

## Exhibit 1

### Chapter 17.04 – Definitions

**17.04.060 Automobile repair facilities.** “Automobile repair facilities” shall mean a place where minor motor vehicle repairs and lubrication are performed by auto mechanics and technicians, including sale of accessories for the vehicle.

**17.04.142 Car wash facilities.** “Car wash facilities” shall mean a place containing equipment for washing motor vehicles where no chain conveyor or blower is used.

**17.04.226 Electric Vehicle Supply Equipment.** “Electric Vehicle Supply Equipment” shall mean the hardware, including connectors, fixtures, devices, and other components required to charge an electric vehicle.

**17.04.300 Gas Station.** “Gas Station” shall mean a retail business selling gasoline or other motor vehicle fuels, and related products, derived from fossil fuels (e.g., petroleum, coal, natural gas).

**17.04.700 Zero Emission Vehicle.** “Zero Emission Vehicle” shall mean a zero-emission vehicle is any type of vehicle that has no tailpipe emissions. Vehicles run on electric motors and are powered by electricity delivered from batteries or hydrogen and fuel cells. In contrast to conventional internal combustion vehicles, zero emission vehicles prevent air pollution, lower greenhouse gas emissions, and help integrate renewable energy into the transportation sector. There are two kinds of zero emission vehicles: plug-in electric vehicles and hydrogen fuel cell electric vehicles.

**17.04.710 Zero Emission Vehicles – Battery Charging Station.** “Zero Emission Vehicles – Battery Charging Station” shall mean an accessory use consisting of one or more electric vehicle charging spaces served by an electric vehicle charger or other charging equipment. This includes any level of electric vehicle supply equipment station that is designed and built-in compliance with Article 625 of the California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

**17.04.720 Zero Emission Vehicles – Hydrogen Fuel Cell Station.** “Zero Emission Vehicles – Hydrogen Fuel Cell Station” shall mean one or more hydrogen fuel cell filling spaces served by equipment that stores, conveys, and dispenses hydrogen to zero emission vehicles.

## Exhibit 2

### **Chapter 17.21.030 Conditionally Permitted Uses.**

- A. The following uses require a use permit in the DC district, pursuant to Chapter 17.40 CMC:
1. Wine shops, including tasting facilities.
  2. Wine, beer and liquor sales.
  3. Tasting rooms.
    - a. Seventy-five percent of the wines poured for tasting in a winery tasting room without charge shall comply with one of the following:
      - i. Are labeled Napa County, Napa Valley or other legally recognized American viticultural area within the County of Napa; or
      - ii. Are made with at least 75 percent fruit grown within the 94515 zip code area.

A combination of wines meeting the criteria stated in the subsections above may be allowed if collectively the combination represents at least 75 percent of the wines being poured for tasting in the winery tasting room.

- b. The use shall meet the standards of the City's tasting room policy, adopted by resolution.
4. Sale of used or secondhand goods, excluding books and magazines.
5. Firearm and ammunition sales.
6. Souvenir shops.
7. Walkaway businesses.
8. Outdoor sales establishments, such as plant nurseries and garden supplies, and storage associated with a primary use, such as hardware and home improvement stores.
9. Sexually oriented retail businesses.
10. Cottage industries, such as carpenters, when ancillary to retail sales of products or merchandise made on the premises.
11. Bars.
12. Restaurants, bakeries, cafes and other similar uses, with or without outdoor seating, not meeting the criteria set forth CMC 17.21.020(A)(9)(a).
13. Formula businesses otherwise allowed in CMC 17.21.020, but not including formula restaurants or formula visitor accommodations.
14. Banks and financial institutions with drive-up or walk-up facilities.
15. Hotels, hotel-condominiums, motels, resorts and inns.
16. Commercial amusements, such as arcades and fortune tellers.
17. Live entertainment and/or dancing.
18. Theaters and places of public assembly, such as halls, lodges, fraternal organizations and clubs.
19. Dance studios and schools.
20. Off-site parking for businesses.
21. Live-work units and resident caretaker and manager quarters; provided, that the following requirements have been met:
  - a. The required off-street parking for the exclusive use of dwelling units is provided pursuant to Chapter 17.36 CMC.
  - b. The commercial use shall be compatible with the health and safety of persons residing on the property (lighting, noise, fumes and hours of operation, etc.).

22. Multifamily dwellings above the first floor.
  23. Storage when associated with a resident-serving business located on an adjacent parcel.
  24. Religious institutions, such as churches and mosques.
  25. Public and private schools.
  26. Public utility substations.
  27. Geothermal uses.
  28. Uses determined by the Planning Commission to be similar in nature, as provided for in Chapter 17.03 CMC.
- B. The following uses require an administrative use permit in the DC district, pursuant to Chapter 17.40 CMC:
1. Outdoor bicycle rentals in conjunction with an established retail sales operation.
  2. Outdoor dining in conjunction with an established restaurant operation.
  3. Outdoor live entertainment with non-amplified instruments in conjunction with an established business operation on an ongoing basis.
- C. The following uses require a temporary use permit in the DC district, pursuant to Chapter 17.40 CMC:
1. One-time events held in conjunction with an established business operation, limited to four events per year. Use of public right-of-way as part of an event also requires approval of an encroachment permit.
  2. Outdoor holiday and other seasonal events and sales that do not involve the use of public property or right-of-way.

### **Exhibit 3**

#### **17.21.050 Prohibited uses.**

- A. The following uses are prohibited in the DC district:
  - 1. Uses not specified in CMC 17.21.020 through 17.21.040.
  - 2. Formula restaurants.
  - 3. Formula visitor accommodations.
  - 4. Drive-up facilities associated with a food service establishment.
  - 5. Gas station facilities, automobile repair, and car washes.
  - 6. Timeshare projects, programs or occupancies.
  - 7. Manufacturers' outlet stores.
  - 8. Establishments serving customers food and/or beverages within their automobiles on the premises or preparing food and/or beverages intended for consumption within their automobiles on the premises.
  - 9. Objectionable and hazardous uses, such as businesses that present noxious odors or fumes, noise, vibration, glare, dust, and materials which have a potential for hazard and explosion.
  - 10. The conversion or demolition of existing dwelling units, except under one of the following circumstances:
    - a. Replacement housing will be provided. A housing agreement shall be required to ensure compliance with the conditions of a permit authorizing the demolition or conversion.
    - b. A fee will be paid subject to the provisions contained in Chapter 17.08 CMC, to be used by the City to provide replacement housing.

## Exhibit 4

### **17.22.030 Conditionally permitted uses.**

A. The following uses require a conditional use permit in the CC district, pursuant to Chapter 17.40 CMC:

1. Wine shops, including tasting facilities.
2. Wine, beer and liquor sales.
3. Tasting rooms.
  - a. Seventy-five percent of the wines poured for tasting in a winery tasting room without charge shall comply with one of the following:
    - i. Are labeled Napa County, Napa Valley or other legally recognized American viticultural area within the County of Napa; or
    - ii. Are made with at least 75 percent fruit grown within the 94515 zip code area.

A combination of wines meeting the criteria stated in the subsections above may be allowed if collectively the combination represents at least 75 percent of the wines being poured for tasting in the winery tasting room.

- b. The use shall meet the standards of the City's tasting room policy, adopted by resolution.
4. Antique stores.
5. Sale of used or secondhand goods, excluding books and magazines.
6. Thrift and discount stores, not including manufacturers' outlet stores.
7. Firearm and ammunition sales.
8. Walkaway businesses.
9. Outdoor sales establishments, such as plant nurseries and garden supplies, and storage associated with a primary use, such as hardware and home improvement stores.
10. Sexually oriented retail businesses.
11. Automobile, boat, recreational vehicle and agricultural equipment sales, rentals and repair.
12. Cottage industries, such as carpenters, when ancillary to retail sales of products or merchandise made on the premises.
13. Car wash facilities.
14. Banks and financial institutions with drive-up facilities.
15. Veterinarian clinics with boarding facilities, subject to the provisions of CMC 17.14.020(B)(3).
16. Restaurants, bakeries, bars, cafes, and similar uses, with or without outdoor dining.
17. Formula businesses otherwise allowed in CMC 17.22.020, but not including formula restaurants or formula visitor accommodations.
18. Hotels, hotel-condominiums, motels, resorts and inns. New visitor accommodations shall generally be allowed where they are part of a mixed-use project that provides tangible benefits to the community.
19. Live entertainment and/or dancing.
20. Theaters and places of public assembly such as halls, lodges, fraternal organizations and clubs.
21. Stand-alone parking lots.
22. Off-site parking for businesses.

23. Wineries, including public tours and tastings, winery events and private wine marketing events.
  24. Temporary storage or warehousing of nontoxic/nonhazardous material substances, subject to the following requirements:
    - a. The use shall be entirely enclosed within an existing structure as of the effective date of the ordinance codified herein. New structures or expansion of more than 10 percent of an existing structure shall be prohibited for such uses.
    - b. The use shall primarily serve the permanent resident population of Calistoga.
    - c. The use shall be allowed for up to two years. The use may only be extended upon the review and approval of the Planning Commission; provided, that a needs assessment is prepared indicating a demand for the use.
    - d. The use is prohibited within an entry corridor designated in the General Plan.
    - e. Public storage uses are prohibited.
    - f. Warehousing or storage of products for regional distribution are prohibited.
    - g. Outdoor storage of goods and materials are prohibited.
  25. Live-work units and caretaker's quarters; provided, that the following guidelines have been considered:
    - a. The required off-street parking for the exclusive use of dwelling units is provided pursuant to Chapter 17.36 CMC.
    - b. A screened yard area of not less than 300 square feet is provided per dwelling unit, except in cases where due to the location of existing structures there is no land available for said yard.
    - c. In the case of shared residential and commercial uses, the commercial use is compatible with the health and safety of persons residing on the property (lighting, noise, fumes and hours of operation, etc.).
  26. Multifamily dwellings.
  27. Childcare facilities.
  28. Large residential care facilities for the elderly.
  29. Skilled nursing facilities.
  30. Religious institutions, such as churches and mosques.
  31. Public utility substations.
  32. Public and private schools.
  33. Geothermal uses.
  34. New structures, and additions to existing structures resulting in an increase in floor area of 10 percent or more.
  35. Storage when associated with a resident-serving business located on an adjacent parcel.
  36. Uses determined by the Planning Commission to be similar in nature, as provided for in Chapter 17.03 CMC.
- B. The following uses require an administrative use permit in the CC district, pursuant to Chapter 17.40 CMC:
1. Outdoor bicycle rentals in conjunction with an established retail sales operation.
  2. Outdoor dining in conjunction with an established restaurant operation.
  3. Outdoor live entertainment with non-amplified instruments in conjunction with an established business operation on an ongoing basis.
- C. The following uses require a temporary use permit in the CC district, pursuant to Chapter 17.40 CMC:

1. One-time events held in conjunction with an established business operation that do not involve the use of public property or right-of-way.
2. Outdoor holiday and other seasonal events and sales that do not involve the use of public property or right-of-way.

## Exhibit 5

### **17.22.050 Prohibited uses.**

- A. The following uses are prohibited in the CC district:
  - 1. Uses not specified in CMC 17.22.020 through 17.22.040.
  - 2. Formula restaurants.
  - 3. Formula visitor accommodations.
  - 4. Drive-up facilities when associated with a food service establishment.
  - 5. Gas station facilities.
  - 6. Timeshare projects, programs and occupancies.
  - 7. Manufacturers' outlet stores.
  - 8. Souvenir shops, unless associated with and ancillary to a visitor accommodation.
  - 9. Establishments serving customers food and/or beverages within their automobiles on the premises or preparing food and/or beverages intended for consumption within their automobiles on the premises.
  - 10. Objectionable and hazardous businesses, such as uses which present odors, fumes, noise, vibration, glare, dust, and materials which have a potential for hazard and explosion.
  - 11. The conversion or demolition of existing dwelling units, except under one of the following circumstances:
    - a. Replacement housing will be provided. A housing agreement shall be required to ensure compliance with the conditions of a permit authorizing the demolition or conversion.
    - b. A fee will be paid subject to the provisions contained in Chapter 17.08 CMC, to be used by the City to provide replacement housing.

## Exhibit 6

### 17.36.140 Off-street parking – Commercial and industrial uses.

Land Use	Parking Ratio
Automobile Services	
repair only	1 space per 100 square feet
with repair	2 spaces per bay (plus island requirement)
w/convenience store	1 space per 200 square feet (plus island requirement)
Auto or Vehicle Sales	
sales area	1 space per 1,000 square feet
w/service	1 space per service bay
Barber/Beauty/Nail Salons	2 spaces per operator station
Contractor's Storage Yard	1 space per 3,000 square feet plus 1 space for each vehicle
Contractor's Service (Office, Shop Area)	1 space per 500 square feet
Convalescent Homes	1 space per each two beds
Clubs or Lodges, Private	1 space per 500 square feet of largest single area
Day Care	
adult	same as single-family – 2 spaces
children	
less than 7	same as single-family – 2 spaces
12+ children	1 space per employee plus 1 per 500 square feet and safe loading area
(preschool: see Schools)	
Home Occupations	
resident only	2 spaces
one employee	2 spaces for owner plus 1 space
Hospital	
human services	1 space per two beds plus 1 space per employee
animal services	1 space per 300 square feet
Kennel	
boarding	1 space per three kennels
boarding w/grooming	1 space per 300 square feet
Manufacturing or Production	1 space per 500 square feet
Mini Storage	
storage area	4 space minimum plus
office area	1 space per 200 square feet plus
resident manager	2 spaces
Offices	
law, real estate, and general	1 space per 250 square feet
medical, dental	1 space per 200 square feet

<b>Land Use</b>	<b>Parking Ratio</b>
Outdoor Sales/Rentals	
bicycles	1 space per 500 square feet of display area
plant nursery	1 space per 1,000 square feet of display area
building materials	1 space per 2,000 square feet of display area
Personal Services (Massage, Facials, etc.; Not Spas)	1 space per treatment area, plus 1 space per employee
Places of Assembly	
fixed seats	1 space per 5 seats or 10 feet of bench length
open seating	1 space per 35 square feet of largest assembly area
Recreational Uses	
stadium, ballfield	1 space per 4 seats or 10 feet of bench length
theaters	1 space per 5 seats
bowling alley	
w/o restaurant	6 spaces per alley
with other principal uses	shall provide additional parking spaces as required by this chapter for each use
sports courts	2 spaces per court
skating rink	1 space per 100 square feet plus 1 space per 2 employees
public swimming (not in conjunction with other uses)	1 space per 100 square feet of pool area
golf course	
regular	6 spaces per hole
miniature	3 spaces per hole
driving range	1 space per tee
with other uses	shall provide additional parking spaces as required by this chapter for each use
game room/amusement arcade	1 space per 200 square feet
commercial stable/riding academy	1 parking space per stall
recreational vehicle park/campground	2 spaces per space or campsite
Resident-Serving Businesses	25 percent credit against spaces as required by this chapter
Restaurants	1 space per 100 square feet
Retail Sales, General	1 space per 200 square feet
Retail Sales, Bulk	1 space per 500 square feet
Schools	
preschool	2 spaces per teacher plus 1 space per five students
elementary/junior high	2 spaces per classroom plus 1 space per administrative employee
high school	10 spaces per classroom plus 1 space per administrative employee

<b>Land Use</b>	<b>Parking Ratio</b>
private and trade	5 spaces plus 20 per classroom
Spa, Health Resorts	
w/o tourist units	1 space per 400 square feet
w/tourist units	1.1 space per unit, additional
Theater	1 space per 5 seats
Tourist/Visitor Accommodations	1.1 space per unit plus 1 space for manager
Walkaway Businesses	
w/o seating	1 space per 500 square feet
w/seating	1 space per 3 seats
Warehouse and Bulk Storage	
w/manufacturing	1 space per 500 square feet
w/storage only	1 space per 2,000 square feet

**Exhibit 7**

**17.38.070 Zero Emission Vehicles – Battery Charging Station and Hydrogen Fuel Cell Station.**

- A. The purpose of this section is to promote the public health, safety, and welfare through the regulation of placement and servicing of zero emission vehicle stations.
- B. Zero Emission Vehicles – Battery Charging Station shall be an allowed accessory use in any zoning district.
- C. Zero Emission Vehicles – Hydrogen Fuel Cell Station shall be an allowed use at existing gas stations as an accessory or primary use.
- D. Every zero emission vehicle station shall be maintained in a clean and neat condition and in good repair at all times.

## Exhibit 8

### Sections:

17.44.010	Regulation of nonconforming uses and structures.
17.44.015	Continuation, alterations and extensions.
17.44.020	Discontinuance.
17.44.030	Replacement following destruction.
17.44.040	Completion of nonconforming structure.
17.44.050	Prohibited nonconforming uses.
17.44.060	Nonconforming lots.
17.44.070	Regulation of nonconforming gas station uses and structures.

### **Chapter 17.44 NONCONFORMING LOTS, STRUCTURES AND USES**

#### **17.44.010 Regulation of nonconforming uses and structures.**

Except as otherwise provided in Section 17.44.070, nonconforming uses and structures shall be subject to the following regulations.

#### **17.44.015 Continuation, alterations and extensions.**

Subject to the provisions of this section, a nonconforming use or structure may be continued and maintained in reasonable repair but shall not be altered or extended, except that:

- A. The extension of a nonconforming use to a portion of a structure that was provided for the nonconforming use at the time the ordinance codified in this title was adopted shall be permitted provided the parking requirements pursuant to Chapter 17.36 CMC, Off-Street Parking and Loading, are met.
- B. A structure conforming as to use but nonconforming with respect to height, setback or coverage may be altered or extended if the alteration or extension does not further deviate from the standards of this title.
- C. Any structure or use for which parking facilities do not meet the requirements of Chapter 17.36 CMC shall be considered a nonconforming use. Such nonconforming uses may continue, but no enlargement, expansion or increase in the number of businesses shall be made on the lot or within existing structures unless the entire parking requirements of Chapter 17.36 CMC for the expanded floor area or use intensification are met or an in-lieu parking fee can be applied in accordance with such title.

#### **17.44.020 Discontinuance.**

- A. If a nonconforming use is replaced by another use, the new use shall conform to this title.
- B. If a nonconforming use is discontinued for a period of 180 days, all future use shall conform to the current provisions of this title.

#### **17.44.030 Replacement following destruction.**

- A. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 60 percent of fair market value as indicated by the records of the County Assessor, a future structure or use on the site shall conform to this title.
- B. Notwithstanding the above, a nonconforming residential structure may be replaced, provided that:
  1. The number of dwelling units is not decreased.

2. The replacement structure complies with all applicable development standards, unless a variance is approved.
3. A building permit for the replacement structure shall be applied for within two years of the former structure's destruction and construction shall be diligently pursued.

**17.44.040 Completion of nonconforming structure.**

Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a permit has been issued and construction work has commenced prior to the adoption of this title, or any amendment thereto, that caused the structure or use to become nonconforming. However, such structure shall be completed and in use within two years from the time the permit was issued.

**17.44.050 Prohibited nonconforming uses.**

The following nonconforming uses are prohibited:

- A. A nonconforming use not involving a structure.
- B. A nonconforming use involving a structure having an assessed value of less than \$1,000.

**17.44.060 Nonconforming lots.**

The minimum lot area and minimum lot dimensions prescribed for each zoning district apply to applications for new land subdivisions and lot line adjustments. They are not intended to prevent the development, subject to compliance with other provisions of this title, of a preexisting lot which was legally created but does not meet the minimum required lot area or dimensions applicable to the zoning district for such lot.

**17.44.070 Regulation of nonconforming gas station uses and structures.**

- A. **Purpose.** To support implementation of General Plan OSC Goals 6 and 7 and Policy P1.3-3 through regulations that:
  1. Provide for the continued operation of Gas Station uses as legal non-conforming uses and describe when they may be deemed abandoned.
  2. Allow alterations to Gas Stations when such changes provide greater protection of the environment, safeguard public health and safety, facilitate the use of zero emission vehicles, or enable other uses permitted within the respective zoning district.
  3. Prohibit Gas Station operations from increasing the storage and dispensing capacity of gasoline and any other fossil fuel.
- B. **Applicability.** This section applies to:
  1. All lawfully developed and operating Gas Station uses in existence prior to [insert ordinance effective date; e.g., Month Date, 2021].
  2. All Gas Station uses not yet developed and/or operating but subject to an approved and unexpired land use permit.
- C. **Modifications to Gas Station Uses, Generally.** Except as provided below, Gas Station uses and structures related thereto shall not be enlarged, extended, reconstructed or moved to a different portion of the lot or parcel of land occupied by such use. As determined by the Director of Planning and Building, examples of features subject to this provision include, but are not limited to, those related to the sale, storage, conveyance, and dispensing of gasoline and any other fossil fuel (e.g., storage tanks, pumps, dispensers).
- D. **Modifications to Improve Soil, Groundwater and Stormwater Quality.** Gas Station uses may be modified to conform to current stormwater quality control regulations or remediate contamination of the soil or groundwater.

- E. **Modifications to Improve Traffic Safety.** As determined by the City Engineer, the pedestrian and vehicular circulation features (e.g., curbing, sidewalks, traffic control devices) of a Gas Station use may be modified to improve public safety.
- F. **Modifications to Enable Zero Emission Vehicles (Battery Charging Station).** Gas Station uses may be modified to accommodate battery charging station(s) for zero emission vehicles. Pursuant to Government Code Section 65850.7, no permit is required to install Battery Charging Stations.
- G. **Modifications to Enable Zero Emission Vehicles (Hydrogen Fuel Cell Station).** Gas Station uses may be altered to include facilities for the storage, conveyance and dispensing of hydrogen to zero emission vehicles.
- H. **Modifications for Commercial Uses Other Than Fossil Fuel Sales.** Gas Station uses may be altered to accommodate commercial uses that are not related to fossil fuel sales and provided for in the respective zoning district.
- I. **Modifications to Ensure Compliance with the General Plan.** Gas station uses may be altered to ensure compliance with General Plan policies and regulations, including overlay designations, such as entry corridor overlays, character areas, and gateway designations.
- J. **Discontinuation of a Gas Station Uses or Structures.** A Gas Station use shall not be re-established if such use has been discontinued for a continuous period of 180-days or more, or has been changed to, or replaced by, a conforming use. If the use has discontinued for reasons of construction under a valid building permit, the Zoning Administrator may extend the 180-day timeframe when presented with documentation demonstrating construction has been pursued diligently and timely.
- K. **Applicability of Chapter 17.44 Requirements to Gas Station Uses and Structures.** Sections 17.44.020, 17.44.030.A, and 17.44.040 of Chapter 17.44 also apply to gas station uses and structures regulated pursuant to this section. The requirements of sections 17.44.015, 17.44.030.B, 17.44.050, and 17.44.060 of Chapter 17.44 do not apply to gas station uses and structures regulated pursuant to this section. Nothing in this section shall be deemed to prevent normal maintenance and repair of any use or structure of the carrying out upon the issuance of a building permit or major structural alterations or demolitions necessary in the interest of public safety. In granting such a building permit, the Building Official shall state the precise reason why such alterations were deemed necessary.