" maximum letter height	1/business within the center	
	Window	N/A	N/A	N/A	N/A	N/A	
	Canopy/Awning	8' minimum height over public pedestrian R.O.W.	N/A	15 square feet	10" maximum letter height	1 Awning Sign/site or business	
	Under Canopy	8' minimum height over public pedestrian R.O.W.	N/A	3 square feet	Business I.D. only	1/business within the center	

**15.56.080 Permitted signs (continued).**

<b>The following regulations shall apply in the: GI, GENERAL INDUSTRIAL</b>							
SIGN USE	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM SIGN AREA (SIGN PLAN CHECK Section 15.56.170)	MAXIMUM SIGN AREA (SIGN PERMIT Section 15.56.170)	COPY/CONTENT	NUMBER OF SIGNS	TOTAL SIGNS PERMITTED
Site Identification	Monument	6'	12 square feet one sided, 24 square feet two sided	24 square feet one sided, 48 square feet two sided	Name of complex and address	1	1/site
Building Identification	Wall	Below eave or top of parapet	10% of building face	20% of building face	24" maximum letter height Name of building and address	1	1/building
Tenant Identification	Wall	Below eave or top of parapet	10% of building face	20% of building face	24" maximum letter height Name of tenant and address	1	1/building

**15.56.080 Permitted signs (continued).**

**The following regulations shall apply in the:  
MO, MEDICAL OFFICE, CO, COMMERCIAL OFFICE & RP-12, -25, RESIDENTIAL PROFESSIONAL**

SIGN USE	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM SIGN AREA (SIGN PLAN CHECK Section 15.56.170)	MAXIMUM SIGN AREA (SIGN PERMIT Section 25.56.170)	COPY/CONTENT	NUMBER OF SIGNS	TOTAL SIGNS PERMITTED
Business not within a Complex	Monument	4'	12 square feet one sided, 24 square feet two sided	24 square feet one sided, 48 square feet two sided	N/A	1/site or business	Administrative Approval for a maximum of <u>3</u> signs; any combination of sign types.  Planning Commission will process requests for more than 3 signs per business.
	Wall	Below eave and/or parapet	10% of building face	20% of building face	24" maximum letter height 18" maximum letter height in RP District	1/building face	
	Canopy/Awning	8' minimum height over public pedestrian R.O.W.	10 square feet	15 square feet	10" letters maximum height located over main entrance	1 sign/site	

**15.56.080 Permitted signs (continued).**

<b>The following regulations shall apply in the: MO, MEDICAL OFFICE, CO, COMMERCIAL OFFICE &amp; RP-12, -25, RESIDENTIAL PROFESSIONAL</b>							
Office Complex Site Identification (requires filing of Comprehensive Sign Program per Sec. 15.56.150)	Monument	4'	N/A	48 square feet	Center name at 24" maximum letter height	1/site	Subject to Comprehensive Sign Program Approval
	Wall	Below eave and/or parapet	N/A	10% of building face	24" maximum letter height	1/business	

**15.56.080 Permitted signs (continued).**

<b>The following regulations shall apply in the: ED-1, ED-2, ED-3, RL-4, RL-6, RM-9, RM-12, RH-18, RH-25 RESIDENTIAL DISTRICTS</b>						
SIGN USE	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM SIGN AREA	COPY/CONTENT	NUMBER OF SIGNS	TOTAL SIGNS PERMITTED
Neighborhood Identification	Monument	4'	48 square feet	Logo and Name of Subdivision	N/A	2
Residential Complex Rental or Leasing	Monument	4'	12 square feet	Name of Complex	1	1
	Wall	Below gutter line	12 square feet	Name of Complex	1	1
Temporary Model Home Complex: 1) No illumination, and 2) Removed at completion of home sales	Monument	4'	32 square feet	N/A	1 on-site	1 on-site
	Wall	Below gutter line	32 square feet	N/A	1 off-site	1 off-site
Dwelling Unit I.D.	Nameplate	Below gutter line	2 square feet	N/A	1/D.U.	1/D.U.

(Ord. No. O94-004, Amended, 02/15/94)

**15.56.090 Central Business District and Central Business Pedestrian District standards.**

Each business shall be permitted a maximum of two business identification signs according to Section A below, and one Free-standing/A-Frame sign according to Section B below. The lists of permitted signs allow a business owner to obtain staff approval pursuant to Section 15.56.170, when the requested sign(s) is consistent with the type and size provisions of the CB and CBP Districts.

<u>A. SIGN TYPE</u>	<u>MAXIMUM SIGN SIZE</u>
Projecting	6 square feet per side
Wall Sign	12 inch max. letter height, not to exceed 20 square feet
Awning Sign	10 inch max. letter height on awning facia, not to exceed 20 square feet
Under Canopy/Suspended Sign	6 square feet total

**B. Freestanding/A-Frame Signs:** The following standards shall apply:

1. Size.

- a. Maximum Height of 36 inches
- b. Maximum Base dimensions of 24 inches by 24 inches
- c. Maximum width of 24 inches
- d. Lettering on sign shall not exceed 60% of sign surface

2. Limitations.

- a. Maximum of 1 two sided sign per business
- b. Temporary materials may be attached to an A-Frame Sign.
- c. Lighting is prohibited
- d. Message shall be limited to business name and products sold or services rendered
- e. The hours of display shall be limited to the business hours of operation.

3. Location.

- a. A minimum sidewalk clearance of 5 feet shall be provided at all times. If there is curbside parking, the sign shall be no closer than 5 feet from the curb face. If there is no curbside parking, the sign shall be no closer than five feet from the building face.
- b. No A-Frame sign shall be located closer than 15 feet from any other A-Frame sign.
- c. No A-Frame sign shall be located any farther than 15 feet from the business's customer entrance.

4. Approval.

a. All A-Frame Signs shall receive approval of an Encroachment Permit from the Public Works Department pursuant to Chapter 12.08 of the Napa Municipal Code, the City of Napa Standard Specifications, and all other applicable City Ordinances.

C. Exceptions: Any business that occupies a detached building with more than one frontage on a public street shall be permitted one sign for each frontage according to Section 15.56.090.A above, not to exceed a maximum total of three business identification signs.

D. Planning Commission Approval: Any requested alteration to the standards and/or increase in type, number and/or size of signs shall require approval of a Sign Permit from the Planning Commission pursuant to Section 15.56.170. The decision of the Planning Commission shall consider the criteria contained in Section 15.56.170 of this code.

E. Cultural Heritage Commission Approval: All buildings within the CB or CBP Zoning Districts requiring approval of a Certificate of Appropriateness to authorize modifications to the building exteriors according to Section 15.52.040 of the Napa Municipal Code, shall submit a Sign Permit application which shall be reviewed and either approved, approved with conditions or denied by the Cultural Heritage Commission. This Sign Permit application shall be processed according to Chapter 15.52: HISTORIC PRESERVATION. Any requested alteration to the standards in Subsection A, including but not limited to an increase in type, number and/or size of signs

on a building requiring a Certificate of Appropriateness shall be reviewed according to Section 15.52.040 (Historic Preservation).

F. Facade Improvement Program: All property owners and business owners proposing to modify existing signs or install new signs within the CB and CBP Zoning Districts are encouraged to utilize the guidelines of the Voluntary Facade Improvement Program established by the Coalition Aimed at Revitalizing Downtown (CARD) and the City Redevelopment Agency. This program establishes guidelines for placing signs on historic commercial buildings as well as remodeling and rehabilitating historic building facades.

(Ord. No. O94-004, Amended, 02/15/94)

#### **15.56.100 Signs permitted in all zones.**

A. **Nameplates**: Residential uses shall be permitted one nameplate for each dwelling unit not to exceed 2 square feet in area.

B. **Address Numbers**:

1. Residential and non-residential uses shall be permitted address numbers not to exceed 6 inches in height.

2. If the address numbers for a non-residential use exceed six inches in height, the address numbers shall be included when calculating the overall permitted sign area.

C. **Informational Signs**: Directional or informational signs erected for the convenience of the public, such as signs identifying rest rooms, public telephones, walkways, recreational areas within a development, no trespassing, no parking or other warning signs provided said signs do not exceed two square feet in total area.

D. **Open House Signs**: Open house signs, on or off-site, provided they do not exceed a total of four square feet in size, and that they shall be removed when the house is not open for inspection.

E. **Temporary Real Estate Signs**: No more than two real estate signs per parcel with a combined total area of not more than eight (8) square feet, provided such signs are removed within 15 days of the close of escrow, rental or lease of the property.

(Ord. No. O94-004, Amended, 02/15/94; Ord. No. )

#### **15.56.110 Special signs.**

A. **Subdivision Directional Signs**: Subdivision directional signs for developments within the City may be permitted in all zones, other than residential, to direct customers along the most direct route through the City. Subdivisions not in Napa shall not be permitted subdivision directional signs (see the chart).

B. **Temporary Signs Erected in Connection with Elections**:

1. **Criteria**: Temporary signs bearing advertising related to one or more elections may be erected in addition to other signs permitted by this chapter as long as they comply with the provisions of this section.

2. **Period**: Such signs shall not be erected or maintained more than one twenty days (120) immediately preceding the date of the election in connection with which they are erected nor more than fourteen (14) days thereafter. Such signs shall be removed at or prior to the end of such permitted period of maintenance together with all temporary supports erected in connection therewith and any litter or debris resulting from the erection, maintenance or removal of such signs.

3. **Size**: Such signs shall not exceed sixteen (16) square feet in area on any one side nor shall the aggregate area of all such signs placed or maintained upon any single parcel of land exceed eighty square feet.

4. **Location**: Such signs shall not be placed in a manner which endangers motorists or pedestrians. The fact that such a sign is visible from a public street, highway or walkway shall not in itself, be deemed to endanger a motorist or pedestrian.

5. **Maintenance**:

a. All such signs, including those erected shall be maintained at all times in a state of safe, good repair. If the building inspector or Planning Director should determine that any such sign is unsafe or in poor repair, he/she shall give written notice to the owner or

the tenant of the property on which such sign is located, such notice shall require the correction of such conditions. Failure to correct the cited conditions or remove the sign within 10 days following the giving of such notice, then the sign shall be deemed abandoned and the building the City may cause the sign to be removed, the cost of such removal to be paid by the owner of the property.

b. The Building Inspector or Planning Director may cause any such sign causing immediate peril to person or property to be immediately abated without the necessity of prior notice to any party.

C. Sign Program for Special Events and Grand Openings:

1. Criteria: The Planning Director shall be notified of all Special Events in which Special Signs will be displayed. The notification will list the types of signs to be erected and the duration in which the signs will remain.

2. Limitations: Sign programs for Special Events shall be limited to a total of sixty (60) days per calendar year.

D. Garage Sale Signs: Signs advertising a bona fide garage sale activity as defined in Sec. 5.04.180 of the Napa Municipal Code, shall be permitted for residential uses only with the following restrictions:

1. No more than one sign is permitted on the site where the sale is to be conducted, and only during the days or date and hours of such a sale.

2. The sign may be no larger than four square feet and no taller than four feet in height.

3. No approval is required for such sign; however, the time limits of the sale shall be subject to Sec. 5.04.180 of the Napa Municipal Code.

E. Project Announcement Signs: New projects under construction may be permitted signs which state the name of the project and/or the contractors and developers involved with its construction. Such signs shall be subject to the approval of the Planning Director and shall be permitted for a maximum of one year or until all of the units are constructed, whichever comes first and at no time shall be erected ninety (90) days prior to construction of occupancy of the building or site. Extensions may be granted by the Planning Director if the project has not been completed.

(Ord. No. O94-004, Amended, 02/15/94; Ord. No. )

#### **15.56.120 Prohibited signs.**

A. A-Frame, sandwich, portable, moveable freestanding except as specifically permitted by *Urgency Ordinance No. 92-008, which regulates Portable/A-Frame signs within the CB and CBP Zoning Districts.*

B. Rotating, Flashing, Animated, Moving or having the appearance of moving.

C. Roof Signs.

D. Vehicle Signs.

E. Signs which conflict with traffic and/or official signs by color, lighting, location or height.

F. Reader Board or Changeable Copy Signs except as permitted by Section 15.56.100 of this code.

G. Abandoned Signs.

H. Non-appurtenant Signs.

(Ord. No. O94-004, Amended, 02/15/94)

#### **15.56.130 Exempt signs.**

A. Holiday decorations.

B. Memorial Tablets.

C. Official and Legal Notices.

E. Public Utility Signs.

(Ord. No. O94-004, Amended, 02/15/94)

**15.56.140 Restrictions for state highways.**

A. All signs located within 660 feet of a landscaped freeway shall be oriented to the regular street system adjoining the property rather than to an orientation that is exclusively visible from the freeway. Signs may be oriented to the freeway subject to the approval of a Sign Permit (Sec. 15.56.170) under the following circumstances:

1. The nature of the use identified by the freeway oriented sign is found by the Planning Commission to require freeway oriented signs.
2. The sign is intended for company identification purposes only, is building mounted, and does not exceed the size limitations for building mounted signs otherwise prescribed by this chapter.

B. Businesses given Use Permit approval by the Planning Commission for Freeway Oriented Signs shall be permitted one sign oriented for freeway visibility only, and shall meet all the regular requirements within this code applicable to the underlying zoning district. All such signs shall receive approval from the State Department of Transportation prior to Use Permit approval.

(Ord. No. O94-004, Amended, 02/15/94)

**15.56.150 Comprehensive sign program requirements.**

A. A comprehensive sign program is intended to provide sign continuity for multi-tenant, commercial, professional office or industrial structures/centers within the City. Prior to approval of signs within such centers, the owner of the property shall submit a plan for an overall sign program which shall be required for all tenants within the building/center. The Sign Program will be reviewed and approved by the Planning Commission which shall consider the criteria contained in Section 15.56.170.C of this code, as well as the findings contained in Chapter 17.88, prior to approval of the Sign Program. The information required for an application of a comprehensive sign program and which will be a part of the program is as follows:

1. The signature of the property owner.
2. The sign size, including a formula for length and area for each tenant's sign.
3. The color scheme, mounting technique (to include general location and, when applicable specific locations, for all signs), letter style and size, type of materials and any other information as may be necessary for adopting the program.

B. The adoption of a comprehensive sign program shall be required at the time of the initial construction of a new project. Existing developments in the City which do not have an overall sign program shall be required to obtain approval for an overall sign program when the first tenant in the project requests a change in signs. Thereafter, all subsequent changes in signs within the project shall be required to conform to the adopted program.

(Ord. No. O94-004, Amended, 02/15/94)

**15.56.160 Nonconforming and abandoned signs.**

A. Nonconforming Signs: A Nonconforming Sign shall not in any manner be structurally altered, remodeled or moved without being made to comply in all respects with the provisions of this code; provided, however, nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign nor the painting, repainting or replacement of the face thereof.

1. Conditions for Continuance of a Nonconforming Sign: Any nonconforming sign which was legally erected in accordance with the provisions of any ordinance or other law in effect at the time of erection, or which has a valid permit from the City, shall be permitted to remain until such time as any one of the following occur:

- a. There is a change in use of the property that the sign is located on; or
- b. There are alterations or enlargements to the site or building on the property; or
- c. There is a change of face constituting fifty percent or more of the existing total sign face area at any one time; expansion, movement or modification of the sign. A change of face for a single tenant name panel constituting less than fifty percent of the

total existing sign face area in a multi-tenant sign shall not constitute grounds for modification of a nonconforming sign.

2. At such time as any of the above mentioned events occur, the sign must be brought into conformance with this title. Any business with a nonconforming sign shall not be entitled to an additional sign unless the nonconforming sign is made to comply with the provisions of this title.

3. Exceptions: Notwithstanding the provisions set forth above requiring the removal of a nonconforming sign, upon the submittal of a Sign Plan Check application pursuant to Section 15.56.170.A.1 by the property owner, the Planning Director may grant one, two year extension to the requirement for sign removal. the following shall be considered in the review of an extension request:

- a. Whether a valid permit was issued by the City for the erection of the sign(s);
- b. The age and condition of the sign;
- c. The costs, if any, incurred by the owner in installing and/or maintaining the sign, and the date(s) on which such costs were incurred.

B. Illegal Signs: Any sign or advertising statuary which was not lawfully erected or maintained, or was not in conformance with the ordinance in effect at the time of the erection of the sign or advertising statuary, or which was not installed with a valid permit from the City, shall be considered illegal. Any illegal sign shall be subject to removal upon notification by the City.

C. Abandoned Signs: Any sign which pertains to a business or occupation which is no longer using the particular property, or which relates to a time or event which no longer applies, constitutes false advertising/identification. The structure and copy shall be removed within thirty days after the associated business, occupation or event has vacated the premises. An abandoned sign is prohibited and the removal shall be the responsibility of the owner of the sign or the owner of the premises.

D. Discontinuance of Sign's Use: Any sign copy which no longer identifies the subject matter for which it was intended, shall be removed or changed by the owner of the sign or the owner of the premises within thirty days of building/commercial space vacancy. The structure shall be removed or replaced subject to the appropriate approvals of the City.

(Ord. No. O94-004, Amended, 02/15/94)

#### **15.56.170 Administrative procedures.**

A. Permit required: All signs which are not Permitted in all Zoning Districts according to Section 15.56.100 and are not exempt by Section 15.56.130, require approval of a Sign Plan Check or Sign Permit from the City. An application for sign approval shall be made on a form specifying type, number of exhibits and filing fees on file with the Planning Department, and shall be signed by the property owner or a duly authorized agent. Said application shall contain information regarding the size, color and samples, illumination intensity and type, materials, number, location, type of signs, and the location of the business on the site and any other additional information as may be deemed necessary by the Planning Director.

B. Applications:

1. Sign Plan Check: Those signs qualifying for Administrative approval according to Section 15.56.080 (Permitted Signs), may submit an application for Sign Plan Check on file with the City of Napa Planning Department.

2. Sign Permit: Those signs that require Sign Permit approval according to Section 15.56.080 (Permitted Signs), may submit an application for a Sign Permit on file with the City of Napa Planning Department. Review of a Sign Permit application will be subject to Chapter 17.88 (Use Permits) as well as subject to all applicable findings, standards and procedures contained in this Chapter.

An application for sign approval or a conceptual sign program for a new development may be made in conjunction with the review of a development proposal for an entire project in order that the design of the signs be taken into consideration at the time of

architectural and site planning. If such applications are to be reviewed by the Planning Commission, it shall be in conjunction with the review of the project.

C. Application Review Criteria: All sign applications shall be reviewed to ensure:

1. That the proposed sign meets the requirements of this title or any special conditions imposed on the development by the Planning Director, the Planning Commission or the City Council;

2. That the proposed sign's color and illumination are not in conflict with the safe flow of traffic on the City streets;

3. That the proposed sign is compatible with the architecture of the building it identifies and is not incompatible with the aesthetic character of the surrounding development and neighborhood;

D. Sign Modification Authority: The Planning Director, the Planning Commission and the City Council shall have authority to require modification of the sign to ensure that it meets the criteria stated in this Chapter.

E. Appeals: Those applicants who wish to appeal a decision by the Planning Director or a decision of the Planning Commission shall do so under the provisions of Section 17.06.180 of the City of Napa Municipal Code.

F. Inspection Requirements: A person erecting, altering or relocating a sign shall notify the Public Works Department Building Division and the Planning Department, upon completion of the work for which permits have been issued in order to ensure that the sign has been installed as specified. The Building Inspector and/or the Planning Director shall have the ability to review the light intensity of all illuminated signs with the power to require: 1) reduction of the light intensity; 2) relocation of exterior light standards; and 3) re-orientation of light direction, to ensure that the sign does not produce an objectionable glare to the residents of the surrounding area.

(Ord. No. O94-004, Amended, 02/15/94)

## Chapter 15.60

### SWIMMING POOLS

#### Sections:

**15.60.010**      **Swimming pools--Fencing.**

**15.60.020**      **Swimming pools--Compliance with fencing regulations.**

**15.60.010**      **Swimming pools--Fencing.**

Every person in possession of land within the city, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool, shall at all times maintain on the lot or premises upon which such pool is located and completely surrounding such pool, lot or premises, a fence or other solid structure not less than four feet in height with no opening therein larger than six inches in any dimension. All gates or doors opening through such enclosure shall be kept securely closed at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so closed or so equipped. (Prior code § 7-2)

**15.60.020**      **Swimming pools--Compliance with fencing regulations.**

All plans hereafter submitted to the city for swimming pools to be constructed shall show compliance with the requirements of Section 15.60.010, and final inspection and approval of all swimming pools hereafter constructed shall be withheld until all requirements of Section 15.60.010 shall have been complied with. (Prior code § 7-3)

## Chapter 15.64

### MOBILE HOME PARKS AND TRAILERS

#### Sections:

- 15.64.010** Compliance required.
- 15.64.020** Definitions.
- 15.64.030** State law adopted.
- 15.64.040** Enforcement of Mobile Home Parks Act.
- 15.64.050** Permit fees for mobile home installations and inspections.
- 15.64.060** Parking outside parks--Presumption of occupancy.
- 15.64.070** Parking outside parks--Prohibited except with permit.
- 15.64.080** Parking outside parks--Thirty-day permit authorized.
- 15.64.090** Parking outside parks--Permit authorized for construction or commercial occupancy.
- 15.64.100** Parking outside parks--When permit application to be made.
- 15.64.110** Parking outside parks--Permit fee.
- 15.64.120** Parking outside parks--Extension of permits.
- 15.64.130** Parking in yards.
- 15.64.140** Parking on streets.

#### **15.64.010** Compliance required.

It shall be unlawful for any person to establish, maintain or locate any trailer in the city except in conformance with the provisions of this code. (Prior code § 14-1)

#### **15.64.020** Definitions.

As used in this chapter:

A "mobile home park" is (a) any area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation; or (b) mobile home development constructed according to the requirements of California Health and Safety Codes, Section 18200 et seq. and intended for use and sale as a mobile home condominium or cooperative park or as a mobile home planned unit development.

A "mobile home" or "trailer" is a structure transportable in one or more sections, designed and equipped to contain not more than one dwelling unit to be used with or without a foundation system. "Mobile home" or "trailer" does not include a recreational vehicle, commercial coach or factory-built housing as defined in Health and Safety Code Section 19971. (Prior code § 14-2)

#### **15.64.030** State law adopted.

All of the provisions of the state Mobile Home Parks Act, Health and Safety Code Division 13, Part 2.1 are adopted and made a part of this chapter as though fully set forth herein. (Prior code § 14-4)

#### **15.64.040** Enforcement of Mobile Home Parks Act.

At all times during which the city shall have assumed responsibility for the enforcement of the Mobile Home Parks Act (state Health and Safety Code, Division 13, Part 2.1) and the related regulations of the state Administrative Code (Title 25, Chapter 5), the public works department of the city shall be responsible for the administration and enforcement of those laws and regulations. (Prior code § 14-5)

**15.64.050 Permit fees for mobile home installations and inspections.**

Permits for a mobile home installation and inspection are issued by the state. (Prior code § 14-6)

**15.64.060 Parking outside parks--Presumption of occupancy.**

The connection of sewer facilities or water lines or gas or electricity to a mobile home or trailer shall be prima facie evidence that said mobile home or trailer is being used for living or sleeping purposes as set forth in this chapter. (Prior code § 14-16)

**15.64.070 Parking outside parks--Prohibited except with permit.**

Mobile homes and trailers, not installed on a permanent foundation system pursuant to California Health and Safety Code Section 18551, must be kept within approved parks, except that temporary permits may be issued by the building inspector, with the approval of the health officer, as provided by this chapter. (Prior code § 14-17)

**15.64.080 Parking outside parks--Thirty-day permit authorized.**

A permit may be issued to keep one mobile home or trailer on land other than an approved park for a period not to exceed thirty days. (Prior code § 14-18)

**15.64.090 Parking outside parks--Permit authorized for construction or commercial occupancy.**

A permit may be issued to keep one mobile home or trailer on land upon which the occupant is constructing a building, or to occupy a mobile home or trailer for any commercial office purpose, for a period not to exceed six months. (Prior code § 14-19)

**parks--When permit application to be made.**

Application for a temporary permit shall be made within forty-eight hours from the time the mobile home or trailer is located upon the property. (Prior code § 14-20)

**15.64.110 Parking outside parks--Permit fee.**

Every person holding a temporary permit to locate a mobile home or trailer shall pay to the finance department the sum as required by resolution for every month or fractional part of a month that said permit is in effect. (Prior code § 14-21)

**15.64.120 Parking outside parks--Extension of permits.**

On application to the council in each instance, the council may extend the permit, issued by the building inspector pursuant to this chapter, for additional periods not exceeding ninety days each. (Prior code § 14-22)

**15.64.130 Parking in yards.**

No mobile home, trailer, travel trailer, unmounted camper, boat, or boat trailer, or any other type of non-motorized vehicle, shall be parked in that portion of the front yard, or side yard or a corner lot, which lies between the curblin and the front of any building (or side of any building on a corner lot) on said lot, or within twenty feet of the curblin, whichever distance is the shorter, for a period longer than forty-eight consecutive hours. (Prior code § 14-23)

**15.64.140 Parking on streets.**

It is unlawful for any person to occupy a mobile home, trailer or recreational vehicle parked upon the right-of-way of any public street, alley or other property owned or controlled by the city. (Prior code § 14-24)

## Chapter 15.68

### PARK DEVELOPMENT FEES

#### Sections:

- 15.68.010** Authority, general purpose.
- 15.68.020** Definitions.
- 15.68.030** Fee imposed.
- 15.68.040** Amount of fee.
- 15.68.050** Determination of park development cost per acre.
- 15.68.060** Fee payable.
- 15.68.070** Dedication of land and/or payment of fees by improvers of real property.
- 15.68.080** Exceptions.
- 15.68.090** Dedication of land and/or payments of fees by developers of mobile homes.

#### **15.68.010 Authority, general purpose.**

This chapter is adopted pursuant to the police power of the city and the charter of the city for the purpose of executing and implementing the open space element of the general plan of the city adopted on April 1, 1986, by Resolution 86-75.

It is the purpose of this chapter to provide for the development and construction of park and recreational facilities by imposition of fees in connection with the construction of new dwelling units. (Prior code § 16-70)

#### **15.68.020 Definitions.**

As used in this chapter:

"Developer" includes every person, firm, or corporation constructing a new dwelling unit, directly or through the services of any employee, agent, independent contractor, or otherwise.

"New dwelling unit" includes each structure of permanent character, places in a permanent location, which is planned, designed or used for residential occupancy, including, but not limited to, one-family, two-family and multifamily dwellings, apartment houses and complexes and mobile home spaces, but not including hotels, motels, and boardinghouses for transient guests. (Prior code § 16-71)

#### **15.68.030 Fee imposed.**

A park development fee is imposed on the developer of each new dwelling unit for park development. (Prior code § 16-72)

#### **15.68.040 Amount of fee.**

A fee shall be paid for park development by the developer of each new dwelling unit irrespective of whether the developer is required to dedicate land or pay fees in lieu of land dedication as set forth in Section 16.32.040 of this code. This fee shall be used to pay for those improvements including, but not limited to, landscaping and installation of recreational facilities which are not required by Section 16.32.040. The fee shall be determined by the following formula:

$$\frac{\text{Pop}}{\text{DU}} \times \frac{2.6 \text{ acres}}{1,000 \text{ people}} \times \frac{\text{DU}}{\text{acre}} = \text{\$/unit}$$

where

Pop = Population per dwelling unit (See Section  
DU 15.68.020)

DC = Development cost per acre of park and  
acre recreational facilities. Development  
costs per acre shall be determined  
as set forth in Section 15.68.050.

Fee to be collected pursuant to this section shall be reviewed by the parks and recreation director to ascertain if they comply with the formula set forth above. If compliance is found, then the fees shall be approved by the parks and recreation director. (Prior code § 16-73)

**15.68.050 Determination of park development cost per acre.**

The development cost per acre of park land shall be determined annually by resolution adopted by the council on or before July 10th. (Prior code § 16-74)

**15.68.060 Fee payable.**

The park development fee shall be paid prior to the issuance of a building permit. (Prior code § 16-75)

**15.68.070 Dedication of land and/or payment of fees by improvers of real property.**

A. This section shall apply to all persons who own real property within the city upon which is constructed, after February 19, 1974, any dwelling unit, unless the obligation to dedicate land and/or pay an in-lieu fee(s) has been satisfied for such unit pursuant to Section 16.32.040 of this code.

B. The city shall require persons to whom this section applies to dedicate land and/or pay fees into a special city fund, which fund shall be utilized to provide park and recreational facilities reasonably related to serving park and recreational needs generated by the development.

C. Fees and/or dedication standard based upon the projected number of residents within a development shall bear a reasonable relationship to the projected use of park and recreational facilities intended for that development. The method for projecting the number of residents within a development shall be to base said projection upon the number of bedrooms within each residence of said development or, if the number of bedrooms is not known, upon an average of three bedrooms per residence in said development.

D. The procedure for determining the amount and administration of said fees and/or dedication requirements shall be as set forth in Section 16.32.040 of this code.

E. No residential unit shall be issued a building permit after February 19, 1974, unless land has been dedicated and/or in-lieu fee paid as set forth in this section, unless said residential unit is in a project from which the city has previously obtained park land dedication and/or in-lieu fees. (Prior code § 16-4)

**15.68.080 Exceptions.**

There is excepted from the tax imposed by this chapter the construction and occupancy of a residential unit which is a replacement for a unit being removed from the same lot or parcel of land, provided, however, that reconstruction is commenced within six months from date of issuance of demolition permit. The exemption shall equal but not exceed the tax which would be payable hereunder if the unit being replaced were being newly constructed. (Prior code § 16-5)

**15.68.090 Dedication of land and/or payments of fees by developers of mobile homes.**

A park dedication or in-lieu fee requirement is imposed on the developer of property to be used for the placement of mobile home(s). Unless otherwise specifically set forth herein, the dedication standard and/or amount of the fee for each mobile home as well as the administration procedure for the requirement shall be as set forth in Section 16.32.040. (Prior code § 16-6)

## Chapter 15.72

### ORCHARD AVENUE AREA PARK FEE

#### Sections:

- 15.72.010**      **Definitions.**
- 15.72.020**      **Establishment of Orchard Avenue area park fee.**
- 15.72.030**      **Limited use of fees.**
- 15.72.040**      **Fee adjustments.**

#### **15.72.010**      **Definitions.**

A. The term "developer" shall include every person, firm or corporation constructing a new dwelling unit, directly or through the services of any employee, agent, independent contractor or otherwise.

B. The term "new dwelling unit" shall include each structure of permanent character, placed in a permanent location but not limited to one, two and multifamily dwellings, apartments, mobile home spaces, but shall not include hotels, motels and boardinghouses for transient guests. (Prior code § 16-83)

#### **15.72.020**      **Establishment of Orchard Avenue area park fee.**

The Orchard Avenue area park fee is established to be imposed on the developer of each new dwelling unit within the Orchard Avenue area as described on Exhibit "A" attached to the ordinance codified in this section and incorporated herein. The council shall, in a council resolution set forth the specific amount of the fee, describe the public improvements to be financed by such fee, describe the estimated cost of such facilities and describe the reasonable relationship between this fee and the various types of new development and set forth a time for payment. On an annual basis, the council shall review the fee to determine whether the fee amount is reasonably rated to the impacts of development and whether the described public facility is still needed. (Prior code § 16-80)

#### **15.72.030**      **Limited use of fees.**

The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest thereon shall be used solely for the purpose of developing a neighborhood park within the boundaries of the Orchard Avenue area to reimburse the city for funds advanced from other sources to develop such park or to reimburse a developer who has developed such park. (Prior code § 16-81)

#### **15.72.040**      **Fee adjustments.**

A developer of each dwelling unit subject to the fee described in this chapter may apply to the council for a reduction or adjustment to that fee or waiver of that fee based upon the absence of any reasonable relationship of nexus between the impact of that dwelling unit and either the amount of the fee charged or the type of facility to be financed. The application shall be made in writing and filed with the city clerk not later than (1) ten days prior to the public hearing on the development permit application on the project, or (2) if no development permit was required at the time of filing of the request for building permit. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The council shall consider the application at the public hearing on the permit application or at a separate hearing held within sixty days after the filing of the fee adjustment application, whichever is later. The decision of the council shall be final. If a reduction, adjustment or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee. (Prior code § 16-82)

## Chapter 15.76

### NORTH JEFFERSON PARK AND STREET IMPROVEMENT FEES

#### Sections:

- 15.76.010** Park improvement--Definitions.
- 15.76.020** Park improvement--Fee established.
- 15.76.030** Park improvement--Limited use of fees.
- 15.76.040** Park improvement--Fee adjustments.
- 15.76.050** Street improvement--Definitions.
- 15.76.060** Street improvement--Fee established.
- 15.76.070** Street improvement--Use of fees.
- 15.76.080** Street improvement--Fee adjustments.
- 15.76.090** Street improvement--Exception.

#### **15.76.010** Park improvement--Definitions.

As used in Sections 15.76.020 through 15.76.040:

The term "developer" shall include every person, firm or corporation constructing a new dwelling unit, directly or through the services of any employee, agent, independent contractor or otherwise.

The term "new dwelling unit" shall include each structure of permanent character, placed in a permanent location but not limited to one, two and multi-family dwellings, apartments, mobile home spaces, but shall not include hotels, motels and boardinghouses for transient guests. (Prior code § 16-93)

#### **15.76.020** Park improvement--Fee established.

The North Jefferson park fee is established to be imposed on the developer of each new dwelling unit within the North Jefferson area as described on Exhibit "A" attached hereto and incorporated herein. The council shall, in a council resolution, set forth the specific amount of the fee, describe the public improvements to be financed by such fee, describe the estimated cost of such facilities, and describe the reasonable relationship between this fee and the various types of new development and set forth a time for payment. On an annual basis, the council shall review the fee to determine whether the described public facilities are still needed. (Prior code § 16-90)

#### **15.76.030** Park improvement--Limited use of fees.

The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest thereon, shall be used solely for the purpose of developing a neighborhood park within the boundaries of the North Jefferson area, to contribute to the development of the Garfield Community Park, to reimburse the city for funds advanced from other sources to develop such park(s) or to reimburse a developer who has developed such park(s). (Prior code § 16-91)

#### **15.76.040** Park improvement--Fee adjustments.

A developer of each dwelling unit subject to the fee described in this chapter may apply to the council for a reduction or adjustment to that fee or waiver of that fee based upon the absence of any reasonable relationship or nexus between the impact of a dwelling unit and either the amount of the fee charged or the type of facility to be financed or the portion of the facility attributable to the dwelling unit. The application shall be made in writing and filed with the city clerk not later than (1) ten days prior to the public hearing on the development permit application on the project, or (2) if no development permit was required at the time of filing of the request for building permit. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The council

shall consider the application at the public hearing on the permit application or at a separate hearing held within sixty days after the filing of the fee adjustment application, whichever is later. The decision of the council shall be final. If a reduction, adjustment or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee. (Prior code § 16-92)

**15.76.050 Street improvement--Definitions.**

As used in Sections 15.76.060 through 15.76.090:

For purposes of the North Jefferson Street improvement fee the term "new development" shall include:

A. New construction which may generate additional traffic; or  
B. Conversion of one use to a new use when the new use generates additional traffic when compared to the previous use. The trip generation data presented by the Institute of Transportation Engineers (ITE) in their reference text entitled "Trip Generations," latest edition will be used to estimate traffic generation; or

C. Expansion of an existing use at its current location or at a different location in the North Jefferson Street improvement area; or

D. A new use in an existing structure when the previous use relocated to a parcel with identical ingress and egress as the previous location (regardless of intensity of traffic use);

A use which relocates to another location within the North Jefferson Street improvement area having the same ingress and egress as the previous location shall not be considered as "new development," unless the relocation may result in an expansion of the use, in which case only the expansion of the use shall be considered as "new development"; or

E. Any other use for which a conditional use permit is required if the use may generate additional traffic.

The term "developer" shall include every person, firm or corporation constructing new development, directly or through the services of any employee, agent, independent contractor or otherwise. (Prior code § 25-253)

**15.76.060 Street improvement--Fee established.**

The North Jefferson Street improvement fee is imposed on the developer of all new development in the North Jefferson Street improvement area. The council shall, in a council resolution, set forth the specific amount of the fee, define the specific area within which it shall apply, describe the specific improvements and their estimated cost, describe the reasonable relationship between the fee and the new development and set forth the time for payment. On an annual basis, the council shall review this fee to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described public improvements are still needed. The public works director is authorized to adjust the fee in an amount equal to the change in the construction price index of the "Engineering News Record," on or before July 1 of each year. (Prior code § 25-250)

(Ord. No. O93-032, Amended, 9/14/93)

**15.76.070 Street improvement--Use of fees.**

A. Limited Use of Fees. The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to pay for the construction (which term includes the planning, administration and design as well as actual building or installation) of improvements described in the resolution enacted pursuant to Section 15.76.060, or to reimburse the city for those described or listed improvements constructed by the city with funds advanced by the city from other sources, or to reimburse a developer for costs advanced, which are associated with the above-described activities.

B. Excess Fees. In the event the council by resolution authorizes an adjustment in the city-wide street improvement fee to developers subject to the fee imposed by Section 15.76.060, the public works director shall keep a record of the amount of adjustment allowed for each development and the total amount allowed all developers. Following completion of all improvements described in the resolution enacted pursuant to Section 15.76.060 and reimbursement for funds advanced for said improvements, any excess funds remaining in the special account for the North Jefferson Street improvement area shall revert to the city-wide street improvement fund established pursuant to Section 15.84.020 of this title up to the total amount of adjustments allowed all developers for such city-wide street improvement fee. (Prior code § 25-251)

**15.76.080 Street improvement--Fee adjustments.**

A. A developer who installs an off-site improvement as a specific traffic mitigation measure for a project which improvement is identified in the resolution adopted pursuant to Section 15.76.060 as an improvement to be funded by the North Jefferson Street improvement fee may claim a credit on such fee, not to exceed the North Jefferson Street improvement fee payable for the project. The public works director is authorized to allow such credit. If a developer is dissatisfied with the decision of the public works director, the developer may appeal for relief to the council by filing an appeal in writing with the city clerk within ten days after the disputed decision. The appeal shall state in detail the basis for the claimed credit. The decision of the council shall be final.

B. A developer of any new development subject to the fee described in Section 15.76.060 may apply to the council for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the traffic impacts of that development and either the amount of the fee charged or the type of improvements to be financed. The application shall be made in writing and filed with the city clerk not later than (1), ten days prior to the public hearing on the development permit application for the project, or (2), if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver reduction or adjustment. The council shall consider the application at the public hearing on the permit application or at a separate hearing held within sixty days after the filing of the fee adjustment application, whichever is later. The decision of the council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee. (Prior code § 25-252)

**15.76.090 Street improvement--Exception.**

In the resolution fixing the improvement fee imposed by Sections 15.76.050 through 15.76.080, the council may create an exemption from the obligation to pay such fee for accessory dwelling units, as defined by Section 17.68.020 of this code, constructed as an accessory unit to existing dwelling units. (Prior code § 25-254)

## Chapter 15.78

### CITY OF NAPA FIRE DEPARTMENT FIRE AND PARAMEDIC DEVELOPMENT FEES

#### Sections:

<b>15.78.010</b>	<b>General purpose.</b>
<b>15.78.020</b>	<b>Definitions.</b>
<b>15.78.030</b>	<b>Establishment.</b>
<b>15.78.040</b>	<b>Limited use of fees.</b>
<b>15.78.050</b>	<b>Fee adjustment</b>
<b>15.78.060</b>	<b>Amount of fee.</b>
<b>15.78.070</b>	<b>Calculation of development fee.</b>
<b>15.78.080</b>	<b>Effective date and review.</b>
<b>15.78.090</b>	<b>Fee payable.</b>

#### **15.78.010 General purpose.**

It is the purpose of this chapter to provide for the funding for a new fire station including acquisition of land, cost of construction (which term includes the planning, administration, and design as well as actual building or installation) and equipment necessary to supply the fire station for both fire and paramedic services through the use of two development fees; fire service fee and paramedic service fee. This new station is required to serve the demand of the city's new growth and will respond to calls anywhere in the city limits as needed.

(Ord. No. O94-018, Enacted, 5/3/94)

#### **15.78.020 Definitions.**

As used in Sections 15.78.020 through 15.78.080:

1. The term "developer" shall include every person, firm or corporation constructing new development directly or through the services of any employee, agent, independent contractor or otherwise.

2. The term "new development" shall include each structure of permanent character, placed in a permanent location, which is planned, designed or used for the categories listed:

A. Single-Family Residential: This category consists of single-family detached units and duplexes.

B. Multi-Family Residential: This category consists of buildings containing three (3) or more dwelling units and mobile home parks.

C. Commercial: This category includes, but is not limited to, retail business, grocery stores, eating establishments, hotels, motels, sporting goods, clothing stores, laundromats, personal grooming shops, day care centers, pet grooming, book and video rentals, hardware, furniture, household appliances, health spas, and similar uses.

D. Office: This category includes, but it not limited to, uses such as banks, insurance, real estate, medical/dental, and professional offices.

E. Industrial: This category corresponds with industrial in the general plan. Typical industrial uses include, but are not limited to, manufacturing, general industrial, and warehousing concerns.

(Ord. No. O94-018, Enacted, 5/3/94)

#### **15.78.030 Establishment.**

The Fire and Paramedic Development Fees are established to be imposed on the developer of each new development, as defined in Section 15.78.020 within the City of Napa. The council shall, in a council resolution, set forth the specific amount of the fees, describe the public improvements to be financed by such fees, describe the estimated

cost of such facilities, and describe the reasonable relationship between these fees and the various types of new development and set forth a time for payment. On an annual basis, the council shall review the fee to determine whether the fees amount are reasonably rated to the impacts of development and whether the described public facility is still needed.

(Ord. No. O94-018, Enacted, 5/3/94)

**15.78.040 Limited use of fees.**

The revenues raised by payment of these fees shall be placed in a separate and special account, and such revenues, along with any interest thereon, shall be used solely for the purpose of:

1. Acquisition of land, cost of construction (which term includes the planning, administration, and design, as well as actual building or installation) of a new fire station and equipment necessary to supply the fire station for both fire and paramedic services; or
2. To reimburse the City for funds advanced from other sources to develop the fire station, or purchase equipment, or to reimburse a developer who assists in the development of the fire station or site.

(Ord. No. O94-018, Enacted, 5/3/94)

**15.78.050 Fee adjustment**

A developer of new development subject to the fees described in this chapter may apply to the council for a reduction or adjustment to the fees or waiver of the fees based upon the absence of any reasonable relationship or nexus between the impact of the new development and either the amount of the fees charged or the type of facility to be financed or the portion of the facility attributable to the new development. The application shall be made in writing and filed with the city clerk not later than:

1. Ten (10) days prior to the public hearing on the development permit application on the project; or
2. If no development permit was required at the time of filing of the request for building permit, the application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The council shall consider the application at the public hearing on the permit application or at a separate hearing held within sixty (60) days after the filing of the fees adjustment application, whichever is later. The decision of the council shall be final. If a reduction, adjustment or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fees.

(Ord. No. O94-018, Enacted, 5/3/94)

**15.78.060 Amount of fee.**

Fees shall be paid for a new fire station and additional fire/paramedic apparatus by the developer of new development as defined in Section 15.78.020. These fees will fund the acquisition of land, the costs of construction, and the equipment needed to supply the fire station for both fire and paramedic service. The development fees per unit include:

LAND USE	UNIT	FIRE FEE	PARAMEDIC FEE	COMBINED FEE	FEE PER SQ. FT.
Single Family	Dwelling Unit	\$213.00	\$3.00	\$216.00	
Multi-Family	Dwelling Unit	\$330.15	\$6.54	\$336.69	
Commercial	1,000 sq.ft	\$711.42	\$5.40	\$716.82	\$0.72
Office	1,000 sq.ft	\$215.13	\$0.42	\$215.55	\$0.22
Industrial	1,000 sq.ft.	\$164.01	\$0.57	\$164.58	\$0.16

(Ord. No. O94-018, Enacted, 5/3/94)

**15.78.070 Calculation of development fee.**

A. The distribution of costs to new development is based upon the relative impacts of the various land uses on the fire and paramedic services. To quantify a unit of service needed for any new structure and to charge that development for its proportionate share of benefit, the development fees calculation identifies a unit of service as a dwelling unit equivalent (DUE). One single-family unit is classified as one dwelling unit equivalent (DUE) and is the base unit measures. All other land uses DUE's are calculated based on their demand for fire and paramedic services relative to the single family dwelling unit demand for such services.

B. The demand for service for land use categories are calculated based on the existing unit count for each land use and the amount of calls the fire department responded to for that land use. Using the number of calls that the fire department responded to a particular land use category divided by the number of existing units of that land use category divided by the common denominator (single-family units) equals the dwelling unit equivalent (DUE) for land use category.

C. The cost per new DUE was calculated incorporating the following factors:

1. The number of new dwelling unit equivalents.
2. The cost of the fire station and necessary fire and paramedic apparatus.
3. The timing of construction of the fire station and purchase of the apparatus.
4. The interest earned on idle fund balances.
5. The interest paid to service borrowing.

(Ord. No. O94-018, Enacted, 5/3/94)

**15.78.080 Effective date and review.**

The development fees will become effective sixty (60) days after the second reading of the ordinance. The development fees per unit shall be reviewed annually.

(Ord. No. O94-018, Enacted, 5/3/94)

**15.78.090 Fee payable.**

The fire and paramedic development fees shall be paid as established by resolution.

(Ord. No. O94-018, Enacted, 5/3/94)

## Chapter 15.80

### BUILDING PERMIT SCHOOL FUND FEES

#### Sections:

- 15.80.010**      **Applicability.**
- 15.80.020**      **Definitions.**
- 15.80.030**      **School fund established.**
- 15.80.040**      **Fees.**
- 15.80.050**      **Exceptions.**

#### **15.80.010**      **Applicability.**

This chapter shall apply to all owners of real property within the city who are issued a building permit for a new dwelling unit, except that this chapter shall not apply to owners that have both:

- A. Had imposed upon them by the council prior to April 30, 1975, school mitigation measures; and
- B. Performed said school mitigation measures prior to July 30, 1975, in a manner acceptable to the Napa Valley Unified School District. (Prior code § 21A-1)

#### **15.80.020**      **Definitions.**

As used in this chapter:

"Dwelling unit" shall be defined in accordance with the Uniform Building Code and shall be further defined as including condominiums, apartments, town houses and single-family homes. Any units not containing individual kitchen facilities shall not be included. (Prior code § 21A-2)

#### **15.80.030**      **School fund established.**

A. As a condition of the granting of a building permit, the city shall require those to whom this chapter applies to pay fees into a school fund as herein specified.

B. Fees paid into the school fund shall be segregated from all other fees paid to the city and shall be maintained and accounted for under the direction of the finance director. The funds shall be remitted periodically by the city to the Napa Valley Unified School District for use by the district for capital outlay purposes. Said funds shall be utilized by the district solely to alleviate over-crowded conditions caused by the dwelling units generating said funds.

C. The city reserves the right to review the uses for the school funds proposed by the district and to require such accounting as the finance director shall feel necessary. (Prior code § 21A-3)

#### **15.80.040**      **Fees.**

The amount of the fee per unit, if any, shall be set by resolution. (Prior code § 21A-4)

#### **15.80.050**      **Exceptions.**

There is excepted from the tax imposed by this chapter the construction and occupancy of a residential unit which is a replacement for a unit being removed from the same lot or parcel of land, provided, however, that reconstruction is commenced within six months from date of issuance of demolition permit. The exemption shall equal but not exceed the tax which would be payable hereunder if the unit being replaced were being newly constructed. (Prior code § 21A-5)

## Chapter 15.84

### STREET IMPROVEMENT FEES

#### Sections:

<b>15.84.010</b>	<b>Definitions.</b>
<b>15.84.020</b>	<b>Fees established.</b>
<b>15.84.030</b>	<b>Limited use of fees.</b>
<b>15.84.040</b>	<b>Fee adjustments.</b>

#### **15.84.010 Definitions.**

As used in this chapter:

"New development" shall include:

1. New construction which generates additional traffic impacts from those generated by the previous use of the land;
2. Conversion of one use to a new use when the new use generates an additional traffic impact when compared to the previous use as indicated by the trip generation data presented by the Institute of Transportation Engineers (ITE) in their reference text entitled "Trip Generation," latest edition;
3. Expansion of an existing use at its current location or at a different location;
4. A new use in an existing structure when the previous use relocated to a parcel with identical ingress and egress as the previous location (regardless of intensity of traffic use);

A use which relocates to another location having the same ingress and egress as the previous location shall not be considered as "new development," unless the relocation resulted in an expansion of the use, in which case only the expansion of the use shall be considered as "new development."

5. Any other use upon which a condition was imposed on a required conditional use permit that the use be required to pay the street improvement fee.

"Developer" shall include every person, firm or corporation constructing new development, directly or through the services of any employee, agent, independent contractor, or otherwise. (Prior code § 25-243)

(Ord. No. O93-017, Amended, 7/6/93)

#### **15.84.020 Fees established.**

A street improvement fee is established to be imposed on the developer of all new development in the city to pay for street improvements, which includes, but is not limited to, the construction of new streets and bridges, the reconstruction of existing streets, and the installation or modification of traffic signals, as well as the undergrounding of existing overhead utilities along arterials and collectors. The council shall, in a council resolution, set forth the specific amount of the fee, describe the estimated cost of these improvements, describe the reasonable relationship between the fee and the various types of new developments and set forth time for payment. On an annual basis, the council shall review this fee to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described public improvements are still needed. (Prior code § 25-240)

(Ord. No. O93-017, Amended, 7/6/93)

#### **15.84.030 Limited use of fees.**

The revenues raised by payment of this fee shall be placed in a separate and special account, which also separately tracks the amount of money attributed toward undergrounding existing overhead utilities, and such revenues, along with any interest earnings on that account, shall be used solely to pay for the city's future construction of

improvements described in the resolution enacted pursuant to Section 15.84.020, or to reimburse the city for those described or listed improvements constructed by the city with funds advanced by the city from other sources. Previously collected in-lieu undergrounding fees may be tracked from this new account. (Prior code § 25-241)  
(Ord. No. O93-017, Amended, 7/6/93)

**15.84.040 Fee adjustments.**

A. In the event an area of the city is made subject to a special street improvement fee, the council may by resolution provide for an adjustment in the street improvement fee to be paid by new development in such area to reflect improvements which will be funded by such special street improvement fees rather than the street improvement fee established by Section 15.84.020.

B. A developer who installs an off-site improvement as a specific mitigation measure for a project which improvement is identified in the resolution adopted pursuant to Section 15.84.020 as an improvement to be funded by the street improvement fee may claim a credit on such fee, not to exceed the street improvement fee payable for the project; however, any costs associated with the relocation of existing utility poles resulting from improvements to the frontage of a new development shall not be credited to a developer. The public works director is authorized to allow such credit. If a developer is dissatisfied with the decision of the public works director, the developer may appeal for relief to the council by filing an appeal in writing with the city clerk within ten days after the disputed decision. The appeal shall state in detail the basis for the claimed credit. The decision of the council shall be final.

C. In the event that a developer, as a condition of project approval, has (i) placed existing overhead utilities underground; (ii) bonded for said requirements; (iii) paid an in-lieu fee as a condition of waiving said requirement; or (iv) recorded a Final Map or Parcel Map with the requirement that the existing overhead utilities would be undergrounded or an in-lieu fee would be paid, any such developer who receives a building permit or, if no building permit is required, commences a new or expanded use prior to June 30, 1998, shall receive credit toward the portion of the street improvement fee due. The credit shall not exceed the component of the street improvement fee which is attributed to undergrounding existing overhead utilities. The public works director is authorized to allow such credit. If a developer is dissatisfied with the decision of the public works director, the developer may appeal for relief to the council by filing an appeal in writing with the city clerk within ten days after the disputed decision. The appeal shall state in detail the basis for the claimed credit. The decision of the council shall be final.

D. A developer of any new development subject to the fee described in Section 15.84.020 may apply to the council for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the impacts of that development and either the amount of the fee charged or the type of improvements to be financed. The application shall be made in writing and filed with the city clerk not later than (1) ten days prior to the public hearing on the development permit application for the project, or (2) if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction, or adjustment. The council shall consider the application at the public hearing on the permit application or at a separate hearing held within sixty days after the filing of the fee adjustment application, whichever is later. The decision of the council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee. (Prior code § 25-242)

(Ord. No. O93-017, Amended, 7/6/93)

## Chapter 15.88

### HIGH PRIORITY IMPROVEMENT PAYBACK FEES

#### Sections:

- 15.88.010 Purpose.**
- 15.88.020 Payback fee established.**
- 15.88.030 Exceptions.**
- 15.88.040 Payback fee--Amount established by resolution annually or more frequently.**
- 15.88.050 Payback fee may not be reduced.**
- 15.88.060 Council action which may affect total amount of payback fees.**
- 15.88.070 Interest-bearing fund established.**
- 15.88.080 Refunds.**
- 15.88.090 Effective date--Term.**

#### **15.88.010 Purpose.**

The purpose of this chapter is to allow the city to approve development projects in the Linda Vista specific plan area which, but for the existence of a valid funding mechanism for certain public improvements designated in the Linda Vista specific plan as high priority improvements must be denied. The payback fee established by this chapter is an integral and necessary part of the funding mechanism which will empower the city to approve such development projects otherwise meeting the city's laws, goals and policies relative to development in the Linda Vista specific plan area. In order to generate funds necessary to reimburse city and developers who, pursuant to development agreements, construct said improvements designated "high priority improvements" in the Linda Vista specific plan, this chapter establishes and imposes a high priority improvement payback fee (payback fee) on all new construction in the area of the Linda Vista specific plan benefited by said high priority improvements, and in any additional contiguous area which may in the future be determined by council resolution to be similarly benefited; to create a process for the annual determination of the amount of said fee; and to establish the procedures for its collection. The council shall, by resolution, define the area, which area shall be benefited, subject to said payback fee (payback fee area). (Prior code § 19-29)

#### **15.88.020 Payback fee established.**

A payback fee is established and imposed on all dwelling units constructed within the area covered by the Linda Vista specific plan and in any additional contiguous area which may, in the future, be determined by council resolution to be similarly benefited (payback fee area). This fee shall be collected at the time of building permit issuance and no building permits shall be issued for any dwelling units constructed within the payback fee area, except upon evidence of said payment. (Prior code § 19-30)

#### **15.88.030 Exceptions.**

In the resolution fixing the cost of the payback fee imposed by this chapter, the council may create an exception from the obligation to pay such fee for (1) rehabilitation to an existing residential unit which adds less than fifty percent to the existing value of the structure; (2) accessory dwelling units, as defined by Section 17.68.020 of the code, constructed as an accessory unit to existing dwelling units; (3) no more than one new single-family dwelling unit constructed in an existing lot of record as of February 28, 1989 (deep-lot exemption); and (4) only one single-family dwelling unit can be constructed on each of the two lots created by a subdivision of an existing parcel of record as of February 28, 1989, into not more than two lots. (Prior code § 19-31)

**15.88.040 Payback fee--Amount established by resolution annually or more frequently.**

On or before July 1st of each year, the Public Works Director shall prepare and submit a report to council containing his/her recommendation for the amount of the payback fee to be collected during the next calendar year. This recommendation shall be that amount which, in the director's judgment, when applied to all new construction within the payback fee area anticipated by the director to be built during the remaining term of the applicable development agreements would result in the collection of funds sufficient to fully reimburse the city and the developers under said development agreements. The draft resolution and associated studies shall be available to the general public for a period of at least fourteen days prior to the public meeting. On or before July of each year, the council shall, upon due consideration of the report of the public works director, adopt a resolution at a noticed public meeting in accordance with Government Code Sections 66016, 66017 and 66018 establishing the amount of the payback fee imposed by this chapter, which fee shall be collected from all dwelling units constructed in the payback fee area, except as otherwise provided by this chapter. After the third year of adjusting the payback fee in accordance with this section, the annual increase, if any, shall thereafter not exceed their most recent Engineering News Record Cost of Construction Index applicable to the subject area. (Prior code § 19-32)

(Ord. No. O93-043, Amended, 01/04/94)

**15.88.050 Payback fee may not be reduced.**

The payback fee imposed by and collected pursuant to this chapter in amounts established by resolutions adopted pursuant to this chapter shall not be reduced except on an express finding by the council contained in the resolution establishing the amount of the payback fee that the collection of fees at the rate then in effect will, if not reduced, result in a fund in excess of the amount necessary to fully reimburse the city and the developers who funded (or constructed) the "high priority" improvements pursuant to the development agreements adopted by Ordinance 4089. (Prior code § 19-33)

**15.88.060 Council action which may affect total amount of payback fees.**

Whenever the council proposes to take an action including, but not limited to, actions relative to the Linda Vista specific plan which may have as an effect the reduction in the total number of potential dwelling units to be constructed in the Linda Vista specific plan area below eight hundred dwelling units, then the council shall require city staff to prepare a report on the fiscal impact of the proposed change. After review of the report in a public hearing, the council may take a proposed action which has a demonstrated negative fiscal impact on the total amount of funds likely to be collected under this chapter, but only upon making a finding that the proposed action will not result in insufficient funds to fully reimburse city and developers for high priority improvements. Upon a finding that amending the fee resolution pursuant to Section 15.88.040 will eliminate the negative fiscal impact, the council may so amend the fee resolution and thereafter take the proposed action. (Prior code § 19-34)

**15.88.070 Interest-bearing fund established.**

There is established an interest-bearing fund into which all fees collected pursuant to this chapter shall be deposited. The finance director shall maintain said fund and shall make payments therefrom not less frequently than quarterly to the developer funding (or constructing) the subject "high priority" improvements pursuant to the development agreements adopted by Ordinance No. 4089. An accounting shall be provided the developer with each payment. (Prior code § 19-35)

**15.88.080 Refunds.**

In the event there remains money in the interest-bearing fund established by Section 15.88.060 after the city and the developers under said development agreement(s) have been fully reimbursed for funding high priority improvements, and all mitigation measures required by the Linda Vista specific plan have been constructed (whether designated "low," "medium," or "high" priority) then such remaining funds shall be returned pro rata by the finance director to then owners of record of the lots on which dwelling units subject to the payback fee were constructed. (Prior code § 19-36)

**15.88.090 Effective date--Term.**

This chapter shall be in full force and effect from and after its adoption and publication or as soon thereafter as all precedents of law have been met. This chapter shall remain in effect until the city and developers funding high priority improvements pursuant to development agreements adopted by Ordinance 4089 shall have been fully reimbursed. (Prior code § 19-37)

## Chapter 15.92

### DEVELOPMENT PROJECT PROCESSING FEES

#### Sections:

<b>15.92.010</b>	<b>Purpose and application.</b>
<b>15.92.020</b>	<b>Definitions.</b>
<b>15.92.030</b>	<b>Billing rates.</b>
<b>15.92.040</b>	<b>Billing records.</b>
<b>15.92.050</b>	<b>Payment of processing fees.</b>
<b>15.92.060</b>	<b>Lien on subject property.</b>
<b>15.92.070</b>	<b>Failure to pay processing fees.</b>

#### **15.92.010 Purpose and application.**

This chapter is adopted to ensure that the city is reimbursed for its costs of providing services to applicants for development projects and to the extent advisable, provide uniformity with respect to such provisions. The provisions hereof shall apply to all such projects except to the extent that more specific state or local regulations preempt its application. (Prior code § 2-204)

#### **15.92.020 Definitions.**

As used in this chapter:

"Development" means the same as that set forth in Government Code Section 65927; however, the term shall include a change of organization as defined in Government Code Section 56021.

"Development project" means any project undertaken for the purpose of development, including the issuance of a permit or approval for construction, reconstruction use or operation whether or not the permit or approval is ministerial or discretionary in nature. Examples of development projects include, but are not limited to, general plan amendments, rezoning, and permits, approvals, use permits or operations pursuant to code Chapters 2.68, 2.80, 5.56, 13.20, 15.32, 15.52, 15.88 and 15.96.

"Processing fee" or "processing costs" means the charges for staff time, transmission and communication costs including, but not limited to, charges for postage, telephone, fax, transportation, etc., as well as the costs of production or reproduction of materials, exhibits, etc. used in the investigation, processing, inspection or review of development projects or the enforcement of regulations and conditions to development projects.

"Staff" shall include the employees, agents, and consultants of the city. (Prior code § 2-205)

#### **15.92.030 Billing rates.**

The hourly rate to be billed by city staff shall be periodically set by resolution of the council; other processing costs shall be at rates set by resolution of the council (e.g., costs of reproduction) or at direct cost to the city (e.g., postage). Such rates shall not exceed the costs (direct and indirect) of the services provided. Consultants shall be billed at the rate and for the expenses charged to the city plus any allocable overhead. (Prior code § 2-206)

#### **15.92.040 Billing records.**

All processing costs associated with the investigation, processing, inspection or review of development projects, or the enforcement of applicable regulations and conditions to development projects shall be recorded and charged to each such project. (Prior code § 2-207)

**15.92.050 Payment of processing fees.**

A. No application for a development project may be filed without a deposit in an amount estimated to cover processing costs unless payment of processing fees have been waived by action of the council, or the applicant is a public entity exempted from payment of such fees. The city shall make subsequent periodic invoices to ensure that the balance in the project account remains sufficient to cover anticipated processing costs, and it shall be the responsibility of those liable for payment to make such payments.

B. Each applicant for or operator of a development project, as well as the owner of the subject property, if different, shall be liable for payment of all processing fees associated with the development project. (Prior code § 2-208)

**15.92.060 Lien on subject property.**

A. The finance director may notify an applicant or operator and, if different, the owner of the subject property, of the failure to comply with Section 15.92.050, the amount outstanding, and of the fact that if not paid, the processing fees shall become a lien against the property. Such notice shall be given by registered or certified mail upon the owner or owner's agent, as shown on the last equalized assessment roll. Service on one property owner in multiple ownership shall be deemed in compliance with this section. If an address for an owner cannot be reasonably obtained, the notice required by this section may be given by posting the subject property.

B. Within ten days from the date of posting, or date of registered or certified mail service, the applicant or operator, and if different, the owner or any person interested in the property may appeal to the council by filing a written appeal with the city clerk, setting forth in detail the reasons for appeal. The council shall hear from the appellant and thereafter pass upon such appeal. The decision thereon shall be final and conclusive.

C. At the expiration of the time set for appeal or upon determination of the council upon appeal, the processing fees due and owing shall become a lien upon the subject property. (Prior code § 2-209)

**15.92.070 Failure to pay processing fees.**

A. As a separate, distinct and cumulative remedy established for the violation of Section 15.92.050, any city body with the authority to approve or conditionally approve or deny a development project, may deny such project without prejudice if after notice the responsible party(ies) fail to comply with Section 15.92.050. The applicant and/or operator shall be given not less than ten calendar days mailed notice of the city's intent to take such action.

B. As a separate, distinct and cumulative remedy established for the violation of Section 15.92.050, the planning director, public works director, chief building official, or code enforcement officer, may issue a stop work order if the job site has previously been posted with a notice of intent to issue a stop work order for failure to comply with Section 15.92.050. The stop work order shall be served by posting a copy of the order on the subject property. In addition, a copy of such notice shall be promptly mailed to the applicant or operator and, if different, the owner of the subject property as shown on the last equalized assessment roll. Such order shall become effective immediately upon posting of the notice. After service of a stop order, no person shall perform any act with respect to the subject property in violation of the terms of the stop order, except such actions as the city determines are reasonably necessary to render the subject property safe and/or secure until the violation has been corrected.

C. As a separate, distinct and cumulative remedy established for the collection of processing fees, an action may be brought in the name of the city, in any court of competent jurisdiction to enforce the lien established by Section 15.92.060 of this chapter. In such action, reasonable attorney's fees shall be awarded to a prevailing plaintiff.

D. As a separate, distinct and cumulative remedy established for the collection of processing fees, a civil action may be brought. The finance director, or his/her designee, may bring a small claims action in the name of the city to collect the fees owing pursuant to Section 15.92.050(B). (Prior code § 2-210)

## Chapter 15.94

### CITY OF NAPA HOUSING TRUST FUND, HOUSING IMPACT FEE AND INCLUSIONARY//IN LIEU FEE REQUIREMENTS

#### Sections:

<b>15.94.010</b>	<b>Purpose.</b>
<b>15.94.020</b>	<b>Definitions</b>
<b>15.94.030</b>	<b>Housing Trust Fund.</b>
<b>15.94.040</b>	<b>Non-Residential Development Project Housing Impact Fee.</b>
<b>15.94.050</b>	<b>Residential development project: Inclusionary/in-lieu fee requirements.</b>
<b>15.94.060</b>	<b>Enforcement provisions.</b>
<b>15.94.070</b>	<b>Annual review.</b>
<b>15.94.080</b>	<b>Adjustment.</b>

*EDITOR'S NOTE: This chapter was created on 07/06/1999 by Urgency Ordinance No. O99-19. The chapter was permanently added on 07/20/1999 by Ordinance No. O99-20.*

#### **15.94.010 Purpose.**

The purpose of this chapter is to establish a Housing Trust Fund, a Housing Impact Fee on developers of non-residential development projects in the City of Napa, and an inclusionary requirement or an in-lieu fee on developers of residential development projects to mitigate the impacts caused by these development projects on the additional demand for more affordable housing and rising land prices for limited supply of available residential land. The fees will be used to defray the costs of providing affordable housing for very low, low, and moderate income households in the City of Napa. The fees and inclusionary requirements required by this chapter do not replace other regulatory, development and processing fees or exactions, funding required pursuant to a development agreement or reimbursement agreement; assessments charged pursuant to special assessments or benefit assessment district proceedings, etc., unless so specified.

(Ord. No. O99-20, Amended, 07/20/1999; Ord. No. O99-19, Enacted, 07/06/1999)

#### **15.94.020 Definitions**

As used in this chapter:

“Addition” shall mean an extension or increase in floor area of existing development project.

“Affordable rent” shall mean monthly rent, including tenant paid utilities allowances as determined by the Housing Director and all fees for housing services, that do not exceed thirty percent (30%) of eighty percent (80%) of area median income for lower income households. For very low- income households affordable rents are monthly rents that do not exceed thirty percent (30%) of fifty percent (50%) of area median income. In the case where the applicant is requesting a density bonus under chapter 17.84 of the Napa Municipal Code or where the applicant is requesting direct financial assistance requiring a different rent, “affordable rent” for lower income households, shall mean monthly rents that do not exceed thirty percent (30%) of sixty percent (60%) of area median income. Affordable rent shall be based on presumed occupancy levels of one person in a studio unit, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.

“Affordable sales price” shall mean the maximum purchase price that will be affordable to the specified target income household. A maximum purchase price shall be considered affordable only if each monthly owner-occupied housing payment is equal to

or less than one-twelfth of 30% of income for the specified target income household. In setting the affordable sales price, realistic assumptions regarding down payment, mortgage interest rate and term will be so that targeted income families can reasonably qualify. Affordable sales price shall be based upon presumed occupancy levels of one person in a studio unit, two persons in a one-bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.

“Affordable units” shall mean and be limited to those dwelling units which are required to be rented at affordable rents or purchased at an affordable sales price to specified households as described in Section 15.94.050.

“Annual household income” shall mean the combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

“Building permit” shall mean a permit issued pursuant to Chapter 15.08 of Title 15 of the Napa Municipal Code.

“Chief building official” shall mean the chief building official of the City of Napa, or the designee of such individual.

“City” shall mean the incorporated areas of the City of Napa.

“Concession” or “incentive” shall have the same meaning as set forth in Chapter 17.04 of the City of Napa Municipal Code.

“Construction costs” shall mean the estimated cost per square foot of construction, as established by the building department of the City of Napa for use in the setting of regulatory fees and building permits, multiplied by the total square footage, minus the garage floor area, to be constructed.

“Developer” shall mean every person, firm, or corporation constructing, placing, or creating new non-residential or residential development directly or through the services of any employee, agent, independent contractor or otherwise.

“Discretionary permit” shall mean any permit or license issued by the City of Napa for a project which requires the exercise of judgment or deliberation wherein the City decides to either approve or disapprove a particular activity in accordance with applicable laws, including but not limited to use permits, and the approval or modification of tentative, or tentative parcel maps pursuant to Title 16 of the Napa Municipal Code.

“Dwelling unit” shall have the meaning set forth in Chapter 17.04 of the City of Napa Municipal Code.

“Gross square feet floor area” means the sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings. In cases where no walls exist, the gross horizontal floor area shall be that area covered by the roof excluding two feet on each side of the structure for a standard roof projection. Outside areas used for sales and/or display may also be considered (e.g., plant nurseries, building materials, auto sales, wine production, etc.) when the planning director determines that the use of the outside area significantly contributes to the employee density of the building. For purposes of the requirements of Section 15.94.050, the square footage of any tank or wine crush pad or similar non-walled wine related structure shall be included in the gross square feet of a non-residential development project.

“Housing Board” shall mean the Housing Trust Fund Board established pursuant to Section 15.94.030.

“Housing director” shall mean the housing director of the Housing Authority of the City of Napa or the designee of such individual.

“Housing Fund” shall mean the City of Napa Affordable Housing Trust Fund established pursuant to Section 15.94.030.

“Housing Impact Fee” shall mean the fee established pursuant to Section 15.94.040 for non-residential development projects.

“Housing In-lieu Fee” shall mean the fee established pursuant to Section 15.94.050 for residential development projects.

“Low-income households” are those households with incomes of up to 80% of median income.

“Market rate units” shall mean dwelling units in a residential project which are not affordable units.

“Median income” shall mean the median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the United States Department of Housing and Urban Development.

“Moderate income households” are those households with incomes of up to 120% of median income.

“Monthly owner-occupied housing payment” shall be that sum equal to the principal, interest, property taxes, homeowner’s insurance and homeowner’s association dues paid on an annual basis divided by 12.

“Non-residential development project” shall mean a project for the construction, addition, or placement of a structure which is for non-residential in such land use categories such as commercial, office industrial, etc. and shall include that portion of a mixed or combined use project which includes the construction, addition or placement of a structure for non-residential use in such land use categories.

“Planning director” shall mean the director of the City of Napa planning department or the designee of such individual.

“Residential development project” shall mean a project for the construction or placement of any dwelling unit in a permanent location, or the subdivision of land which is planned, designed, or used for the following land use categories:

A. Single-family residential: This category consists of single-family detached units and duplexes.

B. Multi-family residential: This category consists of buildings containing three (3) or more dwelling units and mobile home parks.

“Very low-income households” are those households with incomes of up to 50% of median income.

(Ord. No. O99-20, Amended, 07/20/1999; Ord. No. O99-19, Enacted, 07/06/1999)

#### **15.94.030 Housing Trust Fund.**

A. There is hereby established the City of Napa Affordable Housing Trust Fund (the “Housing Fund”). Separate accounts within such Housing Fund may be created from time to time to avoid commingling as required by law or as deemed appropriate to further the purposes of the Fund.

B. The Housing Fund shall be administered by the Housing Director who shall have the authority to govern the Housing Fund consistent with this chapter, and to prescribe procedures for said purpose, subject to approval by the Council.

C. A Housing Trust Fund Board (the “Housing Board”) is hereby established. The composition, size, term, decision-making authority and other organizational features of the Housing Board shall be as determined by resolution of the council. To the extent permitted by law and determined by resolutions of the council and Napa County Board of Supervisors, the Housing Board shall be an advisory joint City/County Housing Board with final funding decisions made by the appropriate legislative body on expenditure of monies from their respective Housing Funds. The Housing Board shall biannually develop a Housing Assistance Plan Program and Financing Strategy, subject to approval by the council, to further define and prioritize the uses of the monies in the Housing Fund. The Plan shall be consistent with the City’s Adopted Consolidated Plan.

##### **D. Purposes and Use of Funds.**

1. Monies deposited in the Housing Fund along with any interest earnings on such monies shall be used solely to increase and improve the supply of housing affordable to households of moderate, low and very low income households; including, but not limited to acquisition of property and property rights, cost of construction including costs associated with planning, administration, and design, as well as actual building or installation, as well as any other costs associated with the construction or financing of affordable housing; reimbursement to the City for such costs if funds were advanced by the City from other sources; and reimbursement of developers or property owners who

have been required or permitted to install facilities which are beyond that which can be attributed to a specific development. To the maximum extent possible, all monies should be used to provide for additional affordable housing and services. Monies may also be used to cover reasonable administrative expenses not reimbursed through processing fees, including reasonable consultant and legal expenses related to the establishment and/or administration of the Housing Fund and reasonable expenses for administering the process of calculating, collecting, and accounting for inclusionary fees and any deferred City fees authorized by this section. No portion of the Housing Fund may be diverted to other purposes by way of loan or otherwise.

2. Monies in the Housing Fund shall be used in accordance with the priorities identified by the Housing Assistance Plan Program and Financing Strategy to construct, acquire, rehabilitate or subsidize very low, low and moderate income housing and/or to assist other governmental entities, private organizations or individuals in the construction, rehabilitation, reimbursement of City advanced funds, reimbursement of developer supplied infrastructure capacity, location or subsidy of very low, low and moderate income housing. To the extent possible as determined by the Council, monies shall be targeted to benefit households at or below 60% of Median Income in Napa County. Monies in the Housing Fund may be disbursed, hypothecated, collateralized or otherwise employed for these purposes from time to time as the housing director and city council determine is appropriate to accomplish the purposes of the Housing Fund. These uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases, or other public/private partnership arrangements. The Housing Fund monies may be extended for the benefit of rental or owner occupied housing or housing services.

3. Expenditures by the housing director from the Housing Fund shall be controlled, authorized and paid in accordance with general city budgetary policies. Execution of contracts related to the use or administration of Housing Fund monies shall be in accordance with standard council policy.

E. Location of Housing Units and Housing Services to be Assisted With Housing Fund Monies.

1. The Housing Board shall develop, for council approval, criteria for the location of the housing units to be assisted with Housing Fund monies. One of the purposes of these criteria shall be to help ensure that Housing Fund monies are used to assist the city in meeting its fair share housing goals as set forth in the Housing Element of the City of Napa General Plan.

2. With respect to monies generated by the Housing Impact Fee established by Section 15.94.050, these criteria shall also consider a reasonable geographical linkage between the non-residential development projects subject to such fee and the housing assistance provided with the Housing Fund monies collected in connection with such projects, such that those receiving the housing assistance could reasonably commute to the commercial locations.

(Ord. No. O99-20, Amended, 07/20/1999; Ord. No. O99-19, Enacted, 07/06/1999)

#### **15.94.040 Non-Residential Development Project Housing Impact Fee.**

A. Application.

A Housing Impact Fee is hereby imposed on all developers of non-residential development projects. Notwithstanding the foregoing, this fee shall not apply to developers of non-residential projects which fall within one or more of the following categories:

1. Projects that are the subject of development agreements currently in effect with the city, approved prior to the effective date of this chapter where such agreements expressly preclude the city from requiring compliance with this type of housing fee program; or

2. The non-residential uses are set forth either in a building permit application accepted as complete by the city prior to 5:00 p.m. on January 5, 1999, or in a use permit

or similar discretionary approval approved prior to 5:00 p.m. on January 5, 1999; however any extension or modification of such approval or permit after such date shall not be exempt; or

3. That portion of a project located on property owned by the State of California, the United States of America or any of its agencies used exclusively for governmental or educational purposes; or

4. A project to the extent it has received a vested right to proceed without payment of housing impact fees pursuant to state law; or

5. Projects operated by nonprofit organizations which provide food storage, meal service and/or temporary shelter to the homeless; or

6. Projects for which no nexus can be established; or

7. Projects for uses labeled "Exempt" in Table 2 of this Section; or

8. Any building which is damaged or destroyed by fire or natural catastrophes so long as the square footage of the building remains the same.

B. Payment of fee.

Unless otherwise preempted by law, the Housing Impact Fee shall be paid prior to the issuance of a building permit; or upon execution by the developer and owner, if different, of the city's secured building agreement recorded against the property, at the time of final inspection/Certificate of Occupancy. The housing director is hereby authorized to execute such agreements on behalf of the city.

C. Calculation of Housing Impact Fee.

1. The Housing Impact Fee for non-residential development projects shall be charged on a per square foot basis for all new gross floor area, including all additions where floor area is increased, with a specific per square foot amount set for each nonresidential use type identified in Table 1 below. The amount and calculation for each such fee shall be established by resolution of the City Council. Gross floor area is determined by calculating the combined area for all floors in accordance with the definition of "Gross square feet floor area" contained in Section 15.94.020. If the non-residential development project is in whole or part a replacement for space previously on the site, but demolished within one year prior to the filing of the application for the new construction or remodel, credit shall be given for the space demolished or to be demolished at the rate applicable to the prior use of that space.

TABLE 1

HOUSING IMPACT FEE REQUIREMENT

Type of Use

Office

Hotel

Retail

Industrial

Warehouse (30,000 to 100,000 square feet)\*

Warehouse (over 100,000 square feet)

Wine Production

*\*Warehouse uses of under 30,000 square feet shall be treated as industrial uses.*

2. In calculating the fee, the chief building official shall use those fees of Table 1 and Table 2 in effect by resolution of the City Council at the time of the issuance of the building permit or if no building permit is required, at the time of issuance of a use or other discretionary permit. In the case of large, mixed-use development projects involving the simultaneous construction of different structures and/or different uses, the categories in Table 2 and the types of uses in Table 1 may be used to create a mixed fee to be collected for all uses in the project. In that case, the fee shall be designed to approximate

the revenue which would have been collected had the appropriate type of use category in Table 1 been applied to each individual portion of the project.

3. The type of use subject to the Housing Impact Fee will be determined in the following situations based on a case-by-case calculation of employee density:

a. In the case of uses listed as “Special” in Table 2.

b. In the case of a use which does not fall into one of the uses listed in Table 2 and the housing director determines that (i) the building size is an inappropriate indicator of employee density, or (ii) insufficient generalized information is available to permit a determination that the use falls within one of the use categories listed in Table 2. In the case of uses involving one or fewer employees, which uses shall be exempt from the fee requirement.

c. Upon the remodeling of the building to add additional square footage, the appropriate Housing Impact Fee shall be paid only on the additional square footage.

4. The housing director’s determination of employee density pursuant to subsection 3 shall be based on: data concerning anticipated employee density for the project submitted by the applicant; employment surveys or other research on similar uses submitted by the applicant or independently researched by the housing director; or any other data or information the housing director determines relevant. Any application for a non-residential development project where a special fee determination is requested shall be accompanied by information sufficient to enable the housing director to make a determination of employee density pursuant to this subsection.

TABLE 2

NON-RESIDENTIAL LAND USE MATRIX  
WITH SPECIAL CATEGORICAL FEE DETERMINATIONS AND EXEMPTIONS

Non-Residential Use	Office	Retail	Ware-house	Industrial	Hotel/Motel	Wine	Special Fee	Exempt
A <u>Hotels, motels and bed-and-breakfast inns</u>					X			
B. <u>Commercial Uses</u> General retail and personal service uses including integrated commercial centers.		X						
Furniture, appliance, household equipment; office equipment and sales, service and repair of bulk goods.		X						
Service commercial and heavy commercial uses (building materials, contractor yard, tool rental bus terminals, print shops, auto parts shops, janitorial services, etc.				X				
Gas station, service / auto repair including paint and auto body shops.		X						
Eating and drinking establishments.		X						

<b>Non-Residential Use</b>	<b>Office</b>	<b>Retail</b>	<b>Ware-house</b>	<b>Industrial</b>	<b>Hotel/Motel</b>	<b>Wine</b>	<b>Special Fee</b>	<b>Exempt</b>
Commercial amusement and recreation uses.							X	
Commercial plant nurseries.				X				
<b>C. Office Uses</b>								
Banking, savings and loans associations; professional, business and administrative offices.	X							
Medical/dental offices and clinics	X							
Industrial/Wholesale Uses; self-storage uses.			X					
Wholesale and warehouse uses.			X					
General industrial uses.				X				
Research, development and testing uses.				X				
<b>D. Industrial Uses</b>								
Public and private elementary schools (grades K-8)								X
Public and private secondary schools								X
Public and private college/university								X
Technical and adult education (business, beauty, barber, trade, technical, vocational and other similar uses)		X						
Hospitals							X	
Nursery Schools and daycare facility serving even or more children		X						
Public libraries, art galleries, museums and other non-recreational public facilities								X
<b>E. Assembly Uses</b>								
Churches.								X
Funeral homes.		X						
Auditoriums.							X	
Theaters.		X						

<b>Non-Residential Use</b>	<b>Office</b>	<b>Retail</b>	<b>Ware- house</b>	<b>Industrial</b>	<b>Hotel/ Motel</b>	<b>Wine</b>	<b>Special Fee</b>	<b>Exempt</b>
Sports arenas.							X	
F. <u>Wine Uses</u>								
Wine production.						X		
Wine storage.			X					
Wine tank and crush pads.			X					
Wine visitor centers.						X		
G. <u>Unlisted Uses</u>							X	
H. <u>Exempt or Special Fee Users</u>								
Agricultural uses.								X
Child care center with six or fewer children.								X
Christmas tree sales lot.								X
Fuel yard.							X	
Golf course.							X	
Marinas.							X	
Nonprofit organization— food preparation for off-site consumption.								X
Nonprofit organization— food storage and distribution.								X
Nonprofit organization— meal service facility.								X
Public parking lot.								X
Public utility yard.								X
Railroad yard or shop.							X	
Residential care facility— nonprofit.							X	
Residential care facility— private.							X	
Schools— nonprofit.								X
Wholesale stores and distribution.							X	

**D. Alternative to Payment of Housing Impact Fee.**

As an alternative to payment of the Housing Impact Fee, a developer of a nonresidential development project may submit a request to mitigate the impacts of such development through the construction of residential units, the dedication of land, or mixed use or other resources. Such requests shall be approved by the city council, if the city council determines that such alternative will further affordable housing opportunities in the city to an equal or greater extent than payment of the Housing Impact Fee.

E. Processing Requirements.

1. Each discretionary permit for a project subject to this section shall contain an express condition requiring compliance with this section.

2. No application for building permits or discretionary permits for any project subject to this section shall be deemed complete unless the application contains (a) a statement of the number of gross square feet in a non-residential development project to be constructed, added, or placed that are subject to the requirements of this section, together with documentation sufficient to support the application; (b) the intended use or uses for the non-residential development project by gross square feet; and (c) a statement of any exemptions applicable to the project.

3. The housing director may require similar information for completeness of other city permits or licenses as necessary or convenient to implement this section.

F. Phase-in Requirements.

Notwithstanding any other provision of this section, any Housing Impact Fee imposed pursuant to this section in connection with a building permit issued for a project approved by use permit or similar discretionary approval between January 6, 1999, and January 5, 2000, shall be reduced by 50% of the amount set by city council resolution and payment of this reduced fee shall constitute full compliance.

(Ord. No. O99-20, Amended, 07/20/1999; Ord. No. O99-19, Enacted, 07/06/1999)

**15.94.050 Residential development project: Inclusionary/in-lieu fee requirements.**

A. Inclusionary requirement.

At least 10% of all new dwelling units in a residential development project shall be affordable units which shall be constructed and completed not later than the related market rate units. For fractions of affordable units, including fractions resulting from construction of less than ten dwelling units, the developer may elect, at his or her option, to construct the next higher whole number of affordable units, perform an equivalency action alternative which has received the approval of council pursuant to subsection B hereof, or pay the In-lieu fee specified in subsection D for such fraction. Notwithstanding the above, this section shall not apply to projects which fall into one or more of the following categories:

1. The construction of a single dwelling unit which is the whole of a residential development project and which is built, owned, and after completion, occupied for two years by a moderate income household verified by the housing director and meets the requirements established by subsection M. For purposes of this exemption, a dwelling unit shall be deemed "built" by its owner if it is built by or for a permit holder who intends to reside in the dwelling unit subject to subsection M hereof; or

2. Projects that are the subject of development agreements currently in effect with the city and approved prior to the effective date of this chapter where such agreements expressly preclude the city from requiring compliance with this type of a housing fee program; or

3. The building permit application for a project for which a use permit and any extensions thereof, was approved prior to January 5, 1999; or

4. A residential development project to the extent it has received a vested right to proceed without payment of housing impact fees pursuant to state law.

5. Building permits for residential development projects if compliance with this section for such project has already been satisfied including, but not limited to, building permits on newly created lots where the subdivider has built affordable units or otherwise satisfied this section.

6. Any dwelling unit which is damaged or destroyed by fire or natural catastrophes so long as the square footage and use of the building remains the same.

7. A building permit application for the first dwelling unit to be constructed on a lot which was legally created prior to January 5, 1999, or created by the recordation of a final or parcel map which conforms to a previously approved tentative subdivision or parcel

map so long as such tentative map and any extensions were approved by the city prior to January 5, 1999.

B. Alternative Equivalent Proposal.

A developer of a single-family residential development project may meet the requirements of subsection A hereof by an alternative equivalent action. A developer of a multi-family residential development project may propose to meet the requirements of subsection A hereof by an alternative equivalent action, subject to the review and approval by the city council. A proposal for an alternative equivalent action may include, but is not limited to, dedication of vacant land, the construction of affordable units on another site or acquisition and enforcement of required rental/sales price restrictions on existing standard dwelling units consistent with this section. Any proposal shall show how the alternative proposed will further affordable housing opportunities in the City to an equal or greater extent than compliance with the express requirements of subsection A or payment of the appropriate in-lieu housing fee. Such proposals for single-family residential developments shall be approved by the city council, if the council determines that such alternative will further affordable housing opportunities in the city to an equal or greater extent than payment of the housing in-lieu fee. Such proposals for multi-family residential developments shall be considered on a case by case basis by the city council and may be approved at the city council's sole discretion, if the city council determines that such alternative will further affordable housing opportunities in the city to an equal or greater extent than compliance with the express requirements of subsection A.

C. In-lieu Housing Fee.

A developer of single family residential development project may meet the requirements of subsection A hereof by payment of an in-lieu fee. A developer of a multi-family residential development may propose to meet the requirements of subsection A hereof by submitting at the time of application for a discretionary or building permit, whichever comes first, a request to pay the in-lieu fee along with a report identifying all overriding conditions impacting the project that prevent developer from meeting the requirement to construct the affordable units; sufficient independent data, including appropriate financial information, that supports the developer's claim that it is not feasible to construct the required affordable units and a detailed analysis of why the various concessions and incentives identified in subsection F cannot mitigate the developer's identified conditions that are preventing him/her from constructing the affordable units. The planning director and the housing director shall review all such requests and prepare a recommendation for the council. Such requests shall be considered on a case-by-case basis by the council and may be approved, at the council's sole discretion, if the council determines that there are overriding conditions impacting the project that prevent developer of a multi-family residential development from meeting the requirement to construct affordable units and that payment of the in-lieu fee will further affordable housing opportunities.

D. Time of Payment of In-lieu Fee.

Unless otherwise preempted by law, the housing in-lieu fee shall be paid prior to the issuance of a building permit, or upon execution by the developer and owner, if different, of the city's secured building agreement recorded against the property, at the time of final inspection/Certificate of Occupancy. The housing director is hereby authorized to execute such agreements on behalf of the city.

E. Calculation of Housing In-lieu Fee.

The housing in-lieu fee shall be charged on a percentage basis of the projected construction costs of market rate dwelling units. The amounts and calculation of the housing in-lieu fee shall be established by resolution of the city council. Construction costs of market rate dwelling units is determined in accordance with the definition in Section 15.94.020 which states "Construction costs shall mean the estimated cost per foot of construction, as established by the building department of the City of Napa for use in the setting of regulatory fees and building permits, multiplied by the total square footage to be constructed for each dwelling unit, minus square footage for garage area."

For attached single-family residential and rental residential development projects, construction costs shall be separately calculated for each dwelling unit and the appropriate fee paid for each unit within the residential project. The housing in-lieu fee required by this section may be satisfied either by cash payment or upon the recommendation of the housing director and approval of the city council, by an alternative which will provide city with a value equal to or greater than the amount of the required in-lieu fee.

F. Affordable Housing Concessions or Incentives.

1. For residential development projects which meet the requirements specified in subsection A through the actual construction of affordable units, the city shall follow the procedures described below and provide the described concessions and/or those incentives identified in Chapter 17.84 of the Napa Municipal Code:

a. Within ninety (90) days of submittal by a developer of a written preliminary conceptual development proposal prior to the submittal of any formal application for a general plan amendment, rezoning, use permit, tentative subdivision or parcel map or other permit or entitlement describing and specifying the number, type, location and size of the housing development, identifying any requests for density bonus, additional incentives, concessions or waivers or modification of development or zoning standards, necessary to make construction feasible for the proposed development, including the affordable units, the city council shall review the preliminary development proposal at a public hearing noticed in accordance with Napa Municipal Code Section 17.06.070(C.) and indicate conceptual approval or disapproval of the proposed development and any requests for additional affordable housing incentives, concessions or waivers or modification of development or zoning standards. Such preliminary approval or disapproval shall not bind the city council but rather shall be subject to the discretion of the city council to modify its preliminary recommendations based upon a full review of all pertinent project information, including any environmental impact report, presented at the public hearing on the application.

b. Applications which include the construction of affordable units shall be processed by all city departments before other residential land use applications regardless of the original submittal date. Applications including affordable rental units shall be processed before applications including owner-occupied units.

c. All city-required fees on affordable units shall be deferred for payment until the issuance of the certificate of occupancy.

d. For owner-occupied affordable units, the city through the Housing Authority of the City of Napa shall purchase and assume responsibility for marketing and selling an affordable unit that remains unsold upon the issuance of a certificate of occupancy using trust fund or other available funds. Until the issuance of a certificate of occupancy, the developer is responsible for marketing and selling the affordable units.

2. The city council may consider, on a case-by-case basis, at its sole discretion the provision of the following additional concessions or incentives identified in Government Code Section 65915 which are consistent with state law and the Housing Element of the City of Napa General Plan for projects which meet or exceed the requirements of Chapter 17.84:

a. An additional density bonus or other incentives of equal financial value subject to the city council's review and approval.

b. Waiver or modification of city standards that have a direct impact on reducing total project costs while being consistent with required Building and Safety Code standards. The developer shall be responsible for documenting that the waiver or modification is necessary for the feasibility of the residential development project and is consistent with required Building and Safety Code Standards.

c. Provision of direct financial assistance in the form of a loan or grant using trust fund or other appropriate available funds subject to the recommendation of the housing director.

d. Deferral of payment of city fees on market rate units until the issuance of the certificate of occupancy for the unit.

3. The city council may consider, on a case by case basis, at its sole discretion, the provision of additional concessions or incentives consistent with state law and the Housing Element of the City of Napa General Plan for residential development projects which provide at least 15% of the total dwelling units as affordable units.

G. Requirements for Rental Affordable Units.

1. One-half of the affordable units which are required to be constructed in connection with construction of rental market rate units shall be available at affordable rents to very low-income households. The remaining one-half of the required affordable units shall be available at affordable rents to low-income households. Where the number of required affordable units is an odd number, the number of affordable units constructed for very low-income households may be one less than the number of affordable units construction for low-income households.

2. With respect to any particular rental residential project, the city council may, upon the recommendation of the housing director, forgive all or a portion of the affordability requirement set forth in subsection A. above upon a showing by the applicant that imposition of such requirement on the residential project will cause undue hardship and that such residential project will contribute significantly to affordable housing opportunities in the city.

H. Requirements for Owner-occupied Affordable Units.

1. One-half of the affordable units which are required to be constructed in connection with the construction of market rate units intended for owner-occupancy shall be available at affordable sales prices to households whose annual household income does not exceed 100% of median income. If one-half of the affordable units required at an affordable sales price not exceeding one hundred percent (100%) of median income are available at affordable sales prices to households whose annual household income does not exceed eighty percent (80%) of median income, the developer shall be entitled to an additional density bonus of five percent (5%) for the proposed development.

2. As an alternative to receiving an additional density bonus of five percent (5%), a developer may submit a request for another incentive of a financial value equal to the density bonus. Such requests shall be considered on a case-by-case basis by the city council and shall be approved, at the city council's sole discretion, if the city council determines that such alternative incentive will further affordable housing opportunities.

3. The remaining one-half of the required affordable units shall be available at affordable sales prices to moderate income households. Where the number of required affordable units is an odd number, the number of units affordable to moderate income households may be one greater than the number affordable at or below 100% of median income.

I. Basic Requirements for Owner-Occupied and Rental Affordable Units.

Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project. Subject to the approval of the planning director and housing director, square footage of affordable units and interior features in affordable units may not be the same as or equivalent to those in market rate units in the same residential project, so long as they are of good quality and are consistent with contemporary standards for new housing. Affordable units shall be dispersed throughout the residential project, or, subject to the approval of the planning director and housing director, may be clustered within the residential project when this furthers affordable housing opportunities.

J. Continued Affordability.

1. Prior to the issuance of certificates of occupancy or approval of the final inspection for affordable units, regulatory agreements and, if the affordable units are owner-occupied, resale restrictions, deeds of trust and/or other documents, all of which must be acceptable to the housing director and consistent with the requirements of this chapter, shall be recorded against parcels having such affordable units and shall be effective for a minimum of 30 years with respect to each owner-occupied affordable unit and in perpetuity for rental affordable units.

2. Notwithstanding any other provision in this Section: (a) The maximum sales price permitted on resale of an affordable unit intended for owner-occupancy shall not exceed the seller's purchase price, adjusted for the percentage increase in median income since the seller's purchase, plus the value of substantial structural or permanent fixed improvements to the property, plus the cost of reasonable seller's broker fee as determined by the housing director. For purposes of this subparagraph, median income shall be calculated based upon the presumed occupancy levels used to determine affordable sales price. (b) the resale restrictions shall provide that in the event of the sale of an affordable unit intended for owner-occupancy, the city shall have the right to purchase or assign its right to purchase such affordable unit at the maximum price which could be charged to an eligible household.

3. No household shall be permitted to occupy an affordable unit, or purchase an affordable unit for owner-occupancy, unless the city or its designee has approved the household's eligibility, or has failed to make a determination of eligibility within the time or other limits provided by a regulatory agreement or resale restrictions. If the city or its designee maintains a list of eligible households, households selected to occupy affordable units shall be selected first from that list to the extent provided in the regulatory agreement or resale restrictions.

K. Annual Monitoring and Transfer Fees.

1. For each rental affordable unit provided hereunder, the current owner may be required to pay an annual monitoring fee for the term of required affordability. Such fee shall be specified in the regulatory agreement(s) required hereunder.

2. For each owner-occupied affordable unit provided under this section, the current owner may be required to pay a transfer fee for any change of ownership during the term of required affordability. Such fee shall be specified in the resale restrictions required by subsection J.

L. Discretionary Permit Requirements.

Every discretionary permit for a residential development project approved after the effective date of this chapter shall contain a condition detailing the method of compliance with this chapter. Every final and parcel map shall bear a note indicating whether compliance with the requirements of this section must be met prior to issuance of a building permit for each lot created by such map.

M. Requirements for Certificate of Occupancy/Final Inspection.

1. No temporary or permanent certificate of occupancy shall be issued, final inspection approved or release of utilities authorized for any new dwelling unit in a residential development project until the developer has satisfactorily completed the requirements hereunder, i.e., on-site construction of affordable units, alternative equivalent action(s) or payment of the housing in-lieu fee.

2. No temporary or permanent certificate of occupancy shall be issued, final inspection approved or release of utilities authorized for a dwelling unit described in subsection A (1) above until the developer has made a showing acceptable to the housing director that such an exemption is appropriate. The housing director shall develop and implement regulations designed to ensure that such initially exempt dwelling units remain in compliance with the terms of the exemption throughout the first two years of occupancy. A developer of a dwelling unit found to be out of compliance at any time during such two-year period shall be required to pay 125% of the then current in-lieu fee for that dwelling unit, as specified by resolution of the city council. Such payment, however, shall not limit the city's ability to proceed against any party pursuant to Section 15.94.060 or other applicable law.

N. Phase-in Requirements.

Notwithstanding any other provision of this section, any housing in-lieu fee or inclusionary requirement imposed pursuant to this section in connection with a building permit or license issued for a project approved between January 6, 1999, and January 5, 2000, shall be reduced by 50% of the amount set by city council resolution, and payment of this reduced fee or meeting 50% of the inclusionary requirement of subsection A shall constitute full compliance.

(Ord. No. O99-20, Amended, 07/20/1999; Ord. No. O99-19, Enacted, 07/06/1999)

**15.94.060 Enforcement provisions.**

A. It shall be unlawful, a public nuisance and a misdemeanor for any person to sell or rent an affordable unit at a price or rent exceeding the maximum allowed under this chapter or to a household not qualified under this chapter, and such person shall be subject to a \$500.00 fine per month from the date of original non-compliance until the affordable unit is in compliance with this section.

B. The Napa City Attorney's Office or the Napa County District Attorney, as appropriate, shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing regulatory agreements and resale controls placed on affordable units by civil action, injunctive relief, and any other proceeding or method permitted by law.

C. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the city from any other remedy or relief to which it otherwise would be entitled under law or equity.

(Ord. No. O99-20, Amended, 07/20/1999; Ord. No. O99-19, Enacted, 07/06/1999)

**15.94.070 Annual review.**

The Housing Impact Fee, Housing In-lieu Fee and inclusionary requirements authorized by this chapter and implementing resolution(s) shall be reviewed annually by the city council.

(Ord. No. O99-20, Amended, 07/20/1999; Ord. No. O99-19, Enacted, 07/06/1999)

**15.94.080 Adjustment.**

A. A developer of any project subject to the requirements in this chapter may appeal to the city council for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of the development and either the amount of the fee charged or the inclusionary requirement.

B. A developer subject to the requirements of this chapter who has received an approved tentative subdivision or parcel map, use permit or similar discretionary approval and who submits a new or revised tentative subdivision or parcel map, use permit or similar discretionary approval for the same property may appeal for a reduction, adjustment or waiver of the requirements with respect to the number of lots or square footage of construction previously approved.

C. Any such appeal shall be made in writing and filed with the city clerk not later than ten (10) days before the first public hearing on any discretionary approval or permit for the development, or if no such discretionary approval or permit is required, or if the action complained of occurs after the first public hearing on such permit or approval, then the appeal shall be filed within ten (10) days after payment of the fees objected to. The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The city council shall consider the appeal at the public hearing on the permit application or at a separate hearing within sixty (60) days after the filing of the appeal, whichever is later. The appellant shall bear the burden of presenting substantial evidence to support the appeal including comparable technical information to support appellant's position. No waiver shall be approved by the city council for a new tentative subdivision or parcel map, user permit or similar discretionary approval on property with an approved tentative subdivision or parcel map, use permit or similar discretionary permit unless the council finds that the new tentative subdivision or parcel map, user permit or similar discretionary approval is superior to the approved project both in its design and its mitigation of environmental impacts. The decision of the council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee or inclusionary requirement.

(Ord. No. O99-20, Amended, 07/20/1999; Ord. No. O99-19, Enacted, 07/06/1999)

## Chapter 15.96

### ENVIRONMENTAL IMPACT REPORTS

#### Sections:

#### **15.96.010 Requirements--Implementation.**

#### **15.96.010 Requirements--Implementation.**

A. Reports Required. The city shall prepare and act upon an environmental impact report prior to approval or issuance of any use permit, variance, zoning amendment, parcel map, subdivision map, building permit or other city permit or entitlement to use if the approval of such entitlement could have a significant effect upon the environment.

B. Implementation. The council shall adopt by resolution procedures to implement subsection A. Said procedures shall provide, among other matters, for the following:

1. Determining the time at which a decision as to whether an environmental impact is required will be made;
2. Determining which projects will necessitate an environmental impact report;
3. Determining who will prepare and bear the cost of an environmental impact report;
4. Determining the contents of an environmental impact report;
5. Procedure for preparation, consideration of and action upon environmental impact reports. (Prior code § 19-5)

## Chapter 15.98

### BIG RANCH SPECIFIC PLAN AREA DEVELOPMENT IMPACT FEE

#### Sections:

<b>15.98.010</b>	<b>Authority.</b>
<b>15.98.020</b>	<b>Application.</b>
<b>15.98.030</b>	<b>Definitions.</b>
<b>15.98.040</b>	<b>Big Ranch area development impact fee requirement.</b>
<b>15.98.050</b>	<b>Use of fee revenue.</b>
<b>15.98.060</b>	<b>Credits.</b>
<b>15.98.070</b>	<b>Exemptions.</b>
<b>15.98.080</b>	<b>Time of payment.</b>
<b>15.98.090</b>	<b>Authority for additional mitigation.</b>
<b>15.98.100</b>	<b>Refund of fee.</b>
<b>15.98.110</b>	<b>Annual review.</b>
<b>15.98.120</b>	<b>Termination of the fee.</b>
<b>15.98.130</b>	<b>Appeal of fees paid.</b>

*EDITOR'S NOTE: This chapter was created on 6/3/97 by Urgency Ordinance No. O97-010 and was extended twice by Ordinance Nos. O97-012 and O97-014. The chapter was permanently added on 11/4/97 by Ordinance No. O97-009.*

#### **15.98.010 Authority.**

This chapter is enacted pursuant to Government Code Section 66000 et seq. and the authority vested in the city of Napa, a charter city in the State of California.  
(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)

#### **15.98.020 Application.**

This chapter establishes special fees charged as a condition of building permit approval and changes of use to defray the cost of specified public infrastructure facilities required to serve new development within the Big Ranch Specific Plan Area, as delineated by the boundaries of the adopted city of Napa Big Ranch Specific Plan. The fees charged under this chapter do not replace other regulatory, development and processing fees or exactions; funding required pursuant to a development agreement or reimbursement agreement for amounts that may exceed a development's proportional share of infrastructure costs; assessments charged pursuant to special assessment or benefit assessment district proceedings; etc., unless so specified.  
(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)

#### **15.98.030 Definitions.**

A. "Big Ranch Specific Plan Area" includes an approximately 430 acre area as set forth in the Napa Big Ranch Specific Plan and shown on Exhibit A attached to the ordinance codified in this chapter and found on file in the office of the city clerk.

B. "Basic Infrastructure Program" is a capital improvement plan containing a list and schedule of public facilities that can be funded by the Big Ranch Impact Fee. The Basic Infrastructure Program is included in the Technical Report.

C. Land uses subject to the Big Ranch Impact Fee are defined as follows:

1. "Single-family residential." This category consists of single-family detached units.
2. "Multi-family residential." This category consists of buildings containing two (2) or more dwelling units, condominiums, townhouses and mobile home parks.
3. "Commercial." This category includes, but is not limited to, retail and services businesses, grocery stores, eating establishments, hotels, motels, banks, sporting goods,

clothing stores, laundromats, personal grooming shops, pet grooming, book and video rentals, hardware, furniture, household appliances, health spas, and similar uses.

4. "Medical Office." This category includes medical and dental offices.

5. "Mixed uses" include combinations of land use types in a single project or building.

6. "Other uses" includes all other uses not specified above, including but not limited to churches, institutional uses, fraternal organizations, schools and day care centers and hospitals.

D. "Change of Use" shall include:

1. Conversion of one use to a new use.

2. Expansion of an existing use at its current location or at a different location within the Big Ranch Specific Plan Area.

3. A new use in an existing structure.

4. Any use requiring a conditional use permit.

(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)

#### **15.98.040 Big Ranch area development impact fee requirement.**

A. Development Requiring Payment of Fee.

1. Building Permit. A person who applies for a permit to construct a residential or nonresidential building shall pay to the city a Big Ranch Impact Fee in an amount to be determined by resolution of the city council.

2. Change of Use. A person who makes a change of use of a building with or without the requirement of a use permit shall pay to the city a Big Ranch Impact Fee in an amount to be determined by resolution of the city council. In the case of change of use, the person shall pay only the incremental difference between the applicable Big Ranch Impact Fee for the prior use and the Big Ranch Impact Fee for the new use or in the case of a building constructed after the effective date of this ordinance for which a Big Ranch Impact Fee was paid upon issuance of the building permit for construction, the difference between the amount of the fee paid and the Big Ranch Impact Fee for the new use.

B. Amount of the fee. The amounts and calculation of each Big Ranch Impact Fee shall be established by resolution of the city council and shall be based upon the following considerations:

1. New development will pay only for the construction of those public facilities where there is a reasonable relationship between the facilities funded and the demands and needs generated by the new development.

2. Each type of new development shall contribute to the funding of the needed facilities in proportion to the need for the facilities created by that type of development.

3. The public facilities funded by the Big Ranch Impact Fee and the calculations resulting in the Big Ranch Impact Fee amount are documented in the Technical Report.

C. Fee Details.

1. Residential Fees. The Big Ranch Impact Fee for residential construction shall be charged for each new dwelling unit.

2. Fees for Nonresidential Uses. The Big Ranch Impact Fee for nonresidential construction shall be charged on a per square foot basis for all new gross floor area, including all additions where floor area is increased, with a specific per square foot amount set for each nonresidential use type. No fee shall be charged for remodeling or restoration only, where the floor area is improved or replaced but not increased. Gross floor area is determined by calculating the combined area for all floors contained within the building's exterior walls. Parking area shall not be included in the calculation. If no floor area is added, but a change of use occurs, the fee shall be the incremental difference between the applicable fee for the prior use and the fee for the proposed new use.

3. Fees for Mixed Uses. When a single project or building contains more than one of the specified uses, the Public Works Director shall determine the Big Ranch Impact Fee by applying to each use category the applicable fee for that individual use.

4. Fees for Other Uses. Uses not specified in the Technical Report or the Big Ranch Impact Fee resolution shall be calculated by the Public Works Director on the basis of the facility costs and allocation methods used for the specified uses.

D. Formula for Calculating the Fees. The Big Ranch Impact Fee shall be determined by a formula that is based on the cost of the required infrastructure facilities, the proportion of those costs attributable to development in the Big Ranch Specific Plan Area as a whole, and each unit of development's proportional share of the Big Ranch Specific Plan Area costs as a whole. These formulas are included in the Technical Report and shall be updated from time-to-time to reflect changes in construction costs, development schedules, availability of supplemental funds, and other relevant factors.

(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)

#### **15.98.050 Use of fee revenue.**

The Big Ranch Impact Fee shall fund public facilities identified in the Basic Infrastructure Program that are attributable to the new development within the Big Ranch Specific Plan Area as determined in the Technical Report and any future additions and amendments to the said report, all of which are incorporated in the chapter by this reference.

A. The city shall deposit the fees collected under this chapter in a special fund, the Big Ranch Area Development Impact Fee Account ("BRADIF Account"), with separate accounts for each infrastructure item ("Infrastructure Item") designated in Table II-3 in the Technical Report in order to fund facilities listed in the Basic Infrastructure Program.

B. The fees and all interest earned on accrued funds shall be used only to:

1. Fund the costs of the public facilities specified in the Basic Infrastructure Program, or to reimburse the city for such costs if funds were advanced by the city from other sources. The costs of construction of public facilities shall include acquisition of property and property rights, costs of construction including costs associated with planning, administration and design, as well as actual building or installation, as well as any other costs associated with the construction of the facilities.

2. Reimburse developers or property owners who have been required or permitted to install facilities included in the Basic Infrastructure Program which are oversized, including supplemental size, length, or capacity beyond that which can be attributed to a specific development. Reimbursements are limited to the costs accrued when a developer or property owner constructs and dedicates to the city a public facility(ies) included in the Basic Infrastructure Program where the demonstrated costs of the facility(ies) constructed (but not to exceed the amount estimated in the Basic Infrastructure Program) exceeds the fee liability for an Infrastructure Item for a given project. Reimbursements shall not be available if the cost of the constructed and dedicated improvement is below the fee liability for an Infrastructure Item for a given project. Reimbursements for oversizing of facilities shall not be available until there is sufficient surplus fee revenue in the BRADIF Account for an Infrastructure Item.

3. Reimburse the City of Napa to offset administrative costs associated with administering and updating the Big Ranch Impact Fee.

(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97; Ord. No. O98-005, Amended, 04/21/98)

#### **15.98.060 Credits.**

The public works director may adjust the Big Ranch Impact Fee obligation for each Infrastructure Item under the following conditions:

A. As consideration for public facilities constructed and dedicated to the city funded by a developer or property owner or funded by an assessment district, or Mello-Roos Community Facilities District or other land secured financing mechanism.

B. Credits shall be limited to public facilities required during the phase of development in which the project occurs; credits for facilities required for subsequent phases of development shall be treated as reimbursements as described in Section 15.98.050.B.2.

C. If the developer's or property owner's actual documented construction cost for basic infrastructure improvement(s) exceeds the costs set forth in the Basic Infrastructure Program, the fee credit against the relevant Infrastructure Item shall be limited to the cost set forth in the Basic Infrastructure Program; if the actual documented construction cost of an improvement is below that estimated in the Basic Infrastructure Program, the value of the credit is limited to the actual documented cost of the improvement(s). If a portion of a needed basic infrastructure improvement is constructed, the proportional value of the credit shall be calculated by the Public Works Director in accordance with the assumptions contained within the Technical Report.

D. Fee credits granted herein may be used only as a credit against that portion of the Big Ranch Impact Fee obligation for each Infrastructure Item. Fee credits, reimbursements or other funding provided by or under any other city or outside agency program may not be used to reduce the Big Ranch Impact Fee obligation hereunder.

(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)

#### **15.98.070 Exemptions.**

The following actions are exempt from the requirement to pay the Big Ranch Impact Fee:

A. Alteration, remodeling or reconstruction of an existing residential building where no additional dwelling units are created.

B. Demolition of an existing residential building and the construction of a new residential building on the same site where no additional dwelling units are created;

C. Alteration, remodeling or reconstruction of a non-residential building which does not involve the change of use nor increase the gross floor area in existence and in use as of the effective date of the ordinance codified in this chapter;

D. No Big Ranch Impact Fee shall be due if the fee was previously paid-in-full for a particular property and use, and no refund (in accordance with Section 15.98.100) has been issued;

E. Public agency projects (including special districts) which provide public infrastructure within the scope of the public agency's responsibilities.

There are no other exemptions to the Big Ranch Impact Fee.

(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)

#### **15.98.080 Time of payment.**

The Big Ranch Impact Fee shall be paid to the city prior to issuance of a building permit or, if no building permit is required, prior to the commencement of a change of use or within thirty (30) days after approval of a use permit authorizing a change in use, whichever comes first. The city has, or will have, established accounts and appropriated funds for the various facilities set forth in the Basic Infrastructure Program and proposed a construction plan.

(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)

#### **15.98.090 Authority for additional mitigation.**

Fees collected pursuant to this chapter do not replace existing development fees, except as the council may specifically provide, or other charges or limit requirements or conditions to provide additional mitigation of impacts imposed upon development projects as part of normal development review process.

(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)

#### **15.98.100 Refund of fee.**

A. If an unused building permit or unused use permit expires, is canceled, or is voided, and any fees paid pursuant to this chapter have not been expended, the public works director shall, upon the written request of the person who paid the fee, order return of the fee less administrative costs. Refund requests shall only be honored for a period of

60 days following expiration, cancellation, or voiding of the building or use permit(s) subject to the refund. Following the expiration of this period, no refunds shall be granted.

B. During the annual review of the Big Ranch Impact Fee pursuant to Section 15.98.110, the city council shall make a required finding(s) with respect to any fee revenue not expended or committed five years or more after it was paid and take all required actions pursuant to Government Code Section 66001.

(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)

**15.98.110 Annual review.**

The Big Ranch Impact Fee authorized by this chapter and implementing council resolution(s), the accumulated fee funds and their appropriation and supporting documentation, including the Technical Report, shall be reviewed annually by the city council.

(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)

**15.98.120 Termination of the fee.**

The city shall cease to collect the Big Ranch Impact Fee established by this chapter once funds sufficient to construct all facilities described in the then current Basic Infrastructure Program have been collected.

(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)

**15.98.130 Appeal of fees paid.**

Any person subject to the fee described in this chapter may appeal the amount of fee paid to the council based upon the absence of any reasonable relationship or nexus between the impact of his/her/its development and either the amount of the fees charged or the type of facility to be financed or the portion of the facility attributable to the development. The appeal shall be made in writing and filed with the city clerk no later than ten (10) days before the public hearing on any discretionary approval or permit for the development, or if no such discretionary approval or permit is required, within ten (10) days after payment of the fees objected to. The appeal shall set forth in detail the factual and legal basis for the claim. The council shall consider the appeal at a public hearing commenced within sixty (60) days after the filing of the appeal. The appellant shall bear the burden of presenting substantial evidence to support the appeal including comparable technical information to support appellant's position. The decision of the council shall be final.

(Ord. No. O97-010, Enacted, 06/03/97; Ord. No. O97-009, Amended, 11/04/97)