*AMENDED 4/12/18
City of St. Helena
Planning Commission
Regular Meeting
Tuesday, April 17, 2018 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

PLEASE NOTE: Any person who wishes to speak regarding an item on the agenda or make a comment under the "Oral Communication" portion of the agenda may do so, but <u>please observe the time limit of three minutes.</u>

Page

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL
Chairperson: Grace Kistner
Vice Chair: Lester Hardy
Commissioners: David Knudsen, Bobbi Monnette and John Ponte

   Bobbi Monnette is teleconferencing from Cloudside Hotel, Tamarack Apartment, 410 Victoria Street, Nelson, V1L, 4K5, Canada

   City staff present at the meeting will be noted in the minutes.

3. PUBLIC FORUM:
This is an opportunity for the public to address the Commission on items of interest to the public that are NOT listed on t he agenda. Because of restrictions imposed by the Brown Act, the Commission may not engage in discussion nor take action on matters not described on the agenda. **<u>Please observe the time limit of three minutes.</u>**

4. CONSENT ITEMS
Members of the Commission or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)

   4.1. Approval of Minutes: April 3, 2018 — 5 - 9

   Commission Minutes 04-03-18

   4.2. Design Review Exemption to build a 570 square foot (sf) carport at 1222 Alexander Ct. in the Medium Density Residential Zoning District — 11 - 29

   CEQA Determination: Exempt
   Prepared By: Joseph Brockhoff, Planning Intern
   Recommendation:
   Staff finds that the proposed residential remodel raises no substantial design problems and therefore recommends that the Planning Commission:

   1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15301; and

2. Approve a resolution finding that the project is exempt from design review thereby approving the exterior modifications to the single-family home located at 1222 Alexander Ct.

1222 Alexander Ct. - Staff Report

5. PUBLIC HEARINGS

5.1. St Helena 2040 General Plan Environmental Impact Report Scoping Meeting — 31 - 67

CEQA Determination: Environmental Impact Report
Prepared By: Noah Housh, Planning & Community Improvement Director
Recommendation:
It is recommended by the Planning and Community Improvement Department that the Planning Commission hold the scoping meeting for the 2040 General Plan Update EIR and receive all verbal and written comments on the scope of the General Plan EIR analysis.

St Helena 2040 General Plan Environmental Impact Report Scoping Meeting - Staff Report
Consultant PPT. Presentation
Scoping Meeting Comment Cards

6. SCHEDULED MATTERS

6.1. Consideration of amendments to the City's Zoning Ordinance, St. Helena Municipal Code ("SHMC") Title 17, potentially revising Section 17.48 (Central Business District) and 17.52 (Service Commercial), to modify the list of permitted and conditional uses as deemed appropriate by the Planning Commission. — 69 - 87

CEQA Determination: Exempt pursuant to Section 15061 of the CEQA Guidelines.
Prepared By: Aaron Hecock, Senior Planner
Recommendation:
It is recommended by the Planning and Community Improvement Department that the Planning Commission review the attached list of permitted and conditional uses along with the suggested changes provided by staff and provide direction to staff at a future meeting date regarding which, if any, they would like made.

Staff Report
St. Helena Zoning Map

6.2. ***New item added 4/12/18*** — 89 - 181
Housing Element Update 2018

CEQA Determination: Mitigated Negative Declaration
Prepared By: Noah Housh, Planning & Community Improvement Director
Recommendation:
It is recommended by the Planning and Community Improvement Department that the Planning Commission review and consider the provided information, and file the report.

[PC - Housing Element Update 2018 - Pdf]

7. DEPARTMENT REPORTS
This is an opportunity for staff to report on or update the Commission on any relevant matters.

8. AGENDA FORCAST
Attached is a summary document of pending projects and up coming and items of priority and interest that will be placed on future agendas. This is also an opportunity for the Commission as a whole to request items be placed on future agendas for discussion. These items should be consistent with, and work to implement adopted Council Goals.

8.1. [Tentative Agenda 2018-March Update] 183 - 185

9. ADJOURNMENT
The next Regular Planning Commission meeting is scheduled for May 1, 2018, at 6:00 p.m. in the Vintage Hall Board Room located at 465 Main Street.

This agenda was posted at City Hall, 1480 Main Street, and at Vintage Hall, 465 Main Street, St. Helena, California on April 10, 2018.

Noah Housh, Planning Director

Appeal. A person who is dissatisfied with a decision of the Planning Commission may appeal that decision to the City Council pursuant to Municipal Code Section 17.08.180, Appeal procedure. Actions of the Planning Commission will be listed on the City Council agenda the following Tuesday to give the City Council opportunity to review the Planning Commission's decision. Absent of an appeal by the City Council or by a citizen, the appeal period will terminate two weeks after the Planning Commission hearing.

Special Assistance for the Disabled. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 967-2792. Notification 48 hours prior to the meeting will enable City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR35.102-35.104 ADA Title II). However, City staff will attempt to assist at any time with accessibility. The City Clerk has equipment to assist those with a hearing impairment.

PUBLIC TESTIMONY PROCEDURES
Pursuant to the Government Code Section 54954.3, the public may address the Commission on each agenda item during the Commission's consideration of that item. Each speaker has the option to state his or her name for the record before testifying. Depending on the number of speakers or the interest of the item, the Planning Commission Chairman may also restrict, at his/her discretion, the speaker's time to three minutes. The

Chairman may also restrict public comments if they become irrelevant to the agenda item or repetitious of prior comments. All persons interested may appear and be heard or submit written statements prior to the Planning Commission meeting. Please note that if you challenge the City's decision on any of these matters in court, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the City at, or prior to, the meeting.

CHALLENGING DECISIONS OF CITY ENTITIES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of St. Helena is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). 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. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing.

If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of St. Helena, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the Planning Commission regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the Planning Department's Office located at 1480 Main Street, St. Helena, California, during normal business hours. In addition, such writings or documents will be made available on the City's web site at http://cityofsthelena.org and will be available for public review at the respective meeting.

MINUTES
City of St. Helena
Planning Commission Meeting
Tuesday, April 3, 2018 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

A complete video recording of this meeting, except for closed session, can be found at https://sthelena.civicweb.net/Portal/ or by calling the City Clerk at (707) 967-2792. The City Council video is the official record of the Council meeting.

Present:	Chair Grace Kistner, Vice-Chair Lester Hardy, Commissioner David Knudsen (arrived at 6:03 p.m.), Commissioner Bobbi Monnette, and Commissioner John Ponte
Absent:	None
Staff Present:	Erica Ahmann Smithies, Public Works Director and City Engineer, Aaron Hecock, Senior Planner, Lilly Bianco, Contract Planner, and Xinia Gamero, Administrative Assistant

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. PUBLIC FORUM:

No public comment received.

4. CONSENT ITEMS

Commissioner Ponte pulled Item 4.1 on the Consent Calendar.

~~4.1 Approval of Minutes: February 20, 2018 and March 20, 2018~~

4.2 Request by the City of St. Helena Public Works Department for sign permit approval in order to place a sign on the temporary Public Works building location at 1572 Railroad Ave in the Business and Professional Office Zoning District.

CEQA Determination: Exempt

Recommendation:

Staff finds the sign is well designed and meets the Zoning Code criteria and therefore recommends that the Planning Commission:

1. Determine that the signs are exempt from the requirements of CEQA pursuant to Section 15311, Class 11(a) of the CEQA Guidelines which exempts on-premise business signs; and

2. Approve the request for a Sign Permit in order to place a new, illuminated, monument sign on the property located at 1475 Main Street.

4.3 Administrative Determination that the Design Review approval allowing the construction of a new single-family home, second unit, and accessory structures on the property located at 1057 Pratt Avenue, be extended until March 2, 2019, due to delays in the City's completion of required utility infrastructure improvements.
Prepared By: Noah Housh, Planning & Community Improvement Director

Commissioner Bobbi Monnette moved to approve Items 4.2 and 4.3 on the Consent Calendar. The motion was seconded by Vice Chair Lester Hardy and on roll call carried by the following vote:

AYES: Grace Kistner, Lester Hardy, Bobbi Monnette, and John Ponte
NOES: None
ABSENT: David Knudsen
ABSTAIN: None
RECUSE: None

4.1 Approval of Minutes: February 20, 2018 and March 20, 2018

Vice Chair Lester Hardy moved to approve the Minutes from the February 20, 2018 meeting. The motion was seconded by Commissioner Bobbi Monnette and on roll call carried by the following vote:

AYES: Grace Kistner, Lester Hardy, David Knudsen, and Bobbi Monnette
NOES: None
ABSENT: None
ABSTAIN: John Ponte
RECUSE: None

Commissioner John Ponte moved to approve the Minutes from the March 20, 2018 meeting. The motion was seconded by Vice Chair Lester Hardy and on roll call carried by the following vote:

AYES: Grace Kistner, Lester Hardy, David Knudsen, Bobbi Monnette, and John Ponte
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

5. PUBLIC HEARINGS

5.1 Continuance of: Request for a Demolition Permit and Design Review to demolish the existing single family residence and accessory structures and construct a new single family residence, accessory dwelling unit, and detached garage at 1827 Vineyard Avenue in the Medium Density Residential District.

CEQA Determination: exempt from the requirements of CEQA pursuant to Section 15301(L)(1) and 15303(A) which exempts demolition of an existing single family residence and the construction of a new single family residence.
Prepared By: Lilly Bianco, Contract Planner

Recommendation:

The Planning and Community Improvement Department recommends that the Planning Commission adopt a resolution finding that:

1.The project is exempt from the requirements of CEQA pursuant to CEQA Section 15301 and 15303, and

2.Accepting the required findings and approving the requested Demolition permit, and Design Review for the 1827 Vineyard Project.

Commissioner Monnette disclosed communication with applicant and other interested parties at the project site.

Contract Planner Lilly Bianco provided a presentation and reported on the item.

Susan Duprey, property owner provided a presentation to the Commission.

Chair Kistner opened public comment.

Sharon Crull, Tom Belt, Donna Hinds, Pastor Burke and Elizabeth Leeds addressed the Commission.

Chair Kistner closed public comment.

Susan Duprey addressed the Commission.

Commissioner David Knudsen moved to approve staff recommendation as conditioned. The motion was seconded by Vice Chair Lester Hardy and on roll call carried by the following vote:

AYES: Grace Kistner, Lester Hardy, David Knudsen, and John Ponte
NOES: Bobbi Monnette
ABSENT: None
ABSTAIN: None
RECUSE: None

5.2 Request by Mary Volkav for a Short-Term Rental Permit to rent her single-family home located at 1136 Hudson Street in the Medium Density Residential District in accordance with the requirements of the Short-Term Rental Ordinance.

CEQA Determination: The project is exempt from CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
Prepared By: Lilly Bianco, Contract Planner

Recommendation:

The City has an adopted short-term rental ordinance that allows for a maximum of 25 short-term rental permits in the City; At the writing of this report, 6 of the 25 permits are available (See **Attachment 6**, showing existing short term rental locations). Furthermore, short-term rentals are a permitted use (with a permit) within the Medium Density Residential district. The City would also benefit from Transient Occupancy Tax (TOT) revenue collected from an active short-term rental permit holder.

The applicant is a city resident who lives on-site and has owned her home for approximately 15 years. The house would be available for rent when she is away for work, but would otherwise be occupied by the current owner.

For the reasons described above, staff recommends that the Planning Commission:

1.Determine that the project is exempt from the requirements of CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a
significant effect on the environment; and

2.Accept the required findings and approve a short-term rental permit at 1136 Hudson Street.

Contract Planner Lilly Bianco reported on the item.

Commissioner Monnette disclosed meeting with applicant.

Mary Volkav, applicant addressed the Commission.

Chair Kistner opened public comment.

Donna Hinds addressed the Commission.

Chair Kistner closed public comment.

Commissioner John Ponte moved to approve staff recommendation. The motion was seconded by Vice-Chair Lester Hardy and on roll call carried by the following vote:

AYES: Grace Kistner, Lester Hardy, David Knudsen, Bobbi Monnette, and John Ponte
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

6. SCHEDULED MATTERS

7. DEPARTMENT REPORTS

8. AGENDA FORCAST

8.1 Tentative Agenda

Senior Planner Aaron Hecock reported on the item.

9. ADJOURNMENT

Chair Kistner adjourned the meeting at **7:22 p.m.**

APPROVED:	**ATTEST:**
______________________________	______________________________
Grace Kistner, Chair	Noah Housh, Planning and Community Improvement Director

PLANNING COMMISSION REPORT

Planning Commission Meeting of April 17, 2018

AGENDA SECTION: Consent

FILE NUMBER: PL18-011

SUBJECT: Design Review Exemption to build a 570 square foot (sf) carport at 1222 Alexander Ct. in the Medium Density Residential Zoning District

PREPARED BY: Joseph Brockhoff, Planning Intern

REVIEWED BY: Noah Housh, Planning & Community Improvement Director

APPROVED BY: Noah Housh, Planning & Community Improvement Director

APPLICATION FILED:01/25/18 **ACCEPTED AS COMPLETE:**02/06/18

LOCATION OF PROPERTY: 1222 Alexander Court

APN: 009-112-023

GENERAL PLAN/ZONING: Medium Density Residential/MR

APPLICANT: Polly Ogden **PHONE:** 707-363-7247

BACKGROUND

The subject property is located at 1222 Alexander Court is a .25-acre residential lot with one (1) single-family home and one (1) detached Accessory Dwelling Unit (ADU) with an attached garage. The parcel is located in the Medium Density Residential Zoning District in Northwest St. Helena.

PROJECT DESCRIPTION

The applicant, Polly Ogden is requesting a Design Review Exemption in order to construct a 570 Square-foot (sf) Carport attached to an existing ADU located in the Medium Density Residential Zoning District (MR). The area where the carport will be built currently functions as off-street parking for the primary residence. According to the applicant, the roof of the carport will peak at 13 feet and will be built to match the existing comp roofing of the primary residence. The structure will be post and beam construction and have very little visual impact to the immediate surroundings. The carport will be attached directly to the Accessory Dwelling Unit and be used by both the primary dwelling and ADU residents.

ANALYSIS

CEQA

The project is exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303 as a class 3 categorical exemption which exempts the new construction of small structures including garages, carports, patios. swimming pools, etc. The proposed project is not subject to any of the exceptions to the use of a categorical exemption as outlined in CEQA Section 15300.2. The project site is not located on or near an environmentally sensitive area, is not visible from a scenic highway, is not included on a hazardous waste site, and will not impact historic resources or otherwise generate or contribute to any potentially significant impacts.

GENERAL PLAN

The subject property exhibits a General Plan Land Use designation of Medium Density Residential. This land use designation allows single family detached and attached homes, secondary residential units, and other compatible uses including accessory structures. The Medium Density Residential land use designation serves as the predominant residential land use designation and is intended to encourage the existing development patterns of St. Helena's established neighborhoods.

Staff Response: Staff finds that the proposed project is consistent with the General Plan in that the ADU and carport would continue an existing residential use and housing opportunity within the City, would be professionally designed and constructed to suit the site, would maintain the residential character of the site and area in general, and provide two (2) off-street parking spaces for the primary and ADU's occupants.

ZONING

Consistent with the General Plan Land Use designation, the subject property exhibits a zoning designation of MR: Medium Density Residential. The MR Zoning District allows for accessory structures such as carports as long as they comply with the development standards prescribed by Municipal Code Section 17.40.060.

Lot Coverage

Lot size:	11,100
House:	1,240
Porch:	100
Garage:	330
Guest Unit:	315
Shed:	120

NEW carport: 570
TOTAL 2,699
11,100/2,699= 24.3% Lot Coverage, 45% Allowable

Maximum Allowable Height of Accessory Structure = 15 feet
Carport Proposal= 13 feet
Minimum setback= 3 feet
Carport Proposal= 9 feet
Minimum setbacks for an accessory structure as prescribed in Municipal Code Section 17.116.010 are 3 feet from the property line to the accessory building or structure.

Staff Response: Staff review of this project indicates that it meets all applicable development standards including height, location, lot coverage and setbacks prescribed in Municipal Code Section 17.116.010 for accessory buildings and structures.

Water Neutrality
This project is not subject to St. Helena Water Neutrality measure given that it is not expected to place a new demand on the City's water system.

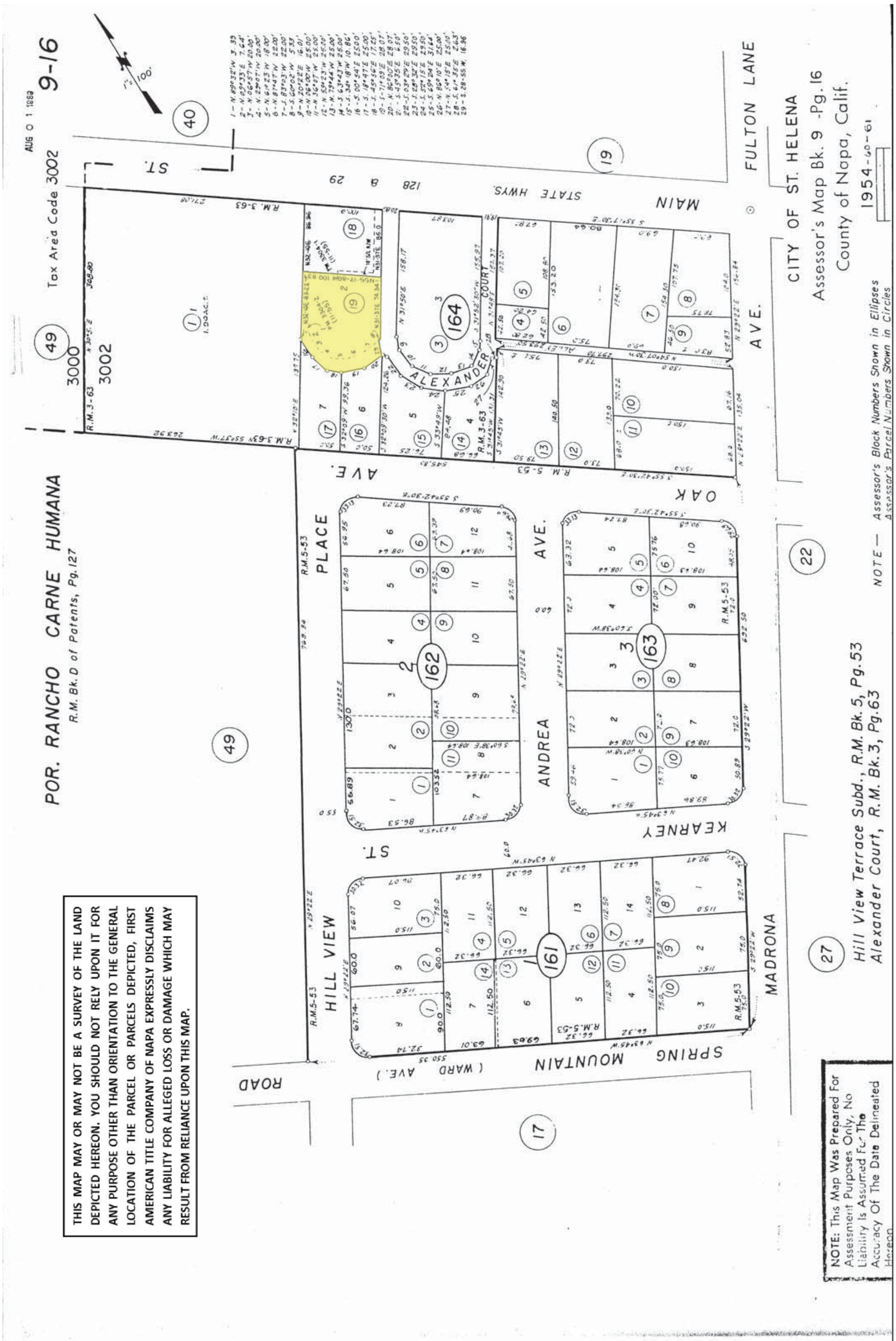
ISSUES
Staff has not identified any issues at the time this report was prepared

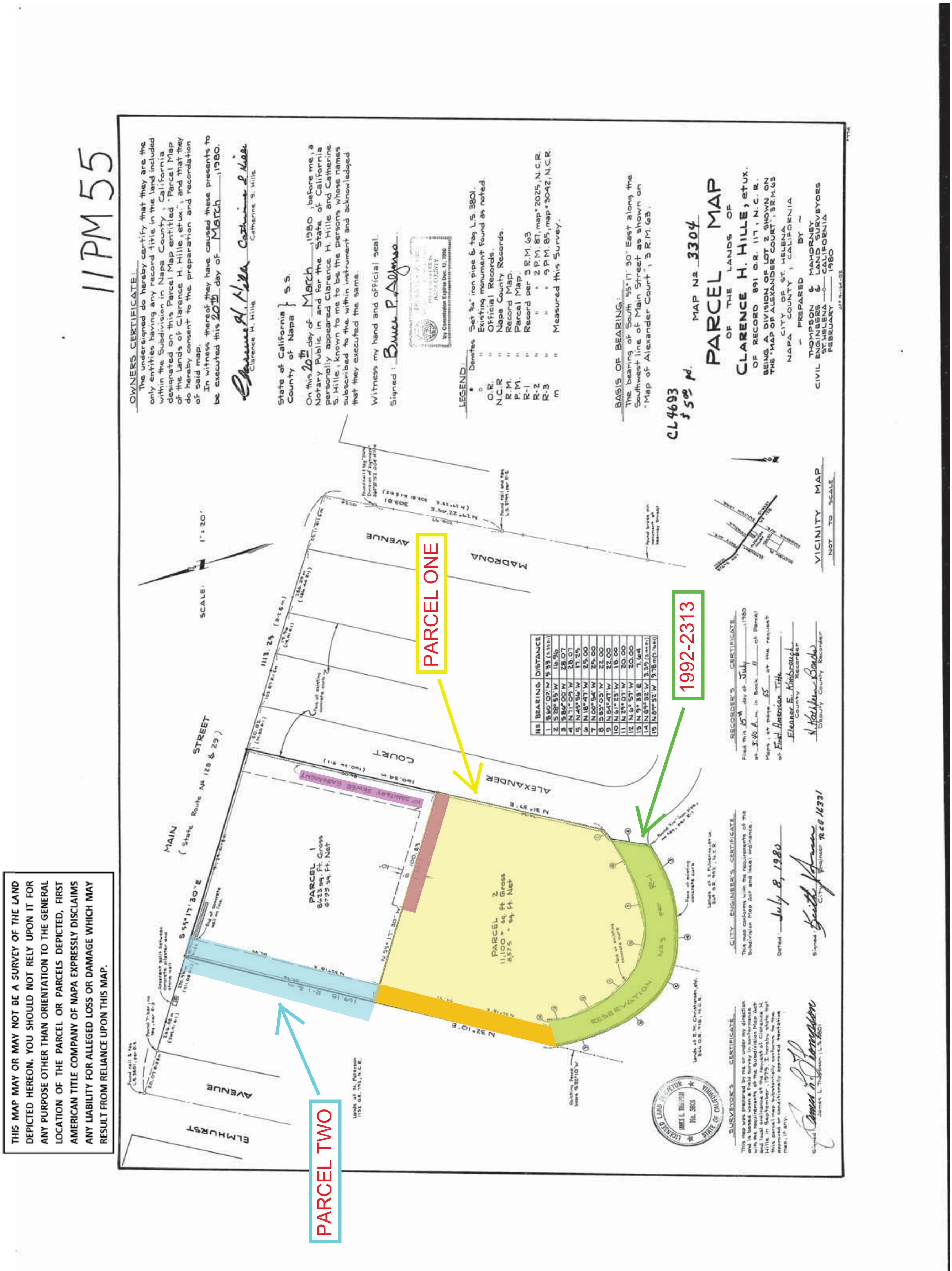
CORRESPONDENCE
Staff has not received any correspondence for or against this project

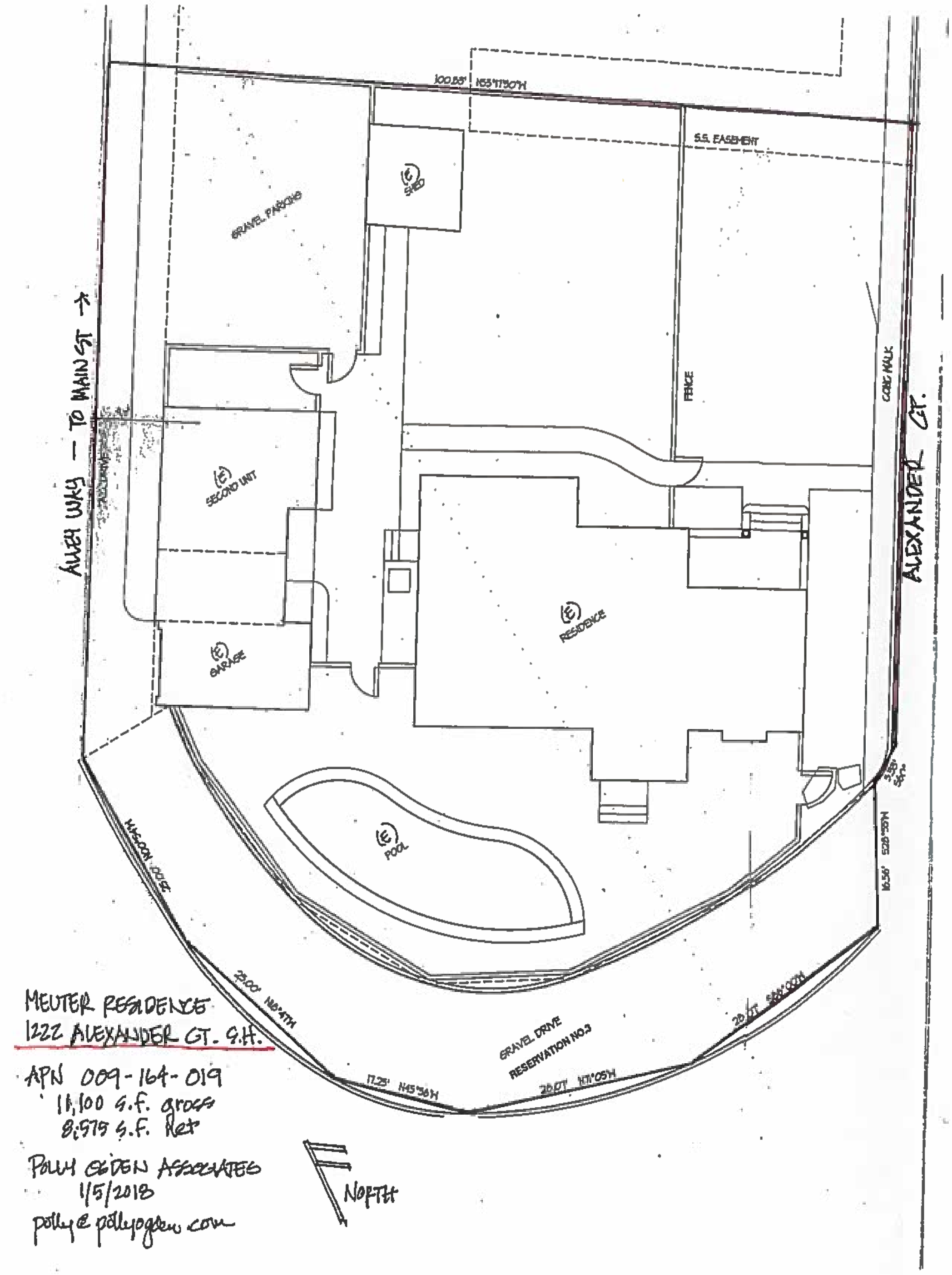
STAFF RECOMMENDATION
Staff finds that the proposed residential remodel raises no substantial design problems and therefore recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15301; and
2. Approve a resolution finding that the project is exempt from design review thereby approving the exterior modifications to the single-family home located at 1222 Alexander Ct.

ATTACHMENTS
Assessor's Map
Site Plan
Photos
Resolution


9-16
Tax Area Code 3002
POR. RANCHO CARNE HUMANA
R.M. Bk. D of Patents, Pg.127
CITY OF ST. HELENA
Assessor's Map Bk. 9 -Pg. 16
County of Napa, Calif.
Hill View Terrace Subd., R.M. Bk. 5, Pg. 53
Alexander Court, R.M. Bk. 3, Pg. 63
NOTE — Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles
MAIN ST.
STATE HWY. 29 & 128
FULTON LANE
OAK AVE.
KEARNEY ST.
HILL VIEW PLACE
ANDREA AVE.
MADRONA AVE.
SPRING MOUNTAIN ROAD
(WARD AVE.)
ALEXANDER COURT
THIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND DEPICTED HEREON. YOU SHOULD NOT RELY UPON IT FOR ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL LOCATION OF THE PARCEL OR PARCELS DEPICTED, FIRST AMERICAN TITLE COMPANY OF NAPA EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON THIS MAP.
NOTE: This Map Was Prepared For Assessment Purposes Only, No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon

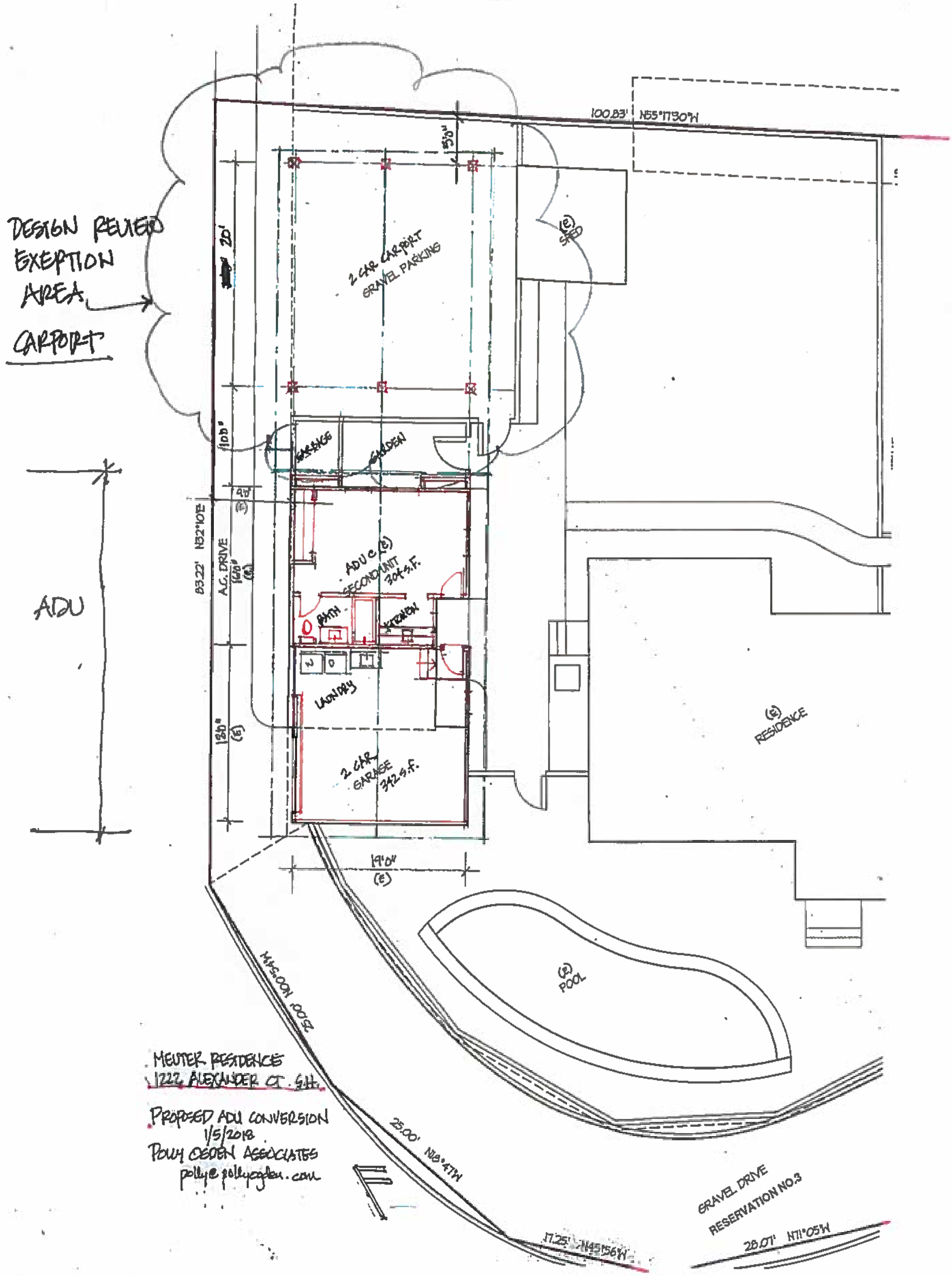

THIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND DEPICTED HEREON. YOU SHOULD NOT RELY UPON IT FOR ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL LOCATION OF THE PARCEL OR PARCELS DEPICTED. FIRST AMERICAN TITLE COMPANY OF NAPA EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON THIS MAP.
11PM55
PARCEL ONE
PARCEL TWO
1992-2313
MAIN STREET
ALEXANDER COURT
MADRONA AVENUE
ELMHURST AVENUE
PARCEL MAP
MAP Nº 3304
VICINITY MAP
NOT TO SCALE



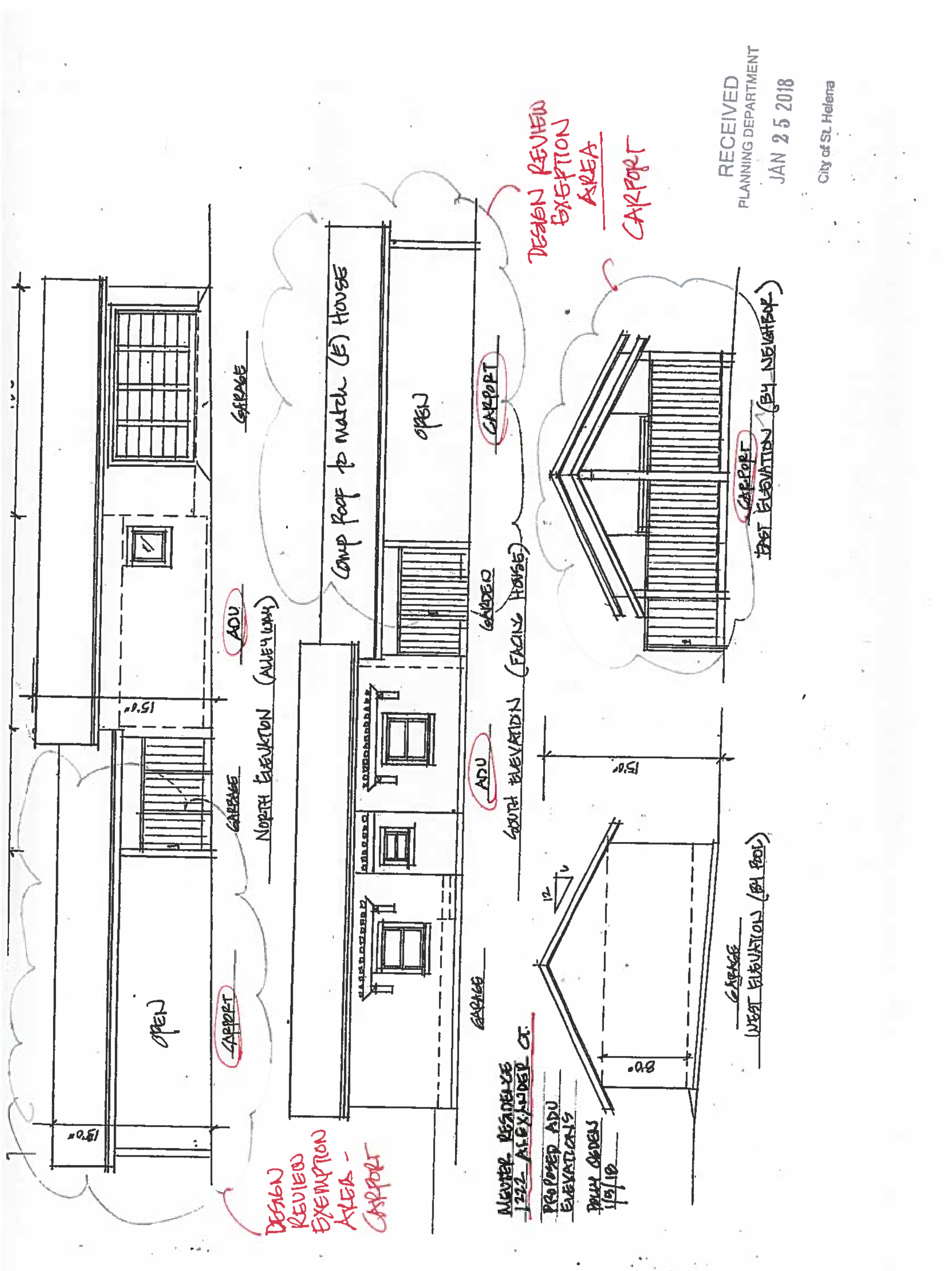
MEUTER RESIDENCE
1222 ALEXANDER CT. S.H.
APN 009-164-019
11,100 s.f. gross
8,575 s.f. net
POLLY OGDEN ASSOCIATES
1/5/2018
polly@pollyogden.com

SITE PLAN - EXISTING

RECEIVED
PLANNING DEPARTMENT
JAN 25 2018
City of St. Helena



RECEIVED
PLANNING DEPARTMENT
JAN 25 2018
City of St. Helena



RECEIVED
PLANNING DEPARTMENT
JAN 25 2018
City of St. Helena
DESIGN REVIEW EXEMPTION AREA
CARPORT
COMP ROOF to match (E) HOUSE
OPEN
CARPORT
GARAGE
ADU
GARDEN
NORTH ELEVATION (ALLEYWAY)
SOUTH ELEVATION (FACING HOUSE)
CARPORT
EAST ELEVATION (BY NEIGHBOR)
GARAGE
WEST ELEVATION (BY POOL)
15.0"
18.0"
8.0"
12
6
1222 ALEXANDER CT.
PROPOSED ADU ELEVATIONS
1/3/18
DESIGN REVIEW EXEMPTION AREA - CARPORT

TREE CANOPY

EXISTING SHED

NEIGHBOR

EXISTING GUEST UNIT TO BECOME ADU

(NOT IN DESIGN REVIEW EXEPTION REQUEST)

PROPOSED CARPORT AREA

MEUTER RESIDENCE · 1222 ALEXANDER COURT

POLLY OGDEN
2/16/18

TREE CANOPY

EXISTING HOUSE

(E) SHED

PROPOSED CARPORT AREA

MEUTER RESIDENCE
1282 ALEXANDER CT

POLLY OGDEN
1/16/18

CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION PC20xx-xx

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ST. HELENA GRANTING APPROVAL OF DESIGN REVIEW EXEMPTION TO BUILD A CARPORT AT 1222 ALEXANDER CT. (File No. PL18-011)

PROPERTY OWNER: ROGER & JANICE MEUTER **APN**: **009-164-019**

Recitals

A. On JANUARY 25TH 2017 POLLY OGDEN submitted an application for a Design Review Exemption to build a carport at 1222 Alexander Ct. located in the Medium Density Residential District; and

B. On March 6th, 2018 the Planning Commission of the City of St. Helena, State of California, considered the project, staff report, and all testimony, written and spoken, at a duly noticed public hearing.

C. Now, therefore let it be found that, the Planning Commission approves the Design Review Exemption on the following basis:

Resolution

A. The Planning Commission hereby finds that this project qualifies for a Class 3 Categorical Exemption pursuant to Section 15303 of theCalifornia Environmental Quality Act (CEQA) in that accessory structures such as garages, carports, patios, swimming pools and fences are exempt.

B. The Planning Commission has considered the Design Review design criteria identified in Municipal Code Section 17.164.030 to support the motion to approve the Design Review given that the project has been found to demonstrate:

1. Consistency and compatibility with applicable elements of the general plan.
As an accessory structure of an appropriate size, scale, and siting and on a medium density residential property, the project would not conflict with or otherwise prevent the attainment of any GP policies, goals, or objectives.

2. Compatibility of design with the immediate environment of the site;
The Carport will be compatible in that it will be of a scale clearly subordinate to the primary residence and features materials, finishes, and roof pitch that match the primary residence.

3. Relationship of the design to the site;
The Carports design will be built to match the design of the primary residence.

4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character; *in that the proposed Carport would have a minimal visual effect on the property and thus would not affect the character of the greater neighborhood.*

5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses; *in that the Carport would be built in an area where only one land use type exists (Medium Density Residential) and therefore the project as proposed would not be expected to affect the visual transitions exhibited by different land use areas since there is only one type exhibited.*

6. Compatibility with future construction both on and off the site; *in that the Carport will match the primary residence in terms of materials, finishes, and roof pitch and therefore is and would continue to be compatible with construction on site.*

7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project; *in that the proposed Carport will be of a simple post and beam design and would be functionally adequate in order to protect vehicles from the various elements mentioned in the proposal.*

8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community; *in that the site includes an existing residence and an existing accessory dwelling unit. The existing residence (1,240sf) and accessory dwelling unit (315 sf) and proposed carport (570sf) would be situated with adequate separation and property setbacks. Further, the uses are scaled such that there is clear hierarchy in terms of the primary residence, accessory dwelling, and carport. Given that all of the structures exhibit adequate separation and placement around the yard periphery, the project would promote an internal sense of order and provide a desirable environment.*

9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures; *in that a carport serving a single-family residence the need for additional open space or landscaping is not necessary for the design or functionality of the structure.*

10. Whether sufficient ancillary functions are provided to support the main functions of the project and whether they are compatible with the project’s design concept; *in that there are no additional ancillary functions are proposed.*

11. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles; *in that the project does not propose any changes to circulation systems or site access.*

12. Whether natural features are appropriately preserved and integrated with the project; *in that the project does not affect any natural features*.

13. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures; *in that the roof of the carport will peak at 13ft and will be built to match the existing comp roofing of the primary residence. The structure will be post and beam construction and have very little visual impact to the immediate surroundings.*

14. In areas considered by the board as having a unified design character or historical character, whether the design is compatible with such character; *in that the carport would have a minimal visual effect on the property and thus would not affect the character of the greater neighborhood.*

15. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site; *in that there are no landscaping changes proposed as part of this project.*

16. Whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which is suitable to the climate of St. Helena; *in that there are no landscaping changes proposed as part of this project.*

17. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials; *in that the project is for the building of a covered carport and thus doesn't necessitate energy efficiency measures or green building standards be included as part of the proposal.*

E. Now therefore be it further resolved that, the Design Review Exemption for the above described project is granted subject to compliance with all applicable provisions of the Zoning Code subject to each of the following conditions. Permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

1. The Design Review Exemption shall be vested within one (1) year from the date of approval. A building permit for the activities allowed under this approval shall have been obtained within one (1) year from the effective date of the Design Review

Exemption decision or this approval shall expire; provided however that the approved Design Review Exemption may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.030, Extension of Permits and Approvals.

2. This permit is valid for this use and design only. New permits must be applied for any change in use. These permits will expire if the use is discontinued pursuant to then existing ordinances and regulations.

3. The Design Review Exemption shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 14-day period.

4. Any request for an extension of the Design Review Exemption must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.

5. All required fees, including planning fees, development impact fees, building fees, retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of building permit.

6. Pursuant to City Council Resolution 2003-65, the owner and applicant are informed of the following:

In recognition of the need for additional affordable housing, and to mitigate the effects of this development on the supply and demand of affordable housing, the permitee shall be subject to a Housing Impact Fee, an inclusionary requirement, an in-lieu fee, and/or similar fair and appropriate mechanisms, to provide funds for or to develop additional affordable housing, should such mechanisms be established by the City.

7. Compliance with all permit conditions shall be clearly identified on all plans submitted for building permit approval, shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a

project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.

8. The applicant will defend and indemnify and hold the City, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul an approval so long as the City promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceeding

9. Provided they are in general compliance with the approved Design Review Exemption, minor modifications found to be in substantial conformance with the approved design and use may be approved by the Planning Director.

11. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The owner/applicant is responsible for meeting with the Building Official / Fire Inspector to review compliance with Building and Fire Codes, including fire protection systems and the accessibility standards of Title 24.

12. Construction documents shall be in compliance with approved plans and exhibits.

13. All conditions of approval shall be clearly identified and included on all plans submitted for building permit review and issuance.

Public Works Department Conditions of Approval

14. A drainage and grading plan may be required for review and approval by the City Engineer prior to the issuance of a building permit

15. All activities affecting storm water and/or erosion, air quality, traffic control and equipment and/or material storage on grading and construction sites are required to be managed in accordance with State and Federal regulations, City of St. Helena standards and Best Management Practices (BMPs).

16. If not already in the district, the property shall be annexed to the St. Helena Municipal Sewer District and sewer impact fees shall be paid prior to issuance of building permit. Connection to the sewer shall be constructed prior to occupancy of the buildings.

17. Landscape plans shall comply with Ordinance 92-20, Water Efficient Landscape Standards and Procedures, and with the Industrial District Regulations (Article 13.05 (g)). Plans shall be designed and verified by a landscape professional and shall include drought tolerant landscaping and low water irrigation systems. Landscaping shall not block vision from exits or at street intersections If the landscape area is 2,500 square feet or greater, a landscape water flow meter

shall be installed for verification of the amount of water being used for landscaping.

18. Pursuant to City Municipal Code Section 17.124.070 and 15.36.100, any vehicular gate must be a minimum of 14 feet wide and setback a minimum of 30 feet from the edge of pavement or property line (whichever is greater)

Building Department Conditions of Approval

19. A building permit is required for all onsite demolition, construction and/or change of occupancy.

20. The applicant will be required to comply with the codes adopted at the time the applicant applies for a building permit. At this time the City of St. Helena utilizes the 2013 Title 24 codes.

21. When submitting plans for a building permit, the plans shall include all documentation listed on the building permit application checklist.

22. The applicant shall provide a construction waste management plan with the building permit application.

23. The plans for construction shall include a checklist for compliance with the California Green Buildings Standards Code, mandatory measures. Provide a reference on the checklist indicating where the mandatory measures can be found on the plans.

24. When submitting plans, the title page shall include all information referenced on the building permit application checklist Title Page requirements.

25. Building Permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the code that addresses the condition; special inspections for any systems or components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application. Any deferral of the required submittal items shall have prior approval of the Building Official however deferral of fire sprinkler design is not allowed.

26. Properties which are on septic systems and proposing substantial renovations may require approval from the Napa County Environmental Health Department. Applicants are encouraged to engage with the County early in the building permit review process to reduce the potential for delay.

Building Permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the code that addresses the condition; special inspections for any systems or components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application. Any deferral of the required submittal items shall have prior approval of the Building Official however deferral of fire sprinkler design is not allowed.

I HEREBY CERTIFY that the foregoing Design Review Exemption was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on March 6th 2018 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: ATTEST:

Grace Kistner Chair, Planning Commission	Noah Housh, Planning and Community Improvement Director

Design Review Criteria.

1. Consistency and compatibility with applicable elements of the general plan. As an accessory structure of an appropriate size, scale, and siting and on a medium density residential property, the project would not conflict with or otherwise prevent the attainment of any GP policies, goals, or objectives.
2. Compatibility of design with the immediate environment of the site;
The Carport will be compatible in that it will be of a scale clearly subordinate to the primary residence and features materials, finishes, and roof pitch that match the primary residence.
3. Relationship of the design to the site;
The Carports design will be built to match the design of the primary residence.
4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;

The proposed Carport would have a minimal visual effect on the property and thus would not affect the character of the greater neighborhood.

5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;

The Carport would be built in an area where only one land use type exist (Medium Density Residential) and therefore the project as proposed would not be expected to affect the visual transitions exhibited by different land use areas since there is only one type exhibited.

6. Compatibility with future construction both on and off the site;

The Carport will match the primary residence in terms of materials, finishes, and roof pitch and therefore is and would continue to be compatible with construction on site.

7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;

The proposed Carport will be of a simple post and beam design and would be functionally adequate in order to protect vehicles from the various elements mentioned in the proposal.

8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;

The site includes an existing residence and an existing accessory dwelling unit. The existing residence (1,240sf) and accessory dwelling unit (315 sf) and proposed carport (570sf) would be situated with adequate separation and property setbacks. Further, the uses are scaled such that there is clear hierarchy in terms of the primary residence, accessory dwelling, and carport. Given that all of the structures exhibit adequate separation and placement around the yard periphery, the project would promote an internal sense of order and provide a desirable environment.

9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;

As a carport serving a single family residence additional open space or landscaping is not necessary for the design or functionality of the structure.

10. Whether sufficient ancillary functions are provided to support the main functions of the project and whether they are compatible with the project’s design concept;

No additional ancillary functions are proposed.

11. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;

The project does not propose any changes to circulation systems or site access.

12. Whether natural features are appropriately preserved and integrated with the project;

The project does not affect any natural features.

13. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures.

According to the applicant, the roof of the carport will peak at 13ft and will be built to match the existing comp roofing of the primary residence. The structure will be post and beam construction and have very little visual impact to the immediate surroundings.

14. In areas considered by the board as having a unified design character or historical character, whether the design is compatible with such character;

The proposed Carport would have a minimal visual effect on the property and thus would not affect the character of the greater neighborhood.

15. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;
There is no landscaping changes proposed as part of this project.
16. Whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which is suitable to the climate of St. Helena;
There is no landscaping changes proposed as part of this project.
17. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.
The project is for the building of a covered carport and thus doesn't necessitate energy efficiency measures or green building standards be included as part of the proposal.

PLANNING COMMISSION REPORT

Planning Commission Meeting of April 17, 2018

AGENDA SECTION: Public Hearing

FILE NUMBER: n/a

SUBJECT: St Helena 2040 General Plan Environmental Impact Report Scoping Meeting

PREPARED BY: Noah Housh, Planning & Community Improvement Director

REVIEWED BY: Noah Housh, Planning & Community Improvement Director

APPROVED BY: Noah Housh, Planning & Community Improvement Director

APPLICATION FILED:

BACKGROUND

The General Plan update formally began in April 2007, when the "Community Visioning and Existing Analysis" process was begun by the General Plan Update Steering Committee (GPUSC). This effort involved extensive community input leading to the preparation of first full draft of the General Plan in the summer of 2010. Concurrently, environmental analysis was also taking place, leading to the completion of the Draft General Plan EIR in August 2010.

The Draft General Plan EIR was subsequently circulated for review, comments were received, and a Final EIR (FEIR) was prepared in October 2010. The Planning Commission completed its review and recommended City Council approval of the document in October 2010.

During the City Council review in late 2010, a number of issues surfaced, most notably concerning water supply. Ultimately, it was decided by Council to postpone action on the General Plan in order to appropriately address the issue of water supply. A "Safe Yield Committee" was formed and a Water Management Program was developed.

The Water Management Program was adopted by Council in November 2012, and thereafter incorporated into the draft General Plan.
The City Council continued with a detailed review of the draft General Plan during numerous hearings held during late 2013 through June of 2014. In the late summer and fall of 2014, the Planning Commission reviewed the various changes made by Council since the Commission had reviewed the General Plan in October 2010. However, no significant action was taken to formally update the associated EIR, as the focus appears to have been on updating the General Plan document itself. During this timeframe, the Planning and Community Improvement Department also experienced significant staff turnover, impacting the ability for the City to efficiently manage the EIR and General Plan update process.

On April 15, 2015, the City Council held a Study Session on the St Helena 2035 General Plan update, and provided direction to City staff regarding the creation of a new residential land use category, *Low-Medium Density Residential*. This designation was intended to better fit the existing density and development pattern of a majority of the City's single family neighborhoods (which are primarily developed at approximately 5-6 units per acre), than the current Medium Density Residential designation which allows an unusually wide density range of 5 to 16 dwelling units per acre.

Between April and August of 2016, the Planning Commission held six study sessions to review the 2016 draft of the St Helena 2035 General Plan Update (April 19, 2016, May 17, 2016, June 7, 2016, June 21, 2016, and July 19, 2016, and August 2, 2016). At the July 19, 2016, Planning Commission meeting, Chairperson Grace Kistner, and then Vice Chairperson Mary Koberstein presented a compilation of the comments and direction concerning the 2035 General Plan Update, taken from the preceding Commission Study Sessions. This summary augmented and clarified the summary contained in the staff report prepared for the meeting.

The Commission spent the majority of the July 19, 2016 Study Session reviewing and discussing the summary as prepared by the Commission Chair and Vice Chair. After a thorough discussion of the document, the Commission directed staff to incorporate into the summary the various changes/edits as agreed to by the Commission and further directed that staff present this revised summary to the Commission at the August 2, 2016 Commission meeting, which occurred.

In the following months staff presented a several discussion items and informational updates on the 2035 General Plan and draft EIR to finalize the Commission direction and bring the existing EIR analysis into compliance with the law (September 6, 2016, March 14, 2017, October 22, 2017). Unfortunately, after significant review and effort, it was determined that the existing draft EIR document was antiquated and inadequate was not able to be brought into conformance with the current requirements of CEQA and state law.

On January 9, 2018, the City Council approved a contract with Dyett and Bhatia to finalize the St Helena 2035 General Plan Update and draft a new EIR for the document.

In approving this contract, concerns over finalizing the scope of the General Plan Update and EIR analysis were expressed by the City Council. In response, staff scheduled a Joint Planning Commission/City Council meeting to gain input on the scope of both documents, before the Consultant formally initiated the process.

On February 20, 2018, the Planning Commission and City Council held a Joint Meeting to review the proposed scope of the General Plan Update and EIR. Specific attention was placed on the July 2016 memo drafted by the Commission Chair and Vice Chair which had not previously been reviewed by the City Council, a list of topics provided by from staff and the consultants and a number of individual comments and concerns raised by citizens (primarily throughout the summer of 2016 study sessions referenced above).

On March 27, 2018, the City Council met to review and finalize the scope and process for the General Plan Update and associated EIR. During this meeting the Council finalized their direction on a number of scope and policy questions posed by staff and the consultant. In addition the Council provided final direction on a number of outstanding questions posed by various members of the community.

PROJECT DESCRIPTION

The EIR scoping meeting is primarily intended to allow members of the public, organizations and public agencies an opportunity to comment directly to staff, the consultant and the Planning Commission on the scope and content of the EIR in a public meeting. The scoping period is actually a 30-day timeline which began with the publication and posting of the Notice of Preparation for the EIR document (attached and link below) on April 2, 2018, and will conclude on May 1, 2018. Any and all comments on the scope of the EIR analysis will be accepted throughout this period.

During the scoping meeting, a brief presentation on the intent of the meeting and overall EIR process will be made by the EIR consultant before the floor is opened to receive public comment on the scope of the EIR analysis. Verbal comments will be recorded and comment cards provided to the public so that additional comments may be made in writing. Letters and email are also acceptable means of providing public input on the scope of the EIR. At the conclusion of the public comment period, staff and the consultant will welcome additional input from the Planning Commission.

http://www.cityofsthelena.org/sites/default/files/fileattachments/planning_resources/page/3505/st_helena_general_pan_nop_033018.pdf

All comments and any questions on the process should be directed to:

Noah Housh, Director
City of St Helena Planning and Community Improvement Department
1480 Main Street
St. Helena, CA 94574

E-mail: NHoush@cityofsthelena.org
Phone: (707) 968-2659

ANALYSIS

The St Helena 2040 General Plan Update will include the seven elements mandated by State law (Land Use, Open Space, Conservation, Housing, Circulation, Noise, and Safety) and several optional elements as noted in the list below. Staff and the consultant have identified a need to focus the analysis on the new "mixed-use" land use designation, incorporating capital improvements to expand the bicycle and pedestrian network through out the City and making modifications to the current draft to ensure the document meets all of the mandated state guidelines and requirements.

Specifically, the St Helena 2040 General Plan will include the following elements:

•Land Use and Growth Management
•Economic Sustainability
•Public Facilities & Services
•Circulation
•Historic Resources
•Community Design
•Open Space & Conservation
•Public Health, Safety, & Noise
•Climate Change
•Parks and Recreation
•Arts, Culture, & Entertainment

Based on the finalized direction from the Planning Commission and City Council, the scope of the EIR will analyze full build out of the various General Plan land use designations, including the change areas identified on Figure 2.8 of the draft 2040 General Plan Update (link below), as well as three Planning Areas located beyond the boundary of the City and its' Sphere of Influence.

http://www.cityofsthelena.org/sites/default/files/fileattachments/planning_resources/page/3505/gp_update_2035_06.22.2017.pdf

While this meeting is specificaly intended to garner comments on the scope of the EIR, the overall process includes numerous opportunities for additional public review and input. Specifically this will occur during the 45-day public review and comment period on the draft EIR and the Public Hearings to review and act on the documents themselves. In addition to the areas of potential environmental impacts mandated by the State (listed below), staff and the consultants are requesting public input on areas of concern citizens may have beyond these mandated elements. Specific actions to address these concerns are also welcome.

Generally, the state has mandated that all EIRs must review the potential for a project to impact:

- Aesthetics
- Agriculture and Forestry
- Air Quality
- Biological Resources
- Cultural, Tribal, and Historic Resources
- Energy, Climate Change, and Greenhouse Gas Emissions
- Geology and Seismicity
- Hazards and Hazardous Materials
- Hydrology, Drainage, and Water Quality
- Land Use, Population, and Housing
- Mineral Resources (scoped out due to a lack of known mineral resources and mining within the Community)
- Noise and Vibration
- Public Services and Recreation
- Traffic and Transportation
- Utilities and Service Systems

The EIR will analyze potential environmental impacts (and identify viable mitigation measures) associated with each of the above elements; will seek to identify any potential irreversible environmental changes associated with General Plan build out; will look to identify any growth inducing impacts associated with individual elements of the plan; will identify and analyze cumulative impacts of the 2040 General Plan Update and will identify any environmentally superior alternatives ot the proposed 2040 General Plan.

ISSUES

Given that this is a scoping meeting intended to gather public input on the scope of the EIR analysis, no outstanding issues have been identified.

STAFF RECOMMENDATION

It is recommended by the Planning and Community Improvement Department that the Planning Commission hold the scoping meeting for the 2040 General Plan Update EIR and receive all verbal and written comments on the scope of the General Plan EIR analysis.

ATTACHMENTS

St Helena General Pan NOP_Final
St. Helena Scoping Meeting_040918

NOTICE OF PREPARATION

Program Environmental Impact Report
City of St. Helena General Plan Update

Date	April 2, 2018
To	Reviewing Agencies, Interested Parties, and Organizations
Subject	Notice of Preparation of a Draft Environmental Impact Report for the City of St. Helena General Plan Update and Scheduling of a Scoping Meeting on April 17, 2018

The City of St. Helena (City) is preparing an update to its General Plan and has determined that an Environmental Impact Report (EIR) will be necessary to evaluate environmental impacts of this Project, pursuant to the California Environmental Quality Act (CEQA). In compliance with CEQA, the City will be the Lead Agency and will prepare the EIR. Attached are the Project description, location maps, and preliminary identification of the potential environmental issues to be explored.

The City is requesting comments and guidance on the scope and content of the EIR from responsible and trustee agencies, interested public agencies, organizations, and the general public (CEQA Guidelines §15082). If your agency is a responsible agency as defined by Section 15381 of the CEQA Guidelines, your agency may use the environmental documents prepared by the City when considering permits or approvals for action regarding the Project.

Public Scoping Period: April 2 to May 1, 2018

Responses and Comments: The City requests your careful review and consideration of this notice, and it invites any and all input and comments from interested agencies, persons, and organizations regarding the preparation of the EIR. Comments and responses to this notice must be submitted in writing to the Lead Agency Contact by 5:00 p.m. on May 1, 2018. If applicable, please indicate a contact person for your agency or organization.

Public Scoping Meeting: A scoping meeting will be conducted as part of the regularly scheduled Planning Commission meeting at 6:00 p.m. on **April 17, 2018** in the Vintage Hall Board Room on the St. Helena High School Campus (465 Main Street) to collect comments from agencies and the public on the scope and content of the EIR.

Lead Agency Contact: If you have questions regarding this NOP or the scoping meeting, please contact Noah Housh.

Noah Housh, Director
City of St Helena Planning and Community Improvement Department
1480 Main Street
St. Helena, CA 94574
E-mail: NHoush@cityofsthelena.org
Phone: (707) 968-2659

1 Project Contact Information

Project Title	St. Helena General Plan Update
Lead Agency Name	City of St. Helena
Contact Person	Noah Housh, Director Planning and Community Development
Address	City of St Helena 1480 Main Street St. Helena, CA 94574
Phone	(707) 968-2659
Email	NHoush@cityofsthelena.org
Project Sponsor Name and Address (same as Lead Agency)	City of St. Helena 1480 Main Street St. Helena, CA 94574

2 Project Location

Regional Context

St. Helena sits at the heart of the upper Napa Valley in Napa County, located approximately 65 miles north of San Francisco and 77 miles west of Sacramento. State Route (SR) 29 connects St. Helena to other communities in the Valley, including Calistoga to the north and Yountville, Napa, and American Canyon to the south. The regional context is shown in Figure 1.

Planning Area

The Planning Area is the land area addressed by the General Plan. Shown in Figure 1, the Planning Area for the General Plan update encompasses approximately 3,594 acres including the City of St. Helena, its Sphere of Influence (SOI), and three adjacent unincorporated study areas. Although St. Helena does not have jurisdiction in areas outside of its city limits, the City currently provides limited municipal services, including utility service, public safety services, and recreation opportunities, to the three adjacent study areas. As such, what happens in those areas bears a relation to the City's planning and must be considered in the General Plan, per California Government Code Section 65300.

The three study areas include:

- **Study Area 1.** Located south of Chalk Lane immediately adjacent to the southeastern City limit, this area of approximately 100 acres comprises the spray fields currently used to dispose of treated effluent from the City's Wastewater Treatment Plant.

- **Study Area 2.** Comprising parcels with existing commercial and residential development fronting SR 29, this 185-acre area extends south from Chalk Lane to Zinfandel Lane. The City currently provides water utility service to many properties in this area, with the remaining structures relying on wells and individual septic systems of various ages and capacities.
- **Study Area 3.** This 165-acre area is located along the Napa River and includes residential development, the Meadowood Napa Valley resort, and City-owned utility infrastructure, including water tanks. The City provides water service to Meadowood and some of the residential development in the area.

The intent of including the three study areas within the Planning Area of the General Plan update is to document sensitive environmental resources and regulatory or capacity constraints associated with those areas.

3 Project Description

The Environmental Impact Report (EIR) will cover the St. Helena General Plan Update, referred to as the Proposed Plan. The following section provides background information on the Proposed Plan.

ST. HELENA GENERAL PLAN UPDATE

Background

The General Plan is a long-term policy document that establishes direction to guide future land use decisions, a framework to ensure the character and quality of development desired by the community, and the processes by which development and land use changes will take place. The State of California requires that every city and county adopt a general plan to guide decisions related to the conservation of natural resources, the physical form and character of future development, and public welfare and safety. The General Plan establishes the basis for the City's Zoning Ordinance, which serves as the legal regulatory code for land use and development within the City's jurisdiction. The policies set forth in the General Plan are not legally enforceable mandates, but rather provide the foundation for the design and application of important policy tools, such as the City's Urban Limit Line, design guidelines, and specific ordinances to protect St. Helena's ecological and biological resources.

The General Plan is used by City staff to review development proposals to ensure that subsequent projects align with the community's vision. The Planning Commission and City Council use the General Plan to guide decision-making that would impact the city's physical environment. The General Plan empowers the City, public agencies that work with the City, and private developers to invest in and design for a future that will enhance the character of the community and sustain and improve the quality of life, in accordance with the values and goals defined in the General Plan.

Project History

The City's current General Plan was adopted in 1993. In 2007, the City began the process of comprehensively updating the General Plan to more accurately reflect current conditions and the community's goals. From 2007 to 2010, the City worked to develop a complete draft update of the General Plan with the assistance of a General Plan Update Steering Committee (GPUSC) composed of St. Helena residents, and a team of consultants.

The initial development of the Proposed Plan involved four phases. The first phase took place between April 2007 and February 2008 and involved both a thorough analysis of existing conditions and a community visioning process. The existing conditions analysis resulted in a series of working papers that described current conditions and key policy issues for the topics of community vision, community character, circulation, economics, infrastructure, climate change, the natural environment, sustainability, and regional context. The community visioning process consisted of a telephone survey, workshops, an open house, and a public forum, dedicated to exploring the major issues and opportunities faced by St. Helena, and the desires of its community moving forward. This process resulted in a clear articulation of the community's desire to build a sustainable future, reflected in a community vision included in the Proposed Plan.

The second phase started in October 2008 and focused on policy and physical framework development. During this phase, the City worked actively with the GPUSC and the community to develop the General Plan goals, policies and implementing actions. The City launched its General Plan Update website and began publication of regular e-newsletters to keep community members informed of the process. The GPUSC met regularly during this stage, and hosted the first community workshop, a "land use and design charrette" aimed to explore key land use issues and opportunities. The City worked to refine existing land use maps, review background policy and technical documents, and analyze the existing General Plan Physical Framework and Land Use Element. The outcomes of this effort included identification of potential change areas in the city, identification of the likely impacts of this change, and the development of potential land use changes in the city.

In April 2009, the City began the third phase, developing the draft General Plan document. A series of eight GPUSC meetings were held to review drafts of the General Plan elements. Two community workshops were held to discuss community design and circulation in fall 2009. Additional community meetings were held to review the public review draft of the General Plan update in early 2010.

Beginning in the summer of 2010, the fourth phase of plan development focused on preparing draft General Plan documents for review by the Planning Commission and the City Council. As part of the planning process, the City prepared a Draft EIR to identify potential impacts of implementing the proposed General Plan Update 2030. The Draft EIR was released in August 2010, and a Final EIR including response to comments received was prepared in October 2010. Subsequently, the Planning Commission reviewed the draft General Plan and EIR in October of 2010, and recommended approval to the City Council; however, during City Council review, concerns were raised in relation to water supply and the Council decided to postpone action on the draft General Plan in order to address these concerns. A "Safe Yield Committee" was formed to develop a Water Management Program, which was adopted by City Council in November 2012. Since that time the

City Council and Planning Commission have continued to review the draft General Plan in an ongoing process involving a series of public hearings and study sessions, and have made subsequent recommendations for additional revisions to the draft document.

Current Effort

With incorporation of the Planning Commission's refinements to the 2010 Plan described above, the General Plan update is substantially complete; however, some additional refinements are necessary to ensure consistency and compliance with State law. In January 2018, the City began the effort to make these additional refinements and finalize the Proposed Plan. Revisions to the draft General Plan update will include the following:

- An updated horizon year of 2040;
- Additional policies to address State general plan requirements that have been adopted since the 2010 draft of the General Plan was completed;
- Text revisions associated with new State requirements; and
- Documentation of sensitive environmental resources and regulatory or capacity constraints in the three additional study areas outside but adjacent to the city limits in order to inform decision-makers and community members about associated issues and opportunities.

Proposed Plan Vision

The proposed community vision developed through the community engagement process early in the planning process remains valid today, and has been carried through to the current draft of the General Plan update:

With an eye toward the future while building on the assets of today, the community of St. Helena envisions that, in the year 2035, the town will be a well-integrated place, linked by effective community institutions, safe neighborhoods and streets, and superior schools, parks and public facilities.

The following concepts support this vision and provide guiding principles for fostering a physically, socially, economically and environmentally sustainable community:

- **Our Sustainable Community.** St. Helena will preserve its history while managing change. Its traditions of diversity, citizen involvement and responsive government will help the city plan for a sustainable future.
  - More people who work in town will be able to afford to live here, in a wide range of innovative, well-designed housing, available for residents of all ages and income levels.
  - St. Helena's historic and agricultural character will be honored and protected.
  - Expanded arts and cultural activities will continue to enrich community life.
  - High-quality schools and education for all ages will continue to be a focus of the community.

  - St. Helena's character will be strengthened through innovative design that maintains the scale and character of its existing neighborhoods.
  - Public spaces and civic facilities will be available for community gatherings, meeting the social and recreational needs of all ages and interests.
- **Our Stable Economy.** St. Helena's economy will meet the basic needs of residents, balance the benefits and effects of visitors and provide better economic opportunities.
  - Central St. Helena will remain the social, cultural and economic heart of town.
  - More of residents' daily needs will be met in the city by local businesses.
  - Vehicular, bicycle, and pedestrian circulation improvements will provide transportation choices, reducing automobile traffic and improving the quality of our city.
  - A combination of better regional connections and alternative modes of travel will improve circulation and traffic conditions, reducing congestion on Main Street.
- **Our Environmental Stewardship.** Environmental conservation, green choices and emissions reductions will be integrated into all areas of community decision making.
  - Through a combination of conservation and infrastructure improvements, water, and wastewater treatment will be available to meet community needs.
  - Green buildings and infrastructure, renewable energy installations and waste reduction will increase energy efficiency.
  - The riparian corridors of the Napa River, Sulphur Creek, and York Creek will be restored as critical assets.
  - Additional and improved parks, protected hillsides, agriculture, trees, locally grown food, and community gardens will contribute to our sustainable community.

Proposed Plan Contents

General Plan Elements

The Proposed Plan will include the following chapters, or elements, meeting the requirements for general plans under California Government Code §65302 for elements that a general plan must contain. Each element will contain related goals, policies, and implementing actions, as well as supporting background information.

- **Land Use and Growth Management.** This element presents a framework for decisions about allowable land use and desirable development patterns, aiming to manage growth effectively while encouraging innovative approaches, quality design, and infill strategies. It is anticipated that key policy goals for this element will include:
  - Managing growth and maintaining community character; and
  - Promoting high-quality and sustainable development.
- **Economic Sustainability.** This element recognizes the important role that economic sustainability plays in developing a sustainable economy that is responsive to short- and

long-term community concerns and objectives. It is anticipated that key policy goals for this element will include:

- Meeting residents' needs for housing, employment, goods. and services;
- Creating and implement an Economic Sustainability Strategy;
- Balancing the benefits and effects of visitors; and
- Generating revenue.

- **Public Facilities and Services.** This element sets forth policy guidance for the provision of services, amenities, and infrastructure. The focus is on policies related to water, wastewater, storm drainage and flooding, solid waste, schools and libraries, fire and police. It is anticipated that key policy goals for this element will include:
  - Ensuring high-quality public services and facilities; and
  - Promoting sustainable standards and practices.
- **Circulation.** This element establishes the policies needed to foster a comprehensive and multi-modal transportation network. The element addresses the principal components of the circulation system, as well as issues relating to parking, transit, and pedestrian and bicycle routes in order to ensure the City can meet current and future transportation needs with a balanced, multi-modal transportation system.
- **Historic Resources.** This element presents a framework for governing future decisions about rehabilitating, retrofitting, and adaptively reusing the City's historic buildings. It is anticipated that key policy goals for this element will include:
  - Maintaining St. Helena's sense of place and visual character;
  - Preserving and protecting St. Helena's historic resources; and
  - Celebrating St. Helena's distinct history and heritage.
- **Community Design.** This element presents a policy framework that corresponds directly with other General Plan elements in determining the form, quality, and character of St. Helena's built environment. It is anticipated that key policy goals for this element will include:
  - Respecting St. Helena's historic character and unique sense of place;
  - Promoting a high-quality and sustainable built environment and public realm;
  - Encouraging community design throughout the city that helps to build community, encourage human interaction, and support non-automobile transportation;
  - Strengthening the city's neighborhoods so that they retain desirable characteristics, while allowing for smart change and evolution.
- **Open Space and Conservation.** This element guides future decisions about sustaining a healthy network of open spaces and protecting natural resources for future generations. It is anticipated that key policy goals for this element will include:
  - Preserving, enhancing, and restoring natural resources;
  - Ensuring stewardship of water resources; and

  - Expanding sustainable agricultural practices.
- **Public Health, Safety, and Noise.** This element presents a framework for minimizing risks posed by environmental and human-caused hazards that may impact St. Helena's health and welfare. This element aims to ensure that residents, workers and visitors are protected from negative exposure to flooding, fires, hazardous materials, air pollution, and geologic and seismic hazards. It is anticipated that key policy goals for this element will include:
  - Maintaining high levels of health and safety; and
  - Effectively coordinating responses to emergencies and natural disasters.
- **Climate Change.** This element is the City's policy framework for responding to and planning for climate change, addressing the City's energy conservation concerns, renewable energy production and use, and transportation-related concerns. It is anticipated that key policy goals for this element will include:
  - Increasing citywide transportation-related energy efficiency;
  - Reducing energy demand through improved building and design;
  - Reducing consumption and diverting waste;
  - Ensuring the sustainable management of agriculture, natural resources, and urban forests;
  - Increasing community engagement and advocacy; and
  - Improving the efficiency of local government operations.
- **Parks and Recreation.** This element presents a framework for developing and maintaining a comprehensive system of quality parks, pedestrian and bicycle trails, and recreational facilities and programs. It is anticipated that key policy goals for this element will include:
  - Providing high-quality parks and recreational services; and
  - Developing a system of interconnected bicycle and pedestrian trails.
- **Arts, Culture, and Entertainment.** This element aims to preserve and protect St. Helena's unique identity, heritage, and cultural resources; celebrate its vibrant community; and expand opportunities for arts enrichment. It is anticipated that key policy goals for this element will include:
  - Celebrating arts, culture, and entertainment;
  - Strengthening and expanding arts, culture, and entertainment; and
  - Honoring culture and heritage.

The Housing Element, while a required element of the City's General Plan, is not included in the Proposed Project being considered in this EIR. Per the requirements of the California Department of Housing and Community Development, St. Helena's Housing Element was last updated and adopted in May 2015 (covering the period from 2015-2023) and underwent environmental review at that time.

Key Components of the Proposed Plan

The Proposed Plan will be released for public review in parallel with the Draft EIR. As described above, the content builds on the 2010 Draft General Plan and will incorporate recommended refinements from a series of public hearings held in 2016 and recently in 2018. Key components of the Proposed Plan will include:

- A new Mixed Use General Plan Land Use designation, intended to encourage a mix of uses at infill locations in central St. Helena and provide for housing opportunities in close proximity to services and retail, thus reducing both development pressures along the Urban Limit Line and greenhouse gas emissions.
- Capital improvements to expand the existing bicycle network in order to provide safe and convenient bicycle access to parks, open spaces, commercial areas, residential neighborhoods, and community facilities. The expanded network is intended to encourage the use of bicycles as a non-automotive means of transportation to help alleviate congestion and parking concerns, reduce overall vehicle miles traveled in the city, and promote health.
- Updates and additions to ensure consistency with the latest State guidelines.

4 Environmental Impact Report

The EIR will analyze the potential environmental consequences of adopting the Draft General Plan. It will discuss how goals, policies, and implementing actions of the Draft General Plan may affect the environment, identify significant impacts, and recommend measures to mitigate those impacts. It will also evaluate the cumulative impacts and potential growth-inducing impacts of the Draft General Plan. The EIR will consider the environmental impacts of feasible alternatives that could attain most of the basic Project objectives while avoiding or reducing any of the Project's significant adverse environmental effects, including the "No Project Alternative" (continued implementation of the 1993 General Plan). Additionally, the EIR will identify an environmentally superior alternative.

The environmental assessment will utilize the most current guidelines for CEQA and for each issue area. The EIR will contain comprehensive environmental analysis and mitigation measures in order to facilitate CEQA streamlining and tiering opportunities for future projects consistent with the General Plan Update, whether in accordance with provisions of SB 375 or other tiering and exemption provisions in CEQA. Community members can provide input at several points in the EIR process: in response to this Notice of Preparation (where comments are solicited on the scope and content of the EIR); in response to the Draft EIR itself when that document is released for public review (when comments are solicited on the analysis and conclusions of the EIR); and at public hearings before the Planning Commission and City Council for certification of the EIR.

5 Potential Environmental Impacts to Be Considered

The EIR will evaluate potentially significant environmental impacts associated with the adoption and implementation of the Proposed Plan. Consistent with the State CEQA Guidelines (Appendix G), the following environmental resource categories will be analyzed in relation to the Project:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Energy, Greenhouse Gas Emissions, & Climate Change
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Cultural and Tribal Resources
- Hydrology and Water Quality
- Land Use, Population, and Housing
- Mineral Resources
- Noise
- Parks, Public Services & Recreation
- Public Utilities
- Transportation

All of the resource categories listed above will be considered in the EIR; however, given the local context of St. Helena, the following issues will be central to the environmental analysis:

- Agricultural resources, due to the agricultural characteristics and presence of prime and important farmland in and around the Planning Area;
- Biological resources, due to the presence of open space areas that could support habitats and wildlife corridors;
- Hydrology and water quality, due to the presence of waterways such as the Napa River, Sulphur Creek, and York Creek;
- Traffic, due to the reliance on SR 29 as a main thoroughfare and regional connection; and
- Public utilities, due to the importance of stable and secure water supply over the course of the planning process.

Additionally, CEQA allows environmental effects for which there is no likelihood of a significant impact to be "scoped out." Given the lack of mineral resource recovery sites and known deposits within the Planning Area, effects related to mineral resources have been determined not to be significant. Full documentation of the factual basis for this determination will be included in the EIR. Unless specific comments are received during the NOP public comment period that indicate a potential for the Project to result in significant impacts, these less than significant effects will be addressed briefly in the EIR and "scoped out."

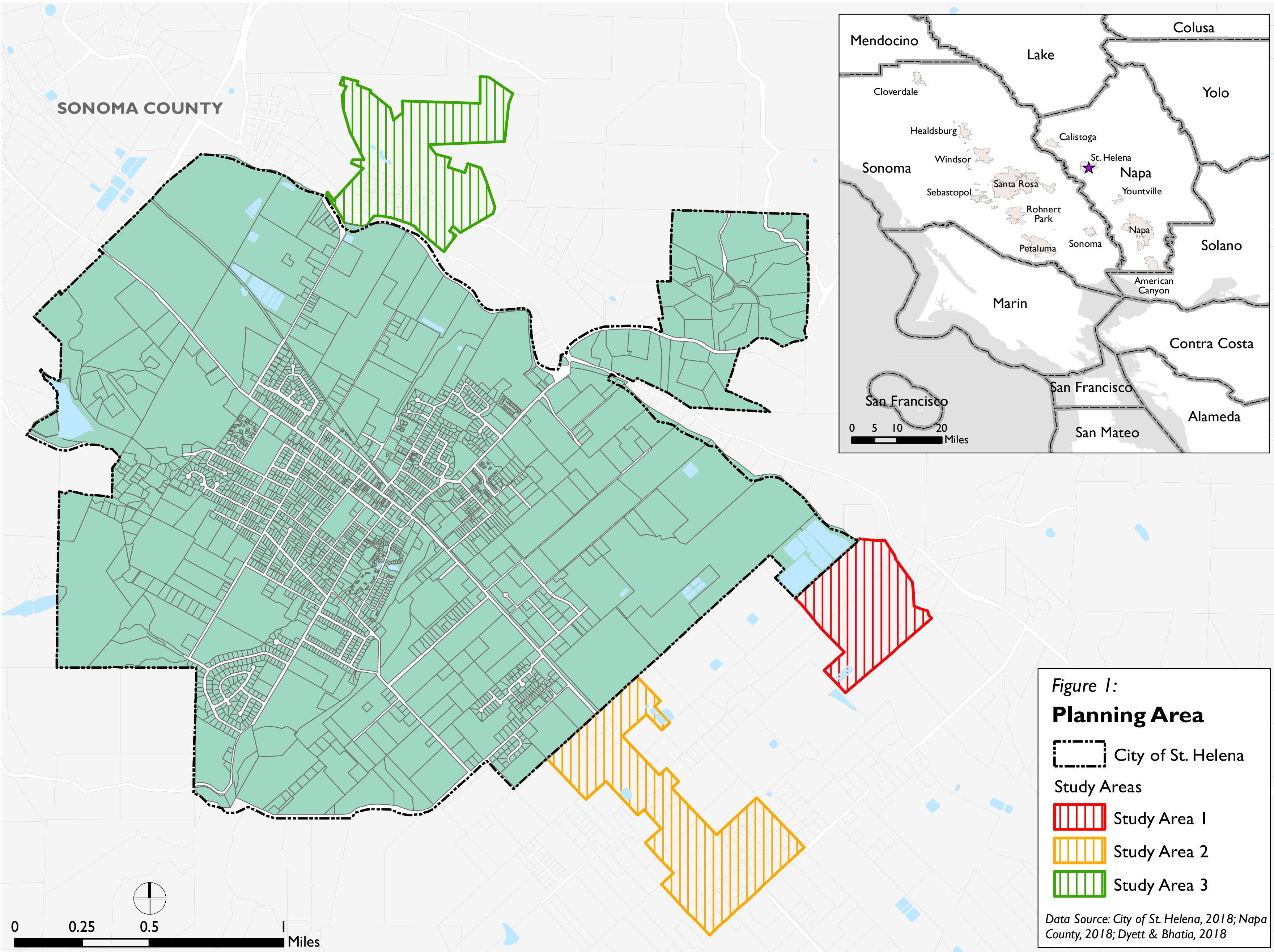
6 Public Meetings

The City of St Helena will conduct a scoping meeting on the Project in accordance with CEQA Section 21083.9. The scoping meeting is an opportunity for public agencies and interested members of the general public to learn more about environmental review for the Project and to comment on the environmental issues to be addressed in the EIR.

Date: Tuesday April 17, 2018

Time: 6:00p.m.

Place: Vintage Hall Board Room
St. Helena High School
465 Main Street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American Canyon
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Figure 1:
Planning Area
City of St. Helena
Study Areas
Study Area 1
Study Area 2
Study Area 3
Data Source: City of St. Helena, 2018; Napa County, 2018; Dyett & Bhatia, 2018

ST. HELENA
CALIFORNIA

St. Helena General Plan Update

EIR Scoping Meeting

April 17, 2018

Purpose of the Scoping Meeting

The City will prepare an Environmental Impact Report (EIR) for the St. Helena General Plan update pursuant to the California Environmental Quality Act (CEQA). The City is holding this Scoping Meeting to:

- Hear from community members, organizations, and public agencies on the *scope* and *content* of the EIR.
- Focus on the range of environmental issues that the EIR should consider, including potential impacts of the project and alternatives.

Tonight's discussion should focus on potential environmental issues, and not the merits of the General Plan update itself.

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Urban and Regional Planners

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Presentation Outline

1. Brief Project Description
2. Environmental Review Process Overview
3. CEQA-Requirements
4. Next Steps

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Project Description: Project History

- Current General Plan adopted in 1993
- General Plan update process began in 2007
- Draft General Plan and Draft EIR released in 2010
- 2010 Draft General Plan revised to incorporate feedback from Planning Commission and City Council, information on three unincorporated study areas, and edits to address new State guidelines
- Current effort to complete the update will require an updated EIR

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Project Description: Planning Area

- City of St. Helena and its Sphere of Influence
- Unincorporated Study Areas
  1. City-owned spray fields south of Chalk Lane
  2. Existing commercial and residential development along SR 29 south of Chalk Lane
  3. Residential development, Meadowood Resort, and City-owned infrastructure along Napa River

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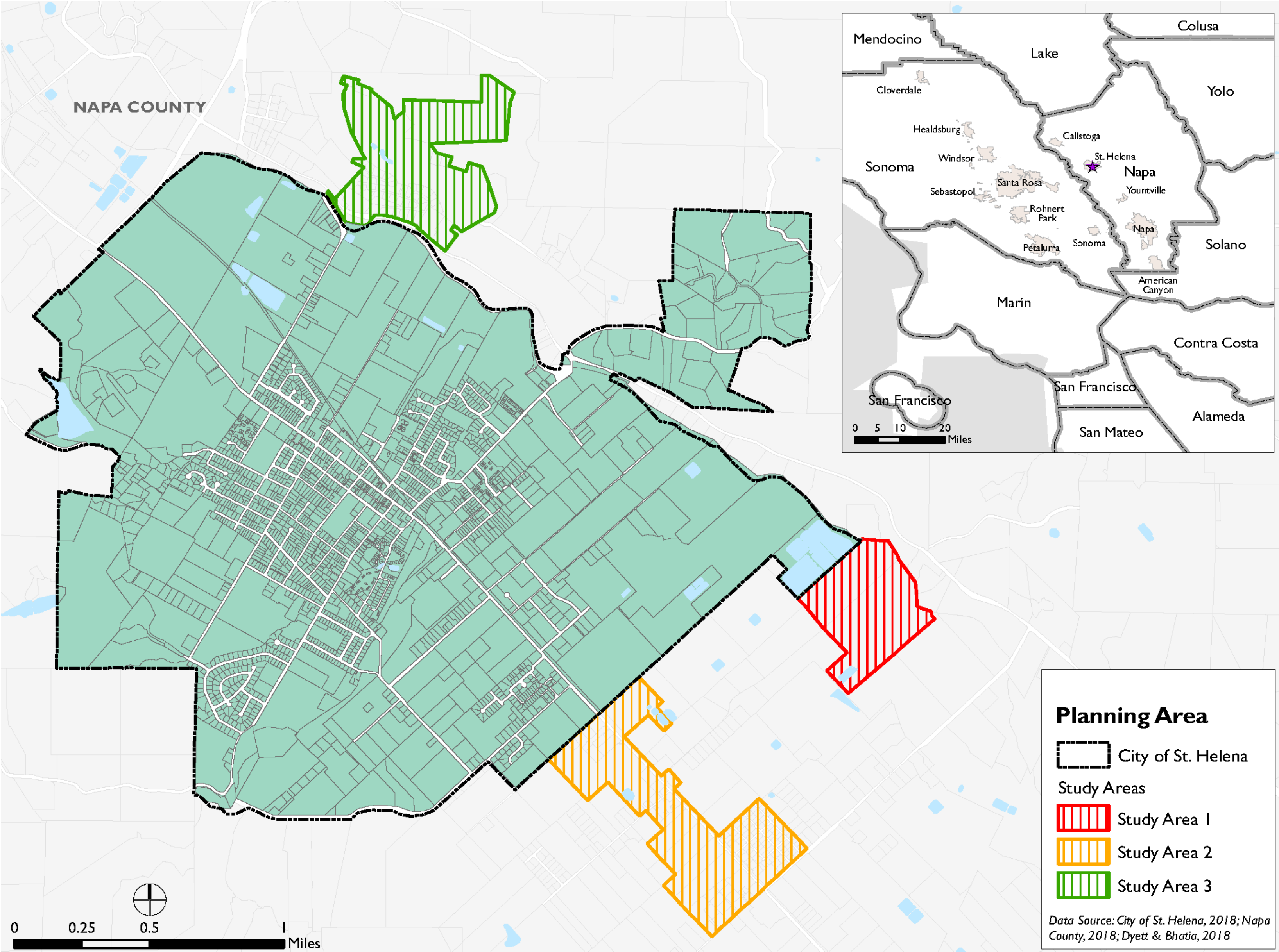
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Yountville
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Planning Area
City of St. Helena
Study Areas
Study Area 1
Study Area 2
Study Area 3
Data Source: City of St. Helena, 2018; Napa County, 2018; Dyett & Bhatia, 2018
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Project Description: General Plan Elements

The updated General Plan will include the following elements:

- Land Use and Growth Management
- Economic Sustainability
- Public Facilities & Services
- Circulation
- Historic Resources
- Community Design
- Open Space & Conservation
- Public Health, Safety, & Noise
- Climate Change
- Parks and Recreation
- Arts, Culture, & Entertainment

The City has a Housing Element that was adopted in 2015 and is not part of the General Plan update.

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Project Description: Key Components

The General Plan update will build on the 2010 draft and incorporate recommended refinements from public hearings. Key components will include:

- New Mixed Use land use designation to encourage a mix of uses at infill locations in central St. Helena and provide housing opportunities close to services and retail
- Capital improvements to expand the bicycle network to provide access to parks, open spaces, commercial areas, residential neighborhoods, and community facilities
- Updates and additions to ensure consistency with State guidelines

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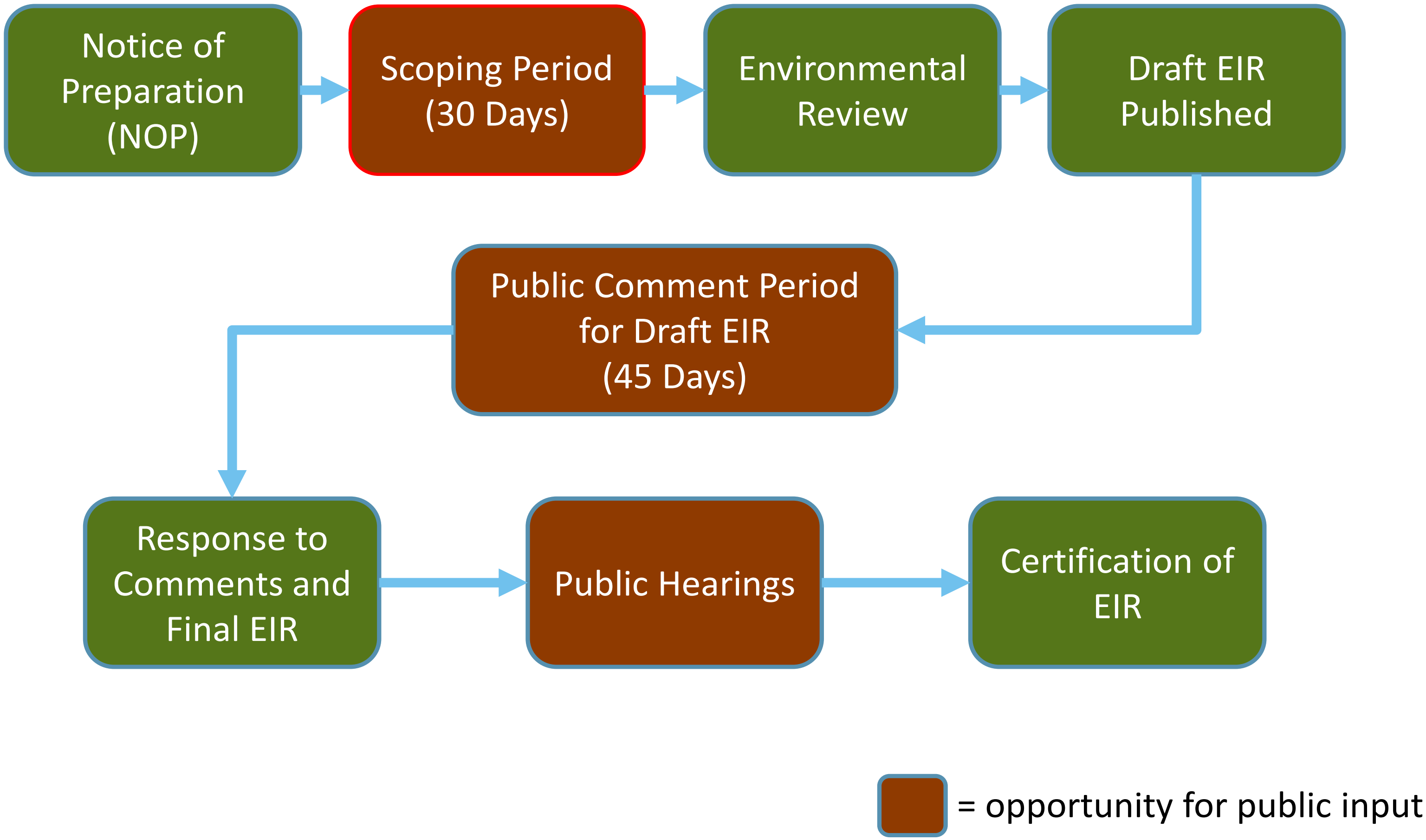
Environmental Review Process



CEQA-Requirements: Resource Categories

- Aesthetics
- Agriculture and Forestry
- Air Quality
- Biological Resources
- Cultural, Tribal, and Historic Resources
- Energy, Climate Change, and Greenhouse Gas Emissions
- Geology and Seismicity
- Hazards and Hazardous Materials
- Hydrology, Drainage, and Water Quality
- Land Use, Population, and Housing
- Mineral Resources (*scoped out*)
- Noise and Vibration
- Public Services and Recreation
- Traffic and Transportation
- Utilities and Service Systems

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CEQA-Requirements: Resource Categories

- Aesthetics
- **Agriculture and Forestry**
- Air Quality
- **Biological Resources**
- Cultural, Tribal, and Historic Resources
- Energy, Climate Change, and Greenhouse Gas Emissions
- Geology and Seismicity
- Hazards and Hazardous Materials
- **Hydrology, Drainage, and Water Quality**
- Land Use, Population, and Housing
- Mineral Resources (*scoped out*)
- Noise and Vibration
- Public Services and Recreation
- **Traffic and Transportation**
- **Utilities and Service Systems**

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CEQA-Requirements: Scoping Comments

- City would like to know:
  – Are there concerns related to CEQA topics that should be considered in the EIR analysis?
  – What actions, if any, could be taken to address concerns?

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CEQA-Requirements: Scoping Comments

- EX: Traffic and Transportation
  – Are there hotspots where traffic congestion is a concern?
  – Are there locations where roadway safety could be an issue?
  – Are there concerns regarding emergency access?
  – Are there concerns regarding pedestrian, bicycle, or transit access?

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CEQA-Requirements: Scoping Comments

- EX: Hydrology, Drainage, and Water Quality
  - Are there water quality concerns to consider in the Planning Area?
  - Are there any risks to groundwater supply?
  - Are there areas susceptible to flooding?
  - Are there any concerns related to drainage patterns or runoff?

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CEQA-Requirements

- Significant environmental effects and mitigation measures to reduce or avoid them
- Significant irreversible environmental changes
- Growth-inducing impacts
- Cumulative impacts
- Alternatives to the proposed project

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Next Steps

- Scoping Period Ends
  - Tuesday, May 1, 2018
  - Please provide all comments by 5:00pm
- Publication of Draft EIR
  - Late Fall 2018

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CALIFORNIA

Wrap Up

- Scoping comments due by 5:00 pm on May 1, 2018
- Submit comments to:

Noah Housh, Director

City of St. Helena Planning and Community Improvement Department

1480 Main Street

St. Helena, CA 94574

Nhoush@cityofsthelena.org

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THANK YOU

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ST. HELENA GENERAL PLAN UPDATE
Environmental Impact Report Scoping Comments

Please let us know if you have any comments on the scope and/or content of the EIR? Please focus on the range of environmental issues that the EIR should consider, including potential impacts of the project and alternatives.

Name:

Comment:

ST. HELENA GENERAL PLAN UPDATE
Environmental Impact Report Scoping Comments

Please let us know if you have any comments on the scope and/or content of the EIR? Please focus on the range of environmental issues that the EIR should consider, including potential impacts of the project and alternatives.

Name:

Comment:

PLANNING COMMISSION REPORT

Planning Commission Meeting of April 17, 2018

AGENDA SECTION: Scheduled Matters

FILE NUMBER: N/A

SUBJECT: Consideration of amendments to the City's Zoning Ordinance, St. Helena Municipal Code ("SHMC") Title 17, potentially revising Section 17.48 (Central Business District) and 17.52 (Service Commercial), to modify the list of permitted and conditional uses as deemed appropriate by the Planning Commission.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Noah Housh, Planning & Community Improvement Director

APPROVED BY: Noah Housh, Planning & Community Improvement Director

APPLICATION FILED:03/20/18 **ACCEPTED AS COMPLETE:**03/20/18

LOCATION OF PROPERTY: Citywide

APN: N/A

GENERAL PLAN/ZONING: Central Business (CB) and Service Commercial (SC)

BACKGROUND

City staff, the Planning Commission, City Council and project applicants regularly find challenges with the existing Zoning Code, including incomplete requirements, antiquated policies and a general lack of consistent regulations. In the spring of 2017, City staff worked with the Planning Commission to prioritize an on-going list of potential citywide projects of interest to the Commission. One of the leading priorities identified at this time was initiation of a comprehensive Zoning Code update in order to address a number of problematic issues and inconsistencies with the Code.

On August 22, 2017, the City Council and the Planning Commission prioritized an update of the zoning code as a top priority to both address these on-going issues, as well as provide an efficient method to tackle a number of other priorities identified by the Planning Commission and City Council. In addition to addressing the inconsistencies and improving the usability of the code, the list of prioritized code improvements includes:

1. Review of the Floor Area Ratio (F.A.R.) allowances and exemptions (January 16, 2018);
2. Review of the sign standards (February 20, 2018);
3. Review of the Use Permit requirements in the Service Commercial and Central Business Zoning Districts (March 20, 2018);
4. Review of the small lot zoning standards;
5. Review, clarify and improve the applicability of the non-conforming zoning standards, with particular focus on large industrial users;
6. Review the Demolition permit process and potential increases in limitations on Demolition permit approval;
7. Food Truck Ordinance;
8. Temporary Use Permit process;
9. Update the Daycare regulations to be consistent with State law; and
10. Update Telecommunication regulations to be consistent with State and Federal law.

To date, staff has brought forth and the Commission has provided direction on items 1 and 2 above (see parentheses for date). This item was originally presented to the Planning Commission on March 20, 2018 where due to the volume of potential changes, staff asked the Commission to review the provided information and be prepared to provide direction at a later date. Separate from these Zoning Code "clean-up" efforts, adoption of the draft 2035 General Plan (likely to occur in late 2018) will trigger a comprehensive Zoning Code update to implement the direction of this policy document. It is important to make the distinction between the comprehensive changes the General Plan update will trigger, and the code “clean-up” envisioned through this process. This effort is intended to consist of minor revisions and modifications to existing policy, not whole-sale policy changes the scope of which were not anticipated or covered in existing adopted policy documents and therefore past California Environmental Quality Act (CEQA) analysis and determinations.

PROJECT DESCRIPTION

Staff has identified several issues and concerns in regards to uses that are permitted by right versus those that require a use permit in the Central Business (CB) and Service Commercial (SC) zoning districts. In addition, staff is aware that both the City Council and Planning Commission have concerns with these same issues specifically related to the number of vacant storefronts on Main Street. As an example, clothing stores currently require use permit approval in the CB district. As a very low impact use, staff feels clothing stores should be a permitted use not subject to use permit approval.

In addition, the code is both overly specific and repetitive. Numerous retail uses are individually listed when they could be combined under a "General Retail" category. Furthermore, offices uses are listed time and time again when they can be easily classified under a broader "Office Use" category.

In order to resolve many of these issues, staff has scheduled a discussion with the Planning Commission to gain input and direction on potentially amending the City's Zoning Code to modify the list of permitted and conditional uses in the CB and SC districts. The purpose of this discussion is to allow the Commission an opportunity to provide staff with input on their concerns, and direction on how they may be addressed. Staff will then utilize this direction to formulate code modifications to bring back before the Commission for review and further input prior to taking an ordinance before the City Council to implement these directed changes.

ANALYSIS

To address the issues described above, staff has provided a suggested list of revisions to the Municipal Code (attached for review). Staff suggested additions are shown in underline and deletions are shown in ~~strikethrough~~. For example, as shown below, staff has suggested that clothing stores be a permitted use in the CB district while tobacco shops should be a conditional use:

Central Business District

17.48.020 Permitted uses.

The following uses are permitted in the CB district within usable floor areas of two hundred (200) square feet or greater. A use permit shall be required when a business consists of two or more of the following permitted uses:

Clothing store, limited to the sale of new clothing and clothing accessories;
~~Tobacconist;~~

17.48.030 Conditional uses.

The following list of uses require approval of a use permit as regulated by Chapter 17.168. A use permit is also required for a business which consists of two or more of the permitted uses listed in Section 17.48.020. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the CB zoning district. When a use permit is considered for a use in the CBD, the standard use permit findings included in Section 17.168.050 shall be made to determine consistency of the use with the policies of the general plan and the purpose of the CB zoning district:

~~Clothing store, limited to the sale of new clothing and clothing accessories;~~
Tobacco/smoke shop, including the sale of tobacco, tobacco products and equipment for smoking;

See the attached Municipal Code sections for a comprehensive list of staff suggested changes as well as questions for the Commission to consider.

CEQA

An action to adopt an Ordinance to amend Chapter 17 of the St. Helena Municipal Code is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.). Specifically, pursuant to Guidelines Sections 15061(b)(1), 15061(b)(2), and specifically, the "General Rule" Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment, projects are exempt from the requirements of CEQA. Furthermore, these changes are in accordance with the adopted 1993 General Plan Environmental Impact Report (EIR) and 2015 Housing Element Mitigated Negative Declaration (MND).

ISSUES

As noted above, staff is looking for direction from the Planning Commission on where to amend the Municipal Code with respect to permitted and conditional uses within the CB and SC districts.

CORRESPONDENCE

As this is a discussion item, staff has received no correspondence regarding this item at this time.

STAFF RECOMMENDATION

It is recommended by the Planning and Community Improvement Department that the Planning Commission review the attached list of permitted and conditional uses along with the suggested changes provided by staff and provide direction to staff at a future meeting date regarding which, if any, they would like made.

ATTACHMENTS

CB and SC Code Sections

CENTRAL BUSINESS (CB) DISTRICT

17.48.020 Permitted uses.

The following uses are permitted in the CB district within usable floor areas of two hundred (200) square feet or greater. A use permit shall be required when a business consists of two or more of the following permitted uses:

Auto supply store;

Bakery, limited to products baked on the premises ~~subject to the following:~~

~~1. No seating,~~

~~2. Excluding the sale of snack foods prepared off-premises~~;

Bank and savings and loan institutions;

Bicycle and four-stroke moped (that meet standard manufacturer specifications) rental businesses, excluding motorcycles (as a primary or accessory use);

Bicycle store, retail sales, repairs, and rentals;

1. Storage or display of rental vehicles shall not be permitted within the public right-of-way, except where the city has jurisdiction over the sidewalk and as may be allowed by use permit with the following conditions in subsection (2) below.

2. For those vehicle rental businesses that wish to establish storage or display of rental bicycles on a sidewalk, the following will be required:

    a. One-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions (CalTrans requirement).

    b. A four-foot clear path of travel along the sidewalk must be maintained to provide disabled access.

    c. Bicycles must be brought indoors when the business is closed.

    d. An encroachment permit must be obtained from the city of St. Helena. Application must include documentation of required liability insurance. The city of St. Helena maintains the preeminent right to use the sidewalk and suspend the right to encroach whenever the city needs use of the sidewalk for other public use or for repair.

Bookstore;

Chamber of Commerce office;

Clothing store, limited to the sale of new clothing and clothing accessories;

Computer and computer supply store;

Confectionery shop;

Dry cleaners, drop-off and pick-up only;

~~Electronics store, radio, television, computer, video equipment;~~

Florist;

Frame shop (gallery allowed only as accessory to the primary use);

Furniture store, new and unfinished;

General Retail, the sale of goods in small quantities directly to the consumer except those uses prohibited in Section 17.48.060;

Hardware store;

Hobby, toy, and game store;

Home furnishings and interior decorating stores, limited to establishments engaged in the retail sale of such items as china, glassware, and metalware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; carpets and rugs; and window coverings;

Ice cream, frozen yogurt and shaved ice shops as regulated by Section 17.48.090(C) including sale of these items as accessory to an approved food establishment;

~~Household appliance and repair shop;~~

~~Insurance office;~~

~~Locksmith;~~

~~Medical office;~~

~~Mortgage company;~~

Music store;

~~Newspaper office;~~

Newsstand;

Office use, local-serving business and professional offices, upper floors only for properties with frontage on Main Street unless the access and frontage of the office space is not located on Main Street. Off-site winery offices are permitted with no wine tasting;

Opticians and optometrist shop;

Paint and wallpaper store;

Pharmacy and drugstore;

Photographic supply store;

~~Photography studio;~~

Commented [AH1]: Falls under General Retail category.

Commented [AH2]: Moved to Conditional Use.

Commented [AH3]: Falls under broader Office Use category.

Commented [AH4]: Moved to Conditional Use.

Commented [AH5]: Falls under broader Office Use category.

Commented [AH6]: Falls under broader Office Use category.

Commented [AH7]: Falls under broader Office Use category.

Commented [AH8]: Staff sees this as similar to an art gallery and has moved it to the Conditional Use list.

Postal services;

Printing and copy services;

Real estate services located in spaces without frontage on Main Street;

~~Sewing, needlework, and fabric store;~~

~~Shoe repair and shoeshine shop;~~

~~Shoe store;~~

~~Sporting goods store;~~

~~Stamp and coin store;~~

~~Stationery supply store;~~

~~Stockbrokers;~~

Tailor and dressmaking;

~~Title companies;~~

~~Tobacconist;~~

~~Travel agency;~~

~~Video rental store, including the sale and rental of VCR equipment, video tapes, promotional posters related to the video tapes which are for sale or lease, laser discs, and sale of pre-packaged snack foods not involving preparation or refrigeration on premises;~~

Watch and clock shop, provided the business includes on-premises repair;

Watch, clock, and/or jewelry repair shops;

Other similar uses found consistent with the general plan and the CB district pursuant to Chapter 17.08. (Ord. 11-5 § 2 (Exh. B); Ord. 10-8 § 2 (Exh. A (part)): Ord. 09-6 § 2 (Exh. A (part)): Ord. 04-8 § 2: prior code § 27.71)

17.48.030 Conditional uses.
The following list of uses require approval of a use permit as regulated by Chapter 17.168. A use permit is also required for a business which consists of two or more of the permitted uses listed in Section 17.48.020. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the CB zoning district. When a use permit is considered for a use in the CBD, the standard use permit findings included in Section 17.168.050 shall be made to determine consistency of the use with the policies of the general plan and the purpose of the CB zoning district:

Antique store;

Art gallery;

Commented [AH9]: Each fall under General Retail category.

Commented [AH10]: Falls under broader Office Use category.

Commented [AH11]: Falls under broader Office Use category.

Commented [AH12]: Move to Conditional Use list.

Commented [AH13]: Falls under broader Office Use category.

Commented [AH14]: Antiquated use, no longer necessary.

~~Bakery, limited to products baked on premises subject to the following:~~

Commented [AH15]: Listed as a Permitted Use.

~~1. Seating permitted only as accessory to the primary bakery use and subject to the on-site parking requirements of Chapter 17.124;~~

~~2. Excluding the sale of snack foods prepared off premises;~~

~~3. Regulations as specified in Section 17.48.090;~~

Barber shop/beauty shop, including manicures, pedicures, make-up, facials, waxing, electrolysis, piercing, massage, and tanning when accessory to the primary use of hairstyling;

Catering establishments;

Cleaners;

~~Clothing store, limited to the sale of new clothing and clothing accessories;~~

Commented [AH16]: Moved to Permitted Use list.

Consignment shop;

Delicatessen as regulated by Section 17.48.090(C);

Department store;

Drinking establishments serving alcoholic and/or nonalcoholic beverages as regulated by Section 17.48.090(C), provided the following are not allowed:

1. Establishments serving customers within their vehicles on the premises or preparing beverages or food intended for consumption within their vehicles on the premises,

2. Establishments primarily preparing beverages or food for consumption off the premises,

3. Music or entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music or entertainment is being performed,

4. Drive-in or walk-up window for take-out service;

Eating and drinking establishments as regulated by Section 17.48.090(C), provided the following are not allowed:

1. Establishments serving customers within their automobiles on the premises or preparing food intended for consumption within their automobiles on the premises,

2. Establishments primarily preparing food for consumption off the premises,

3. Music or entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music or entertainment is being performed,

4. The addition of on-site general liquor sales to any existing eating establishment when the operation of the eating place has been in violation of any city ordinance or any conditions of a use permit within the preceding two years and the premises do not conform in all respects with municipal code requirements,

5. Drive-in or walk-up window for take-out service,

6. Formula or take-out food establishments;*

Farmers' market;

Foodstore, no seating permitted;

Formula business. "Formula business" (not including formula restaurants, which are prohibited) means a business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs or other similar features. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations;

~~Furniture store, new and unfinished;~~

Commented [AH17]: Moved to Permitted Uses.

Health clubs;

~~Home furnishings stores, limited to establishments engaged in the retail sale of such items as china, glassware, and metalware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; carpets and rugs; and window coverings;~~

Commented [AH18]: Moved to Permitted Uses and combined with Interior Decorating Shop from below.

Hotel, rental of rooms limited to upper floors;**

Household appliance and repair shop;

~~Ice cream, frozen yogurt and shaved ice shops as regulated by Section 17.48.090(C) including sale of these items as accessory to an approved food establishment;~~

Commented [AH19]: Moved to Permitted Uses

~~Interior decorating shop;~~

Commented [AH20]: Combined with Home Furnishings stores and moved to permitted uses.

Jewelry store, provided the business includes on-premises repair;

Laundromat;

Laundry;

Liquor store;

Locksmith;

Market;

Massage salon;

Miscellaneous food establishments with no seating where food is not prepared for immediate consumption;

Off-site winery offices with nonpublic wine tasting. Tasting of wine may be offered to wine distributors and wine merchants;

Parking facilities when not required to serve an approved use;

Pawnshops, subject to police chief review of information included in state or local statutes;

Photography studio;

Real estate services when located on the first floor with access and frontage on Main Street;

Residential units, limited to upper floors only for nontransient occupancy;

Service station, pursuant to Section 17.136.080;

Spa;

Supportive housing, limited to upper floors only;

Tanning salon;

Tattoo and/or piercing salon;

Theaters, movie and legitimate;

Tobacco/smoke shop, including the sale of tobacco, tobacco products and equipment for smoking;

Transitional housing, limited to upper floors only;

Used merchandise store;

Variety store;

Wine shops. "Wine shops" are establishments that purchase and sell wines from multiple wineries and distributors. Wines may be made in other counties in California, other states or other countries. Incidental wine tastings may occur in wine shops. Wine shops are not owned by wineries and must possess a Type 20, 21, or 42 license from ABC;

Winery tasting rooms. "Winery tasting rooms" are establishments that sell wines on behalf of one or more wineries and enable consumers to taste wine (with and without charge) as a regular part of the sales process. The wines for tasting and for sale must be made from a minimum of seventy-five percent (75%) Napa Valley grapes and must be labeled Napa Valley or be a subappellation of the Napa Valley. The permit requires a Type 02 ABC license. Food may be provided if it is at no cost to the consumer, is made off premises and the facilities are approved by Napa County Environmental Management;

Other similar uses found consistent with the general plan and the CB district pursuant to procedures in Chapter 17.08.

* Note: The city has established a limit on the number of eating and drinking establishments within such establishments as listed in the regulated food and beverage establishments inventory. This inventory may be amended by action of the city council.

** Note: The city has established a limit on the number of transient occupancy rooms permitted in the city to those existing or approved on September 28, 1993, as listed in the hotel, motel, and B&B inventory. This inventory may be amended by action of the city council.

(Ord. 15-2 § 9: Ord. 10-8 § 2 (Exh. A (part)): Ord. 09-6 § 2 (Exh. A (part)): Ord. 04-8 § 3: Ord. 02-6 § 7: prior code § 27.72)

SERVICE COMMERCIAL (SC) DISTRICT

17.52.020 Permitted uses.

The following uses are permitted in the SC district within usable floor areas of two hundred (200) square feet or greater. A use permit shall be required when a business consists of two or more of the following permitted uses:

Accounting, auditing, and bookkeeping;

Appliance store;

~~Architectural office;~~

Audio-visual store;

~~Auditing office;~~

Auto supply store;

Automatic bank teller;

~~Automotive services, including repair;~~

Bakery~~, commercial baking only with no retail sales or seating~~;

Bank, credit union or financial institution;

Beauty shop/barber shop, including manicures, pedicures, make-up, facials, waxing, electrolysis, and piercing, when accessory to the primary use of hairstyling;

Boat sales and service;

Bookkeeping services;

~~Cabinet shop;~~

Camera and photo supply store;

Catering establishments, no retail sales;

Commented [AH21]: Falls under broader Office Use category.

Commented [AH22]: Falls under broader Office Use category.

Commented [AH23]: Moved to Conditional Use and combined with sales.

Commented [AH24]: Moved to Conditional Uses as more appropriate in an industrial area.

Child care facilities consistent with state law;

Cleaning and janitorial services;

Clothing store, limited to the sale of new clothing and clothing accessories;

Commercial art/photography service;

Computer supply store~~and data processing services, including retail sales~~;

~~Credit institution;~~

~~Credit union office;~~

Commented [AH25]: Combined with banks above.

Dance studios and schools;

Emergency shelter;

Commented [AH26]: Recommend as a Conditional Use after conferring with state law.

Engineering, architectural and surveying services;

Engraving services;

Farm supply and ~~F~~feed store;

Florist;

Frame shop;

Fruit and vegetable market;

Furniture stores, new and unfinished;

Glazing businesses;

Graphic design services;

Hardware store;

Hobby store;

H~~ome h~~ealth care equipment and services;

Home furnishings and interior decorating stores, limited to establishments engaged in the retail sale of such items as china, glassware, and metalware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; carpets and rugs; and window coverings;

~~Insurance agents, brokers and service;~~

~~Legal services;~~

Commented [AH27]: Falls under broader Office Use category.

Locksmith;

Luggage store;

~~Media representatives;~~

~~Medical offices;~~

Commented [AH28]: Falls under broader Office Use category.

Music recording studio;

Nail salon;

Newspaper distribution facilities, no retail sales;

Commented [AH29]: Consider moving to Conditional Use?

Office use, local-serving business and professional offices; off-site winery offices are permitted with no wine tasting;

Opticians and optometrist shop, including repair;

Paint, glass and wallpaper store;

Painting contractor/services;

Party supplies and service;

~~Personnel services;~~

Commented [AH30]: Added a staffing services use below.

Pet store, services, supplies;

Plumbing and contractor/services;

Postal and mail service;

Printing and copy service;

~~Real estate services;~~

Commented [AH31]: Falls under broader Office Use category.

Repair shops, excluding the repair of heavy equipment;

Residential units, upper floor only in conjunction with a mixed use project;

Reupholstery and furniture repair;

Saddle and equestrian store and repair;

Saw, knife and tool sharpening shops;

~~Secretarial, mail, message and postal services;~~

Commented [AH32]: Created staffing service and postal service uses.

Security services;

Shoe repair;

Sign maker;

Sporting goods store;

Staffing services;

Supportive housing, upper floor only in conjunction with a mixed use project;

~~Surveyor;~~

Commented [AH33]: Falls under broader Office Use category.

Telephone center, including sales and maintenance;

~~Title company;~~

Commented [AH34]: Falls under broader Office Use category.

~~Towing services;~~

Commented [AH35]: Moved to Conditional Use.

Transitional housing, upper floor only in conjunction with a mixed use project;

~~Travel agency;~~

Commented [AH36]: Falls under broader Office Use category.

Trophy shop;

Used merchandise stores, including clothing, with no off-hours or exterior drop-off donation areas permitted;

Veterinary services without overnight boarding of animals;

~~Video rental store, including the sale and rental of VCR equipment, video tapes, promotional posters related to the video tapes which are for sale or lease, laser discs, and sale of pre-packaged snack foods not involving preparation or refrigeration on premises;~~

Commented [AH37]: Antiquated use.

Other similar uses found consistent with the general plan and the SC district pursuant to Chapter 17.08. (Ord. 15-2 § 10: Ord. 10-8 § 2 (Exh. B (part)): Ord. 09-6 § 2 (Exh. A (part)): Ord. 04-8 § 5: prior code § 27.81)

17.52.030 Conditional uses.
The following list of uses require approval of a use permit as regulated by Chapter 17.168. A use permit is also required for a business which consists of two or more of the permitted uses listed in Section 17.52.020. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the SC zoning district. When a use permit is considered for a use in the SC district the standard use permit findings included in Section 17.168.050 shall be made to determine consistency of the use with the policies of the general plan and the purpose of the SC zoning district:

Ambulance services;

Animal boarding facility;

Automobile~~, and~~ truck, and motorcycle rental;

Automobile sales, service and repair;

~~Beauty shop/barber shop, including manicures, pedicures, make-up, facials, waxing, electrolysis, piercing, massage and tanning when accessory to the primary use of hairstyling;~~

Commented [AH38]: Moved to permitted uses with the exception of massage and tanning which have remained conditional uses.

Breweries, including tasting;

Cabinet making shop;

Car wash;

Catalogue office/retail center, including storage of merchandise;

Commented [AH39]: Remove, modify?

~~Child care facilities;~~

Commented [AH40]: Moved to permitted uses per state law.

~~Clothing store, limited to the sale of new clothing and clothing accessories;~~

Commented [AH41]: Moved to permitted uses.

Drinking establishments serving alcoholic and/or nonalcoholic beverages as regulated by Section 17.52.090(D), provided the following are not allowed:

1. Establishments serving customers within their vehicles on the premises or preparing beverages/food intended for consumption within their vehicles on the premises,

2. Establishments primarily preparing beverages/food for consumption off the premises,

3. Music/entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music/entertainment is being performed,

4. Drive-in or walk-up window for take-out service;

Eating and drinking establishments as regulated by Section 17.52.090(D), provided the following are not allowed:

1. Establishments serving customers within their automobiles on the premises or preparing food intended for consumption within their automobiles on the premises,

2. Establishments primarily preparing food for consumption off the premises,

3. Music/entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music/entertainment is being performed,

Commented [AH42]: Leave, modify, delete?

4. The addition of on-site general liquor sales to an existing eating establishment when the operation of the eating place has been in violation of any city ordinance or any conditions of a use permit within the preceding two years and the premises do not conform in all respects with municipal code requirements,

5. Drive-in or walk-up window for take-out service,

6. Formula or take-out food establishments;*

Electric and gas utilities;

Equipment rental and leasing;

~~Farm supply stores;~~

Commented [AH43]: Moved to permitted uses.

Farmers' market;

Food product development;

Formula business. "Formula business" (not including formula restaurants, which are prohibited) means a business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs or other similar features. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations;

~~Furniture stores, new and unfinished;~~

Commented [AH44]: Moved to permitted uses.

Grocery stores; limited to ten thousand (10,000) square feet in size with retail sales of meat, produce, dairy, baked goods, and groceries with accessory sales of household goods and delicatessen items;

Gunsmith;

Health club and fitness centers;

Commented [AH45]: Allow as a permitted use?

~~Home furnishings stores, limited to establishments engaged in the retail sale of such items as china, glassware, and metal ware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; carpets and rugs; and window coverings;~~

Commented [AH46]: Moved to Permitted Use.

Hotels and motels;**

Laundry, self-serve cleaning and garment services;

Light manufacturing uses;

Liquor stores, retail sales only;

Local passenger transportation and services, includes train depot;

Lumber and other building materials business;

Massage services;

~~Miscellaneous food establishments with no seating where food is not prepared for immediate consumption;~~

Commented [AH47]: Catering businesses are a listed permitted use.

Mortuary and funeral homes;

Motor vehicle sales, new and/or used vehicles;

Nursery, lawn and garden supply stores with retail sales;

Off-site winery offices with nonpublic wine tasting. Tasting of wine may be offered to wine distributors and wine merchants;

Parking facilities, commercial;

Performing arts facility;

~~Plant nurseries, including retail sales;~~

Commented [AH48]: Nursery use provided above.

Pool and spa supply and sales;

~~Sanitary~~ Janitorial services;

Schools and educational services;

Service station, pursuant to Section 17.136.080;

Tanning salon;

Taxidermist;

Theater, movie and legitimate;

Towing services and yards;

Utilities;

~~Vehicle~~ Bicycle and scooter rental businesses, ~~including trucks, bicycles and four-stroke mopeds (that meet standard manufacturer specifications), but~~ excluding motorcycles;

Commented [AH49]: Auto, truck and motorcycle rental uses are listed above. This is specific to bikes and scooters.

1. Storage or display of rental vehicles shall not be permitted within the public right-of-way, except where the city has jurisdiction over the sidewalks and as may be allowed by use permit with the following conditions in subsection (2) below.

2. For those vehicle rental businesses that wish to establish storage or display of rental bicycles/scooters on a sidewalk, the following will be required:

a. One-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions (CalTrans requirement).

b. A four-foot clear path of travel along the sidewalk must be maintained to provide disabled access.

c. Bicycles/scooters must be brought indoors when the business is closed.

d. An encroachment permit must be obtained from the city of St. Helena. Application must include documentation of required liability insurance. The city of St. Helena maintains the preeminent right to use the sidewalk and suspend the right to encroach whenever the city needs use of the sidewalk for other public use or for repair.

Warehouse and wholesale business, excluding retail sales;

Wine shops. "Wine shops" are establishments that sell wines from multiple wineries and distributors. Wines may be made in other counties in California, other states or other countries. Incidental wine tastings may occur in wine shops. Wine shops are not owned by wineries and must possess a Type 20, 21, or 42 license from ABC;

Wineries;

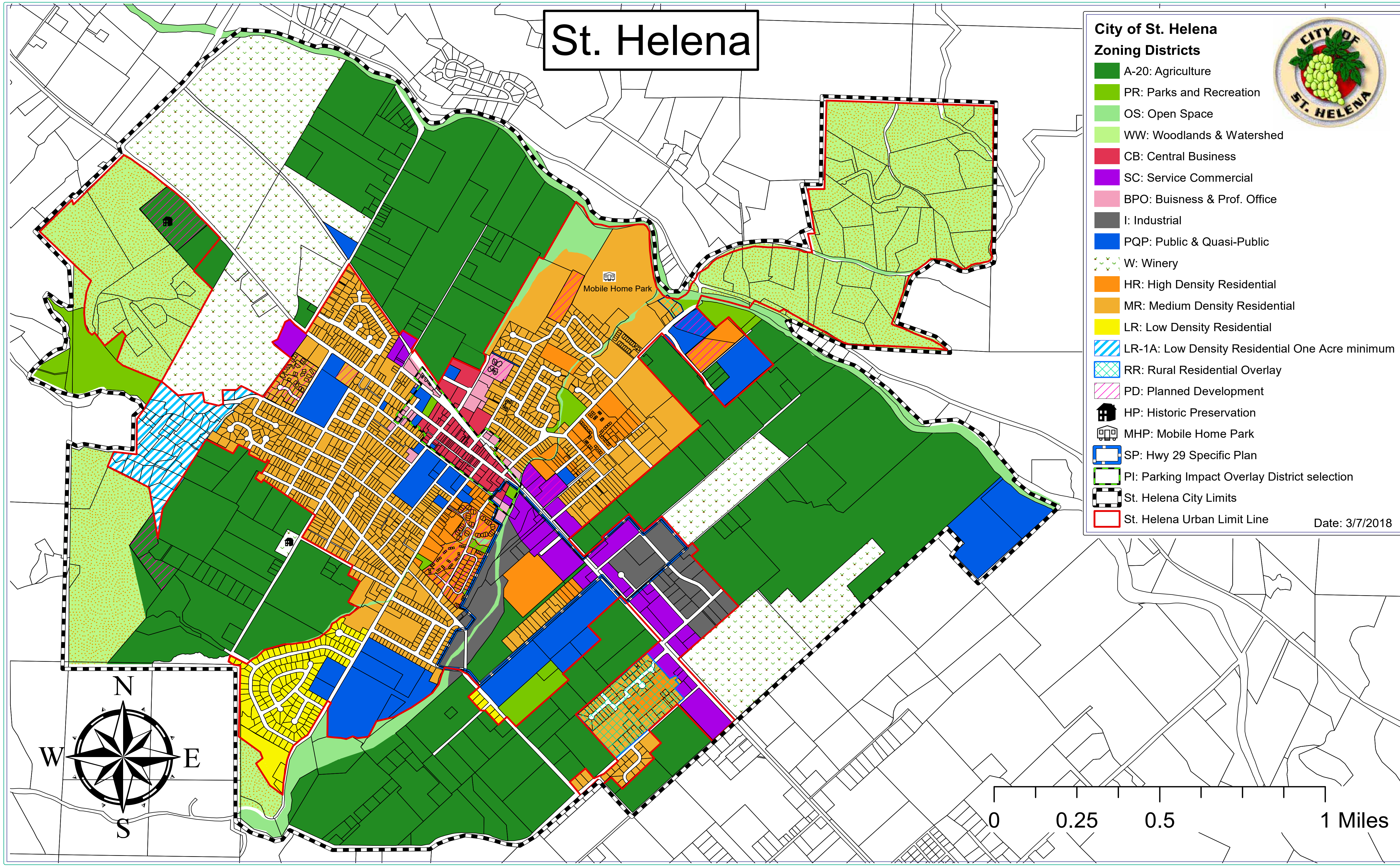
Winery tasting rooms. "Winery tasting rooms" are establishments that sell wines on behalf of one or more wineries and enable consumers to taste wine (with and without charge) as a regular part of the sales process. The wines for tasting and for sale must be made from a minimum of seventy-five percent (75%) Napa Valley grapes and must be labeled Napa Valley or be a subappellation of the Napa Valley. The permit requires a Type 02 ABC license. Food may be provided if it is at no cost to the consumer, is made off-premises and the facilities are approved by Napa County Environmental Management;

Other similar uses found consistent with the general plan and the SC district pursuant to Chapter 17.08.

* Note: The city has established a limit on the number of eating and drinking establishments. Such establishments are listed in the regulated food and beverage establishments inventory. This inventory may be amended by action of the city council.

** Note: The city has established a limit on the number of transient occupancy rooms permitted in the city to those existing or approved on September 28, 1993, as listed in the hotel, motel, and B&B inventory. This inventory may be amended by action of the city council.

(Ord. 11-5 § 2 (Exh. A); Ord. 10-8 § 2 (Exh. B (part)): Ord. 10-4 § 5; Ord. 09-6 § 2 (Exh. A (part)): Ord. 04-8 § 6; prior code § 27.82)


St. Helena
City of St. Helena
Zoning Districts
A-20: Agriculture
PR: Parks and Recreation
OS: Open Space
WW: Woodlands & Watershed
CB: Central Business
SC: Service Commercial
BPO: Buisness & Prof. Office
I: Industrial
PQP: Public & Quasi-Public
W: Winery
HR: High Density Residential
MR: Medium Density Residential
LR: Low Density Residential
LR-1A: Low Density Residential One Acre minimum
RR: Rural Residential Overlay
PD: Planned Development
HP: Historic Preservation
MHP: Mobile Home Park
SP: Hwy 29 Specific Plan
PI: Parking Impact Overlay District selection
St. Helena City Limits
St. Helena Urban Limit Line
Date: 3/7/2018
CITY OF ST. HELENA
Mobile Home Park
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PLANNING COMMISSION REPORT

Planning Commission Meeting of April 17, 2018

AGENDA SECTION: Scheduled Matters

FILE NUMBER: n/a

SUBJECT: Housing Element Update 2018

PREPARED BY: Noah Housh, Planning & Community Improvement Director

REVIEWED BY: Noah Housh, Planning & Community Improvement Director

APPROVED BY: Noah Housh, Planning & Community Improvement Director

APPLICATION FILED:

LOCATION OF PROPERTY: Citywide

APN: Citywide

APPLICANT: City of St Helena **PHONE:** 707-968-2659

BACKGROUND

The State of California began mandating scheduled Housing Element updates in 1980. Pursuant to Government Code Section 65400, General Law Cities are required to submit an annual report to the legislative body, the Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD) outlining the progress made towards implementing the City's General Plan Housing Element (HE). Specifically, the Progress Report is required to detail local efforts to remove governmental constraints to the maintenance, improvement, and development of housing.

The Progress Report (attached) must detail the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its HE. The Annual Progress Report is to be considered at a public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

On August 25, 2009, the City Council adopted the 2009-2014 Housing Element, which was later certified by HCD on October 25, 2009. Under the 2007-2014 Regional Housing Needs Allocation (RHNA) the City was tasked with accommodating 121 new housing units during this HE cycle. Given the 66 units built or approved through December 2008 (previous cycle), the City needed to identify sites for at least 55 additional housing units. For the 2009-2014 HE cycle, the City issued 67 building permits for housing and met 55% of the RHNA.

On May 26, 2015, the City of St Helena adopted the fifth cycle of the state-mandated Housing Element update, spanning the years 2015-2023. This Housing Element details how the City plans to accommodate the Regional Housing Needs Allocation (RHNA) of 31 units within this time frame. The Planning Department is providing this annual update to inform the Council and public on the progress being made to implement the Housing Element policy priorities.

PROJECT DESCRIPTION

Like that of the previous Housing Element (HE), the current HE details goals, policies, quantified objectives, and implementing actions for the development, rehabilitation, and preservation of housing, based upon the findings of the Housing Needs Assessment and input received through the public outreach. The HE is divided into two elements, the Housing Needs Assessment and the Housing Element Update, which includes six goals, policies and an eight-year action plan. These six (6) overarching goals(listed below) endeavor to facilitate housing development.

Specifically, they are:

1. A Diversity of Housing to Meet Local Needs
2. Efficient Land Use and High Quality Neighborhoods
3. Conservation of Existing Housing
4. Assistance to Support Affordable Housing
5. Resource Conservation
6. Equal Housing Opportunities

The implementation of these goals is supported by a number of Policies, Implementing Actions and Quantified Objectives.

During the 2015-2023 Housing Element cycle, the City has approved 29 units (not all have been issued building permits) for new housing within the Regional Housing Needs Assessment (RHNA) 2015-2022 cycle, which identifies a requirement of 31 total units. As reported in the 2017 HE Progress Report (attached), the City Council and staff have initiated processes to implement several of the Housing Element goals and programs in an effort to meet the quantified objectives for the identified implementing actions of several goals of the City's adopted Housing Element.

Specifically, the City has secured and begun accepting applications for Home Grant funds (totaling $500,000) to assist with the rehabilitation and repair of deed restricted low income units; has provided Affordable Housing Trust Fund monies to the Turley Flats Affordable Housing development at 1105 Pope Street, which is currently under construction and further found additional ways to support this project with financial assistance by finding certain fees are not applicable to the development.

While this progress is substantial, there are a number of directed actions remaining to be implemented as identified in the incomplete list of such actions below. These include efforts such as:

1. Potentially modifying the City's Inclusionary Ordinance (Chapter 17.146) to adjust and expand the distribution of income levels;
2. Making modifications to the zoning code including density requirements, incorporate mixed use housing, and targeting sites for increased development potential;
3. Providing assistance with acquiring low interest loans for 10 first-time home buyers; and
4. Expanding the amount of senior housing units through mandated requirements.

While many of these actions naturally fit within efforts currently prioritized by the City Council (Comprehensive Zoning Code Update, Housing Strategy, Fee Schedule Update etc.), others such as establishing a full time (shared) Housing Coordinator (HE4.H), the pursuit of mortgage revenue bonds and/or credit certificates (HE4.E) and planning for road and utility improvements to facilitate development of housing opportunity sites (HE1.E) may prove to be challenging, given the limited resources available to support such initiatives.

The Council has commissioned a White Paper to "kick off" their identified goal of establishing a Comprehensive Housing Strategy, and this document is expected to assist with identifying challenges and prioritizing efforts to best implement the adopted goals of the Housing Element.

The Housing Element Update and the Housing Needs Assessment Goals are available at the links below.

http://www.cityofsthelena.org/sites/default/files/fileattachments/planning/page/871/st._helena_housing_element_goals_policies_and_programs_adopted_05_26_15.pdf
http://www.cityofsthelena.org/sites/default/files/fileattachments/planning/page/871/st._helena_housing_needs_assessment_adopted_05_26_15.pdf

Other Housing Related Items of Interest

Changes in State Requirements and Regulations

2017 saw a flurry of legislative action at the state level, with the Governor signing a package of 15-bills designed to increase the supply of housing, especially at affordable levels, throughout the state. These new regulations make significant changes to a number of existing requirements as well as create a number of new regulations affecting local jurisdiction's review and action on housing related projects. While this report does not attempt to comprehensively summarize these changes, some information on them is provided below.
Legislation that directly affects the City's accountability to the housing goals of the State include changes to the Housing Accountability Act (SB167/AB678/AB1515); changes to the Housing Element requirements themselves requiring new content (AB 879), site inventory Changes (AB1397); new authority given to the Department of Housing and Community Development (AB 72); changes to the annual reporting requirements (AB 879/SB35/SB 540); and updated regulations prioritizing a "no net loss" of affordable housing units (SB 166). The League of California Cities has created an excellent primer summarizing these elements, which has been attached to this report and can be found at the link below.

It is worth noting that the reporting requirement changes now have direct implications for grant funding awards and must be prioritized on an annual basis in order to ensure continued grant funding for City projects. For more specifics, staff would encourage review of the regulations referenced above and in the attached summary from the League (link below).
http://www.cacities.org/2018housinglaws

Calderon Milestones and Compliance
In 2014, the City entered into a Settlement Agreement (Calderon, attached) committing to provide a certain number of affordable housing units or monies into the Affordable Housing Trust Fund, tied to a specific timeliness milestones. To date, the City has approved (or expects occupancy) on 16 units that will qualify for the requirements of the settlement. The next milestone (2020) requires that the City have approved or granted occupancy to a minimum of 25 affordable housing units by December 31, 2020, leaving nine units pending. The penalty for not meeting this timeliness/milestone is a $750,000 payment from the General Fund into the Affordable Hosing Trust Fund. However, it should be noted that there are several caveats to this mandate which provide flexibility in how they are met.

Turley Flats and Brenkle Court
In 2013 the City approved the Turley Flats eight unit affordable (rental) housing project. This project is currently under construction and is expected to obtain occupancy in late 2018. To date, the City has loaned $700,000 in AHTF monies to the Turley Flats project, including hard monies and fee subsidies.

In 2016, the City sold/donated a half-acre parcel located at of 684 McCorkle (appraised at $920,000) to Our Town St Helena (OTSH) for $1.00 to allow the construction of a self help affordable townhome project, titled Brenkle Court. All eight units were originally approved as Low Income however OTSH currently expect two Very Low Income buyers and six Low Income buyers to qualify. The project is awaiting Final Map recordation prior to building permit issuance with occupancy expected sometime in 2019. The parcel was originally purchased for $700,000 by the City with funds from the AHTF account, and the City has since committed an additional $360,530.28 in funds to cover the application and impact fees, as well as an additional $100,000 to subsidize the two Very Low Income Units (total AHTF subsidy $460,538.28 not including the land donation)

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Affordable Housing Trust Fund

Taking into account the fund commitments discussed above, the current balance of the Affordable Housing Trust Fund is approximately $400,000.

ISSUES

Fiscal Impacts-There are no additional hard costs associated with the implementation of the Housing Element in 2017, however significant staff resources have been committed (and will continue to be) in pursuit of the House Element implementation and these efforts must be prioritized on an annual basis in order to meet new grant funding mandates.

CORRESPONDENCE

As of the drafting of this report, there have been no comments received on the Housing Element Update.

STAFF RECOMMENDATION

It is recommended by the Planning and Community Improvement Department that the Planning Commission review and consider the provided information, and file the report.

ATTACHMENTS

2017_housing _element_progress_report

2018 Housing Law Summary

Calderon ST. HELENA - CALDERON - FINAL SIGNED SETTLEMENT AGR (3)

Calderon-All Exhibits to Final Calderon Settlement Agreement

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction SAINT HELENA

Reporting Period 01/01/2017 - 12/31/2017

Pursuant to GC 65400 local governments must provide by April 1 of each year the annual report for the previous calendar year to the legislative body, the Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD). By checking the “Final” button and clicking the “Submit” button, you have submitted the housing portion of your annual report to HCD only. Once finalized, the report will no longer be available for editing.

The report must be printed and submitted along with your general plan report directly to OPR at the address listed below:

Governor’s Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction SAINT HELENA

Reporting Period 01/01/2017 - 12/31/2017

Table A

Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information										Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income			See Instructions	See Instructions	
Turley Flats	5+	Renter	0	8	0	0	8	8	Local Housing Trust Funds	DB	
(9) Total of Moderate and Above Moderate from Table A3					0	11					
(10) Total by Income Table A/A3			0	8	0	11					
(11) Total Extremely Low-Income Units*			0								

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction SAINT HELENA

Reporting Period 01/01/2017 - 12/31/2017

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program it its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA whichmeet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity	0	0	0	0	
(2) Preservation of Units At-Risk	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction SAINT HELENA

Reporting Period 01/01/2017 - 12/31/2017

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for **Moderate**	0	0	0	0	0	0	0
No. of Units Permitted for **Above Moderate**	3	0	0	8	0	11	11

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction SAINT HELENA

Reporting Period 01/01/2017 - 12/31/2017

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.												Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	8	0	0	0	0	0	0	0	0	0	0	8
	Non-Restricted		0	0	0	0	0	0	0	0	0		
Low	Deed Restricted	5	0	0	8	0	0	0	0	0	0	8	0
	Non-Restricted		0	0	0	0	0	0	0	0	0		
Moderate		5	0	0	0	0	0	0	0	0	0	0	5
Above Moderate		13	4	6	11	0	0	0	0	0	-	21	0
Total RHNA by COG. Enter allocation number:		31											
Total Units ► ► ►			4	6	19	0	0	0	0	0	0	29	
Remaining Need for RHNA Period ► ► ► ► ►													13

Note: units serving extremly low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction SAINT HELENA

Reporting Period 01/01/2017 - 12/31/2017

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	**Housing Programs Progress Report - Government Code Section 65583.** Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	**Objective**	**Timeframe in H.E.**	**Status of Program Implementation**
Quantified Objectives for Implemeintg Actions of Goal 3 and Goal 5 of the Housing Element	Assist in the acquisition of low-interest loans for rehabilitation, including energy conservation, of 10 lower-income housing units by January 31, 2023 of the end of the Housing Element planning period (2 extremely low income, 2 very low income, 3 low income, and 3 moderate income households).	December 31, 2022	City was awarded $500,000 HOME funds grant in 2017 and initiated implementation of a program to make 0-interest, 0-payment loans for rehabilitation work to owners of deed restricted homes.
Quantified Objectives for the Implementing Actions og Goal 1 of the Housing Element	Construct 4 units of affordable housing to Extremely-Low income households; 4 units of housing affordable housing to Very Low Income households; 5 units for Low Income households; 5 units for Moderate Income households; and 13 units for above Moderate Income households by October 31, 2022.	December 31, 2022	The City has issued building permits for the Turley Flats affordable housing project, an 8-unit multifamily project with loan funding from the Affordable Housing Trust Fund. Occupancy of all units is expected in 2018.
Quantified Objectives for the Implementing Actions of Goal 4 of the Housing Element	Reduce, defer or waive fees for 18 housing units affordable to extremely low,	December 31, 2022	City has both reduced and deferred fees(through a loan from the Affordable Housing Trust Fund)for the Turley Flats Affordable Housing Project, an 8-unit

	low, very low and moderate income households.		multi-family development at 1105 Pope St.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

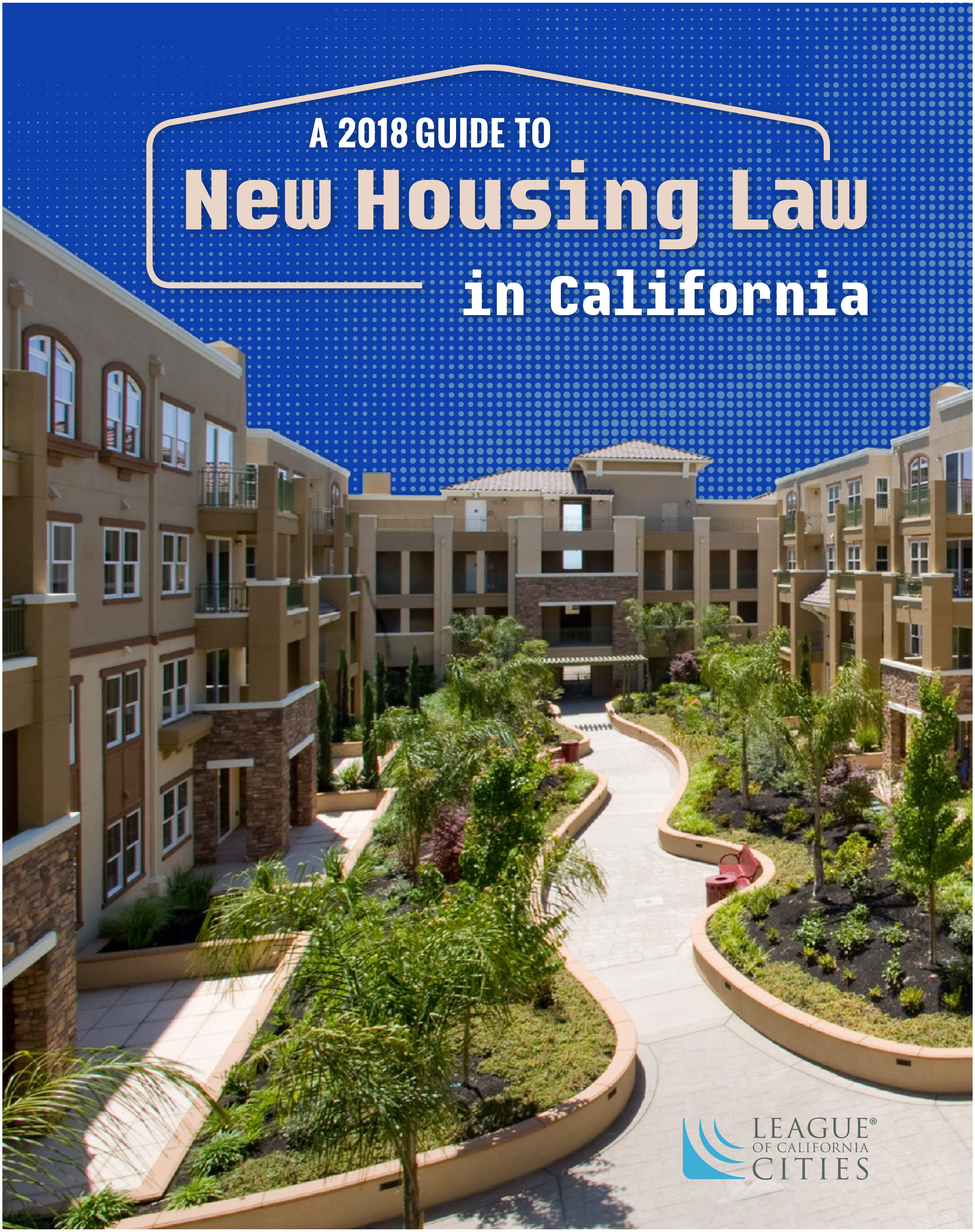
(CCR Title 25 §6202)

Jurisdiction SAINT HELENA

Reporting Period 01/01/2017 - 12/31/2017

General Comments:

A 2018 Guide to New Housing Law in California



League of California Cities

INTRODUCTION

Housing affordability is an urgent issue in California, where a majority of renters (over 3 million households) pay more than 30 percent of their income toward rent and nearly one-third (over 1.5 million households) spend more than 50 percent of their income on rent. In addition, California's homeownership rates are at the lowest point since the 1940s. This has led many experts in the field to declare the current state of housing supply and affordability a crisis.

In his January 2017 budget proposal, Governor Brown set the tone and parameters for substantive action to address housing supply and affordability issues. He indicated that new and increased funding for housing must be instituted along with regulatory reform that streamlines local project approval processes and imposes more stringent measures of local accountability. These parameters guided legislative action throughout 2017, resulting in a package of bills signed into law.

Gov. Brown and state legislators made significant changes to local land-use processes and approved new sources of revenue for housing construction. Throughout the 2017 legislative session, the League advocated for proposals that preserved local authority while advancing much-needed housing development approvals.

This reference guide covers recent actions taken by the state Legislature to address the housing crisis and provides in-depth analysis and guidance on changes made to state and local land-use law that will affect city processes and functions related to housing development.

PART I. THE CALIFORNIA HOUSING CRISIS

Principal Causes of the Affordable Housing Shortage

Local governments are just one piece of the complex scenario that comprises the housing development process. Cities don't build homes — the private sector does. California's local governments must zone enough land in their General Plans to meet the state's projected housing need; however, cities don't control local market realities or the availability of state and federal funding needed to support the development of affordable housing. This is true not just in California but nationwide.

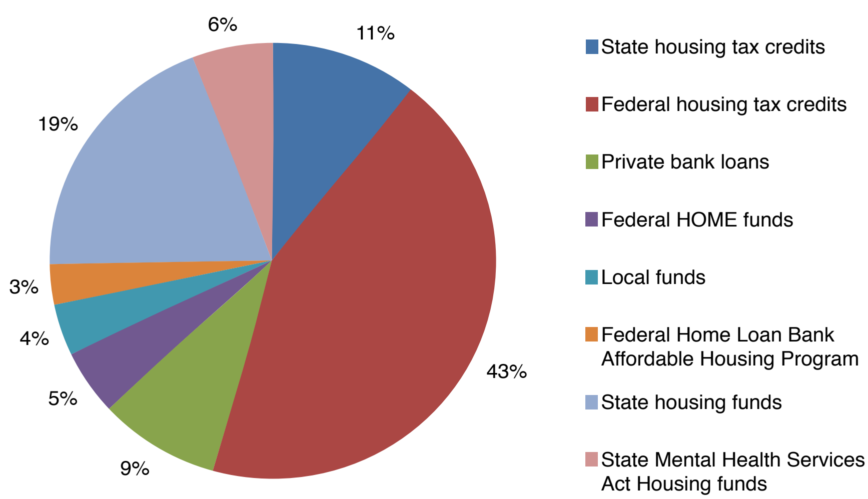
Significant barriers and disincentives constrain the production of affordable housing. These include:

- Lack of funding and subsidies needed to support housing that low- and moderate-income families can afford;
- Local and national economic and job market conditions; and
- Challenges for developers.

Lack of Funding and Subsidies for Affordable Housing

In addition to private sector financing, funding and subsidies to support the development of affordable housing come from two primary sources: federal and state government housing programs.

Sample Funding Mixes for Affordable Multifamily Developments



Source: California Department of Housing and Community Development, California's Housing Future: Challenges and Opportunities

It's extremely rare for a single affordable housing program to provide enough funding to finance an entire development, due to the costs of development and funding constraints and criteria that encourage developers to leverage other funds. The developer will typically apply for funding from multiple programs and private sector lenders that have overlapping policy goals and requirements. Private-sector lenders may also have additional criteria. The process of applying for and securing funding from multiple sources can add significantly to the lead time needed to start construction.

One multifamily development can easily need five to 10 funding sources to finance its construction. Developers generally layer financing from state and federal tax credits, state housing programs, local land donation and other local grants, federal housing programs and private loans from financial institutions. The chart "Sample Funding Mixes for Affordable Multifamily Developments" (below, left) offers an example of funding mixes for affordable multifamily developments.

Federal funding for affordable housing comprises a significant portion of California's resources to support affordable housing. However, due to pressures to cut federal spending and reduce the deficit, federal funding for housing has declined in recent years despite the increase in the number of severely cost-burdened, low-income renter households (which rose from 1.2 million in 2007 to 1.7 million in 2014). Between 2003 and 2015, Community Development Block Grant (CDBG) and HOME funds allocated to California by the U.S. Department of Housing and Urban Development (HUD) to produce affordable housing units have declined by 51 percent and 66 percent respectively (see "HUD Program Allocations to California 2003–2015" below).

Furthermore, few sources of affordable housing funding are stable or growing from year to year despite an increasing population and demand for housing. This funding uncertainty deters both efforts to address housing challenges in a sustained manner and developers' ability to build affordable housing.

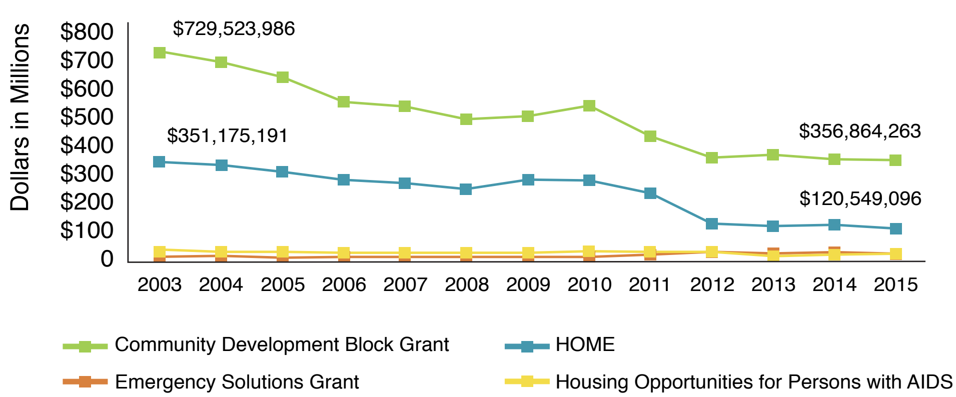
The elimination of redevelopment agencies in California and the subsequent loss of over $5 billion in funding since 2011 compounded the state's affordable housing challenges. The state has never had a significant permanent source of affordable housing funding, and proceeds from the 2006 housing bond that helped create and preserve affordable apartments, urban infill infrastructure and single-family homes have been expended.

Local and National Economic and Job Market Conditions

Numerous factors contribute to local and national market conditions that affect the availability of affordable housing. The economic recovery from the Great Recession, when many middle-income families lost their homes to foreclosures, has occurred at different rates in communities throughout California. Areas with high-tech industry and some coastal areas recovered more rapidly than other regions.

continued

HUD Program Allocations to California 2003–2015
(Adjusted for Inflation)



Source: HUD Formula Program Allocations by State: 2003–2015 and *California Department of Housing and Community Development,* California's Housing Future: Challenges and Opportunities

Overall, the recovery has been uneven. Jobs in manufacturing and blue-collar industries have not fully rebounded, and jobs in the expanding service sector pay lower wages. Many households are still struggling to recover from the recession and home foreclosure crisis, and many recent college graduates are carrying significant debt — reducing their ability to purchase a home or pay rent.

Mortgage underwriting standards became more stringent in the aftermath of the foreclosure crisis, which can make it more difficult for potential homebuyers to qualify for the needed financing.

Some of the state's major homebuilders went out of business during the recession, leaving fewer companies to meet the demand for housing. Production of housing fell dramatically during the recession, which contributed significantly to a shortage of homes across the affordability spectrum. As the chart "Annual Production of Housing Units 2000–2015" (below) shows, housing "starts" statewide are at about half of pre-recession levels and fall far short of the state's projected need for 180,000 new homes per year.

Housing values also reflect the uneven recovery happening throughout the state. *The Wall Street Journal* recently compared home prices today to those of 2004. In San Jose, which is part of Silicon Valley where tech jobs pay top wages, prices are 54 percent higher than 2004 levels, but this is not so in areas hindered by a slower recovery from the recession. In Central Valley cities such as Stockton and Merced, housing prices are 21 and 16 percent lower respectively.

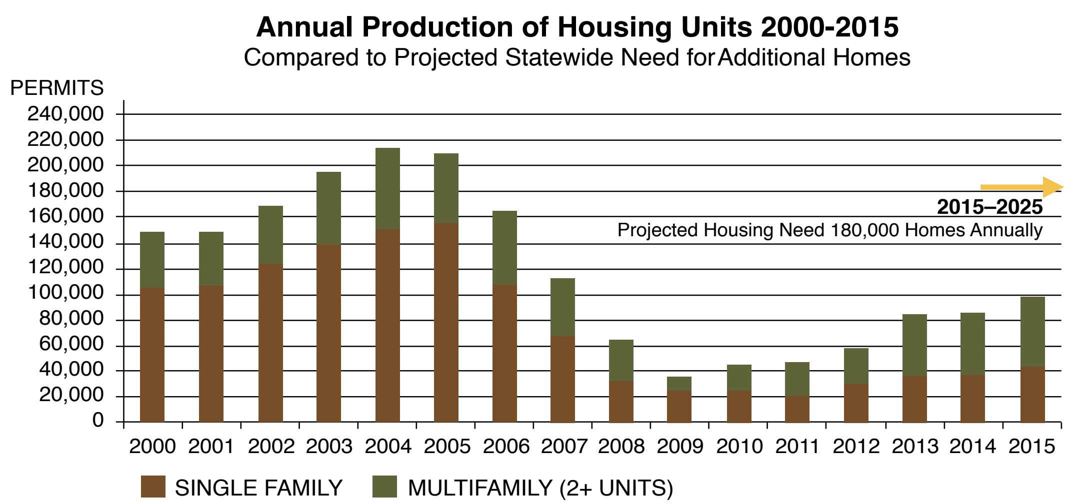
Challenges for Developers

In addition to funding challenges to develop affordable housing, other challenges further exacerbate the obstacles to development, including:

- Identifying an adequate supply of water;
- Complying with state regulations and energy standards, greenhouse gas reduction requirements and other environmental conditions;
- Competing with other developers to build high-end, more expensive housing;
- Infrastructure deficits;
- Market conditions, such as those described earlier; and
- The cost of land and construction.

Other Factors

In addition — but to a far lesser degree — factors at the local level can also impact the development of affordable housing. In some cities, new development requires voter approval. Community concerns about growth, density and preserving the character of an area may affect local development. Public hearings and other processing requirements add time to the approval timeline. Project opponents can use the environmental permitting process and litigation to limit or stop a project. However, the process of complying with the California Environmental Quality Act (CEQA) also serves to protect communities by ensuring that important environmental issues are identified and addressed.



Source: California Department of Housing and Community Development, California's Housing Future: Challenges and Opportunities

PART II. LEGISLATIVE RESPONSE: UNDERSTANDING THE CHANGES TO HOUSING AND LAND-USE LAWS

In an attempt to address some of the barriers to housing construction at the state and local level, lawmakers introduced more than 130 bills during the 2017 legislative session; many focused on constraining local land-use authority or eliminating local discretion. After months of negotiations and public hearings, 15 bills made it into the "housing package" and were signed by Gov. Brown. These bills fall into three main categories: funding, streamlining and local accountability. This section describes the most notable changes made to the state housing laws and identifies items or actions a city may want to consider in moving forward.

Funding Measures

The Legislature passed and Gov. Brown signed into law two key funding measures. The first, SB 2 (Atkins), imposes a new real estate recording fee to fund important affordable housing-related activities on a permanent, ongoing basis, effective Sept. 29, 2017. The second, SB 3 (Beall), places a $4 billion general obligation bond to fund housing on the November 2018 ballot and requires voter approval; if approved, funds likely will not be available until 2019.

SB 2 (Atkins, Chapter 364, Statutes of 2017) Building Homes and Jobs Act is projected to generate hundreds of millions of dollars annually for affordable housing, supportive housing, emergency shelters, transitional housing and other housing needs via a $75 to $225 recording fee on specified real estate documents.

In 2018, 50 percent of the funds collected are earmarked for local governments to update or create General Plans, Community Plans, Specific Plans, sustainable communities strategies and local coastal programs. Funds may also be used to conduct new environmental analyses that improve or expedite local permitting processes. The remaining 50 percent of the funds are allocated to the California Department of Housing and Community Development (HCD) to assist individuals experiencing or in danger of experiencing homelessness.

Beginning in 2019 and for subsequent years, 70 percent of the proceeds are allocated to local governments through the federal CDBG formula, so that the funds may be used to address housing needs at the local level. HCD will allocate the remaining 30 percent as follows: 5 percent for state incentive programs; 10 percent for farmworker housing; and 15 percent for the California Housing Finance Agency to create mixed-income multifamily residential housing for lower- to moderate-income households.

In consultation with stakeholders, HCD will adopt guidelines to implement SB 2 and determine methodologies to distribute funding allocations.

SB 3 (Beall, Chapter 365, Statutes of 2017) Veterans and Affordable Housing Bond Act of 2018 places a $4 billion general obligation bond on the November 2018 ballot to fund affordable housing programs and the veterans homeownership program (CalVet). If approved by voters, SB 3 would fund the following existing programs:

- Multifamily Housing Program — $1.5 billion, administered by HCD, to assist the new construction, rehabilitation and preservation of permanent and transitional rental housing for lower-income households through loans to local public entities and nonprofit and for-profit developers;
- Transit-Oriented Development Implementation Program — $150 million, administered by HCD, to provide low-interest loans for higher-density rental housing developments close to transit stations that include affordable units and as mortgage assistance for homeownership. Grants are also available to cities, counties and transit agencies for infrastructure improvements necessary for the development;
- Infill Incentive Grant Program — $300 million, administered by HCD, to promote infill housing developments by providing financial assistance for infill infrastructure that serves new construction and rehabilitates existing infrastructure to support greater housing density;
- Joe Serna, Jr. Farmworker Housing Grant Fund — $300 million, administered by HCD, to help finance the new construction, rehabilitation and acquisition of owner-occupied and rental housing units for agricultural workers;
- Local Housing Trust Fund Matching Grant Program — $300 million, administered by HCD, to help finance affordable housing by providing matching grants, dollar for dollar, to local housing trusts;
- CalHome Program — $300 million, administered by HCD, to help low- and very low- income households become or remain homeowners by providing grants to local public agencies and nonprofit developers to assist individual first-time homebuyers. It also provides direct loan forgiveness for development projects that include multiple ownership units and provides loans for property acquisition for mutual housing and cooperative developments;
- Self-Help Housing Fund — $150 million, administered by HCD. This program assists low- and moderate-income families with grants to build their homes with their own labor; and
- CalVet Home Loan Program — $1 billion, administered by the California Department of Veterans Affairs, provides loans to eligible veterans at below-market interest rates with few or no down payment requirements.

continued

Streamlining Measures

Gov. Brown made it very clear in the FY 2017–18 annual budget that he would not sign any housing funding bills without also expediting and streamlining the local housing permitting process. Lawmakers were eager to introduce measures to meet his demand. SB 35 (Wiener), SB 540 (Roth) and AB 73 (Chiu) take three different approaches to streamlining the housing approval process.

SB 35 (Wiener, Chapter 366, Statutes of 2017) streamlines multifamily housing project approvals, at the request of a developer, in a city that fails to issue building permits for its share of the regional housing need by income category. In a SB 35 city, approval of a qualifying housing development on qualifying site is a ministerial act, without CEQA review or public hearings.

Which Cities Must Streamline Housing Approvals Under SB 35?

Cities that meet the following criteria must approve qualifying multifamily housing projects that are consistent with objective planning and design review standards:

- The city fails to submit an annual housing element report for two consecutive years prior to the date when a development application is submitted; or
- HCD determines that the city issued fewer building permits than the locality's share of the Regional Housing Needs Allocation (RHNA) in each of the four income categories for that reporting period (the first four years or last four years of the eight-year housing element cycle).

Once eligibility has been determined, the development must be located on a site that:

- Is within a city that includes some portion of either an urbanized area (population 50,000 or more) or urban cluster (population at least 2,500 and less than 50,000);
- Has at least 75 percent of the perimeter adjoining parcels that are developed with urban uses; and
- Is zoned for residential use or residential mixed-use development or has a General Plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

As set forth in the measure, "objective standards" involve "no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official."

After determining that the locality is subject to streamlining, development sites are excluded if they are located in any of the following areas:

- Coastal zone;
- Prime farmland or farmland of statewide importance;
- Wetlands;
- Very high or high fire hazard severity zone;
- Delineated earthquake fault zone, unless the development complies with applicable seismic protection building code standards;
- Hazardous waste site, unless the state Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses;
- Floodplain or floodway, unless the development has been issued a floodplain development permit or received a no-rise certification; and
- Lands under conservation easement.

In addition, development sites are excluded if they would demolish:

- A historic structure;
- Any housing occupied by tenants in the past 10 years; or
- Housing that is subject to rent or price control.

To be eligible for streamlining, the housing development must:

- Be on a qualifying site;
- Abide by certain inclusionary requirements (10 percent must be affordable to households earning 80 percent or less of area median income or 50 percent must be affordable to households earning 80 percent or less of area median income, depending upon the city's past approval of above-moderate income and lower-income housing, respectively); and
- Pay prevailing wages and use a "skilled and trained workforce."

Ministerial Approval

If a city determines that development is in conflict with "objective planning standards," then it must provide written documentation within 60 days of submittal if the development contains 150 or fewer housing units and within 90 days of submittal if the development contains more than 150 housing units.

Approvals must be completed within 90 to 180 days (depending on the number of units in housing development), must be ministerial and not subject to CEQA.

No parking requirements can be imposed on an SB 35 housing development project if it is located:

- Within a half-mile of public transit;
- Within an architecturally and historically significant historic district;
- In an area where on-street parking permits are required but not offered to the occupants of the development; or
- Where there is a car-share vehicle located within one block of the development.

One parking space per unit can be required of all other SB 35 projects.

How Long Does the Approval Last?

The approval does not expire if the project includes public investment in housing affordability beyond tax credits where 50 percent of units are affordable to households earning less than 80 percent of area median income (AMI).

If the project does not include 50 percent of units affordable to households earning less than 80 percent of AMI, approval automatically expires in three years except for a one-year extension if significant progress has been made in preparing the development for construction (such as filing a building permit application).

All approvals remain valid for three years and as long as vertical construction has begun and is in progress.

Opportunities and Considerations

Even though SB 35 makes significant changes to existing law, it is important to consider the following:

- All proposed projects seeking streamlining must be consistent with a jurisdiction's objective zoning standards and objective design review standards. If these standards are outdated or in need of revisions, there is opportunity to do so;
- If a jurisdiction does not have "objective zoning standards and objective design review standards," it may want to create them given that discretionary review is prohibited; and
- Funding assistance will be available in mid- to late 2019 under SB 2 (Atkins, Chapter 364, Statutes of 2017) for updating planning documents, including General Plans, Community Plans, Specific Plans, sustainable communities strategies and local coastal programs. HCD is currently establishing funding guidelines.

SB 540 (Roth, Chapter 369, Statutes of 2017) streamlines the housing approval process by allowing jurisdictions to establish Workforce Housing Opportunity Zones (WHOZs), which focus on workforce and affordable housing in areas close to jobs and transit and conform to California's greenhouse gas reduction laws. SB 540's objective is to set the stage for approval of housing developments by conducting all of the necessary planning, environmental review and public input on the front end through the adoption of a detailed Specific Plan. SB 540 provides the development community with certainty that for a five-year period, development consistent with the plan will be approved without further CEQA review or discretionary decision-making.

How Does the Streamlining Process Work?

Jurisdictions that opt in outline an area of contiguous or noncontiguous parcels that were identified in the locality's housing element site inventory. All development that occurs within the WHOZ must be consistent with the Specific Plan for the zone and the adopted sustainable communities strategy (SCS) or an alternative planning strategy (APS). See "About the Sustainable Communities Strategy and Alternative Planning Strategy" below for more information.

continued

About the Sustainable Communities Strategy and Alternative Planning Strategy

Under the Sustainable Communities Act, the California Air Resources Board (ARB) sets regional targets for greenhouse gas emissions reductions from passenger vehicle use. In 2010, ARB established these targets for 2020 and 2035 for each region covered by one of the state's metropolitan planning organizations (MPOs).

Each MPO must prepare a sustainable communities strategy (SCS) as an integral part of its regional transportation plan (RTP). The SCS contains land use, housing and transportation strategies that, if implemented, would allow the region to meet its greenhouse gas emission reduction targets. If the combination of measures in the SCS would not meet the regional targets, the MPO must prepare a separate alternative planning strategy (APS) to meet the targets.

The process for establishing a WHOZ is:

- Prepare and adopt a detailed Specific Plan and environmental impact report (EIR);
- Identify in the Specific Plan uniformly applied mitigation measures for traffic, water quality, natural resource protection, etc.;
- Identify in the Specific Plan uniformly applied development policies such as parking ordinances, grading ordinances, habitat protection, public access and reduction of greenhouse gas emissions;
- Clearly identify design review standards in the Specific Plan; and
- Identify a source of funding for infrastructure and services.

Not more than 50 percent of a jurisdiction's RHNA may be included in a WHOZ that accommodates 100 to 1,500 units.

The Specific Plan and EIR are valid for five years. After five years, the jurisdiction must review the plan and EIR, including conducting the CEQA analysis required in Public Resources Code section 21166, in order to extend the WHOZ for five additional years.

For a development project to receive streamlining within the WHOZ, the project must:

- Be consistent with the SCS;
- Comply with the development standards in the Specific Plan for the WHOZ;
- Comply with the mitigation measures in the Specific Plan for the WHOZ:
- Be consistent with the zonewide affordability requirements — at least 30 percent of the units affordable to moderate or middle-income households, 15 percent of the units affordable to lower-income households and 5 percent of the units affordable for very low-income households. No more than 50 percent of the units may be available to above-moderate-income households;
- Within developments affordable to households of above-moderate income, include 10 percent of units for lower-income households unless local inclusionary ordinance requires a higher percentage; and
- Pay prevailing wages.

If a developer proposes a project that complies with all of the required elements, a jurisdiction must approve the project without further discretionary or CEQA review unless it identifies a physical condition that would have a specific adverse impact on public health or safety.

AB 73 (Chiu, Chapter 371, Statutes of 2017) streamlines the housing approval process by allowing jurisdictions to create a housing sustainability district to complete upfront zoning and environmental review in order to receive incentive payments for development projects that are consistent with the ordinance. AB 73 is similar to SB 540 in concept; however, there are several key differences; for example, in AB 73:

- The housing sustainability district is a type of housing overlay zone, which allows for the ministerial approval of housing that includes 20 percent of units affordable to very low-, low- and moderate-income households;
- The ordinance establishing the housing sustainability district requires HCD approval and must remain in effect for 10 years;
- A Zoning Incentive Payment (unfunded) is available if HCD determines that approval of housing is consistent with the ordinance; and
- Developers must pay prevailing wages and ensure the use of a skilled and trained workforce.

Accountability Measures

The third aspect of the Legislature and the governor's housing package pertains to bills that seek to hold jurisdictions accountable for the lack of housing construction in their communities. While this view fails to acknowledge the many factors that affect housing construction and are beyond the

control of local government, the following measures significantly change existing law.

SB 167 (Skinner, Chapter 368, Statutes of 2017), AB 678 (Bocanegra, Chapter 373, Statutes of 2017), and AB 1515 (Daly, Chapter 378, Statutes of 2017) are three measures that were amended late in the 2017 legislative session to incorporate nearly all of the same changes to the Housing Accountability Act (HAA). The HAA significantly limits the ability of a jurisdiction to deny an affordable or market-rate housing project that is consistent with existing planning and zoning requirements (see “About the Housing Accountability Act” below). These measures amend the HAA as follows:

- Modifies the definition of mixed-use development to apply where at least two-thirds of the square footage is designated for residential use;
- Modifies the findings requirement to deny a housing development project to be supported by a preponderance of the evidence, rather than by substantial evidence in the record;
- Defines “lower density” to mean “any conditions that have the same effect or impact on the ability of the project to provide housing;”
- Requires an applicant to be notified if the jurisdiction considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement or other similar provision. The jurisdiction must provide such notice within 30 days of the application being determined complete for a project with 150 or fewer housing units, and within 60 days for project with more than 150 units. If the jurisdiction fails to provide the required notice, the project is deemed consistent, compliant and in conformity with the applicable plan, program, policy ordinance, standard, requirement or other similar provision: and
- Deems a housing development project “consistent, compliant and in conformity with an applicable plan, program, policy, ordinance, standard, requirement or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent, compliant or in conformity.”

About the Housing Accountability Act

The Housing Accountability Act states, “The Legislature’s intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval and construction of new housing for all economic segments of California’s communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density of or render infeasible housing development projects. This intent has not been fulfilled.”

SB 167, AB 678 and AB 1515 also provide new remedies for a court to compel a jurisdiction to comply with the HAA:

- If a court finds that a jurisdiction’s findings are not supported by a preponderance of the evidence, the court must issue an order compelling compliance within 60 days. The court may issue an order directing the jurisdiction to approve the housing development project if the court finds that the jurisdiction acted in bad faith when it disapproved or conditionally approved the housing development project;
- If a jurisdiction fails to comply with the court order within 60 days, the court must impose fines on the jurisdiction at a minimum of $10,000 per unit in the housing development project on the date the application was deemed complete;
- If a jurisdiction fails to carry out a court order within 60 days, the court may issue further orders including an order to vacate the decision of the jurisdiction and to approve the housing development project as proposed by the applicant at the time the jurisdiction took the action determined to violate the HAA along with any standard conditions; and
- If the court finds that a jurisdiction acted in bad faith when it disapproved or conditionally approved a housing project and failed to carry out the court’s order or judgment within 60 days, the court must multiply the $10,000 per-unit fine by a factor of five. “Bad faith includes but is not limited to an action that is frivolous or otherwise entirely without merit.”

continued

Other Measures of Importance

In addition to the notable bills described here, Gov. Brown signed several other measures that provide new inclusionary powers to local governments, require additional General Plan reporting, increase housing element requirements and expand HCD's ability to review actions taken at the local level.

AB 1505 (Bloom, Chapter 376, Statutes of 2017) allows a jurisdiction to adopt an ordinance that requires a housing development to include a certain percentage of residential rental units affordable to and occupied by households with incomes that do not exceed limits for households with extremely low, very low, low or moderate income (see "AB 1505 Offers Solution to Palmer Decision" below). Such an ordinance must provide alternative means of compliance such as in-lieu fees, off-site construction, etc.

HCD may review any inclusionary rental housing ordinance adopted after Sept. 15, 2017, as follows:

- If the ordinance requires more than 15 percent to be occupied by households earning 80 percent or less of area median income and the jurisdiction failed to either meet at least 75 percent of its share of its above-moderate income RHNA (prorated based on the length of time within the planning period) or submit a General Plan annual report;
- HCD may request an economic feasibility study with evidence that such an ordinance does not unduly constrain the production of housing; and
- Within 90 days of submission of the economic feasibility study, HCD must decide whether the study meets the section's requirements. If not, the city must limit the ordinance to 15 percent low-income.

AB 1505 Offers Solution to Palmer Decision

The court in *Palmer/Sixth Street Properties L.P. v. City of Los Angeles,* (2009) 175 Cal. App. 4th 1396, invalidated a Los Angeles inclusionary housing requirement contained in a Specific Plan for an area of the city as applied to rental units on the basis that its pricing controls violated the Costa-Hawkins Act, which outlawed traditional rent control in new buildings in California. The court reasoned that the Costa-Hawkins Act pre-empted the application of inclusionary housing ordinances to rental housing. As a result of the decision, many cities with inclusionary housing ordinances suspended or amended their ordinances as applied to rental units; some adopted affordable housing rental impact fees. AB 1505 offers a solution and response to the *Palmer* decision.

AB 879 (Grayson, Chapter 374, Statutes of 2017) expands upon existing law that requires, by April 1 of each year, general law cities to send an annual report to their respective city councils, the state Office of Planning and Research (OPR) and HCD that includes information related to the implementation of the General Plan, including:

- The city's progress in meeting its share of RHNA;
- The city's progress in removing governmental constraints to the maintenance, improvement and development of housing; and
- Actions taken by the city toward completion of the programs identified in its housing element and the status of the city's compliance with the deadlines in its housing element.

Under AB 879, all cities including charter cities must submit an annual report containing the above information. In addition, cities must also provide the following new information in the annual report:

- The number of housing development applications received in the prior year;
- The number of units included in all development applications in the prior year;
- The number of units approved and disapproved in the prior year;
- A listing of sites rezoned to accommodate that portion of the city's RHNA for each income level that could not be accommodated in its housing element inventory and any additional sites identified under the "no net loss" provisions;
- The net number of new units of housing that have been issued a "completed entitlement," building permit or certificate of occupancy thus far in the housing element cycle (identified by the Assessor's Parcel Number) and the income category that each unit of housing satisfied (distinguishing between rental and for-sale units);
- The number of applications submitted under the new processing provided for by Section 65913.4 (enacted by SB 35), the location and number of developments approved pursuant to this new process, the total number of building permits issued pursuant to this new process and total number of units constructed pursuant to this new process; and
- The number of units approved within a Workforce Housing Opportunity Zone.

AB 879 also requires cities to include additional information when they submit their housing element to HCD, including:

- An analysis of governmental constraints that must include local ordinances that "directly impact the cost and supply of residential development"; and
- An analysis of nongovernmental constraints that must include requests to develop housing at densities below those anticipated in site inventory and the length of time between receiving approval for housing development and submittal of an application for building permit. The analysis must also include policies to remove nongovernmental constraints.

AB 1397 (Low, Chapter 375, Statutes of 2017) makes numerous changes to how a jurisdiction establishes its housing element site inventory. These changes include the following:

- Sites must be "available" for residential development and have "realistic and demonstrated" potential for redevelopment;
- Parcels must have sufficient water, sewer and dry utilities or part of a mandatory program to provide such utilities;
- Places restrictions on using nonvacant sites as part of the housing element inventory;
- Places limitations on continuing identification of nonvacant sites and certain vacant sites that have not been approved for housing development; and
- Stipulates that lower-income sites must be between one-half acre and 10 acres in size unless evidence is provided that a smaller or larger site is adequate.

AB 72 (Santiago, Chapter 370, Statutes of 2017) provides HCD new broad authority to find a jurisdiction's housing element out of substantial compliance if it determines that the jurisdiction fails to act in compliance with its housing element and allows HCD to refer violations of law to the attorney general. Specifically, AB 72:

- Requires HCD to review any action or failure to act by a jurisdiction that it determines is "inconsistent" with an adopted housing element or Section 65583, including any failure to implement any program actions included in the housing element;
- Requires HCD to issue written findings to the city as to whether the jurisdiction's action or failure to act complies with the jurisdiction's housing element or Section 65583 and provides no more than 30 days for the jurisdiction to respond to such findings. If HCD finds that the jurisdiction does not comply, then HCD can revoke its findings of compliance until the jurisdiction comes into compliance; and
- Provides that HCD may notify the attorney general that the jurisdiction is in violation of the Housing Accountability Act, Sections 65863, 65915 and 65008.

continued

Related Resources

For additional information and links to related resources, visit www.cacities.org/housing.

The "housing package" bills fall into three main categories: funding, streamlining and local accountability.

Looking Ahead

While it may appear that Gov. Brown and the Legislature made great progress in addressing the housing supply and affordability crisis gripping many regions of the state, the reality is somewhat more mixed. The passage of the 2017 housing package does not signal the end of the policy discussion. Aside from various incentive and funding measures, a portion of the housing package responded to a theme, championed by several advocacy groups and academics, that the local planning and approval process is the major cause of the state currently producing 100,000 units fewer annually than pre-recession levels. From a local government perspective, that assertion is incomplete and inaccurate. Going forward, it is time to dig deeper.

The legislative focus in 2017 lacked an exploration of other economic factors affecting the housing market. The foreclosure crisis resulted in displaced homeowners with damaged credit, widespread investor conversions of foreclosed single-family units into rentals and increasingly stringent lending criteria. Demographic factors may also affect demand as baby boomers with limited retirement savings and increased health-care costs approach retirement age. Younger residents, saddled with student debt, face challenges saving for down payments. Manufacturing and other higher-wage jobs are stagnating and being replaced via automation and conversion to a lower-wage service economy. Fewer skilled construction workers are available after many switched occupations during the recession.

Also missing in 2017 was a deeper examination of how other state policies intended to address legitimate issues affect land availability and the cost of housing. These include laws and policies aimed at limiting sprawl and protecting agricultural, coastal and open-space land from development; and building codes, energy standards, disabled access, wage requirements and other issues.

The funding for affordable housing approved during the 2017 session was certainly welcome — yet given the demand, it falls far short of the resources needed. It is unlikely, however, that cities can expect additional state funding for housing — other than the housing bond on the November ballot — from the Legislature in 2018.

Although many changes were made to the planning and approval process in 2017, local governments are still waiting for the market to fully recover and developers to step forward and propose housing projects at the levels observed prior to the recession. In 2018, a fuller examination by the Legislature is needed to explore the reasons why developers are not proposing projects at the pre-recession levels. Local governments cannot approve housing that is not proposed.

To make continued progress on housing in 2018, legislators should also consider creating more tools for local governments to fund infrastructure and affordable housing. Some legislators have begun discussing the need to restore a more robust redevelopment and affordable housing tool for local agencies, and that is encouraging. Reducing the local vote thresholds for infrastructure and affordable housing investments would also be helpful.

For more information, visit www.cacities.org/housing or contact Jason Rhine, legislative representative; phone: (916) 658-8264; email: jrhine@cacities.org. ■

Acknowledgments

Part I of this document is excerpted and adapted from “Finding Solutions to the Affordable Housing Crisis” by Carolyn Coleman, which appeared in the March 2017 issue of *Western City* magazine, the monthly publication of the League of California Cities online at www.westerncity.com.

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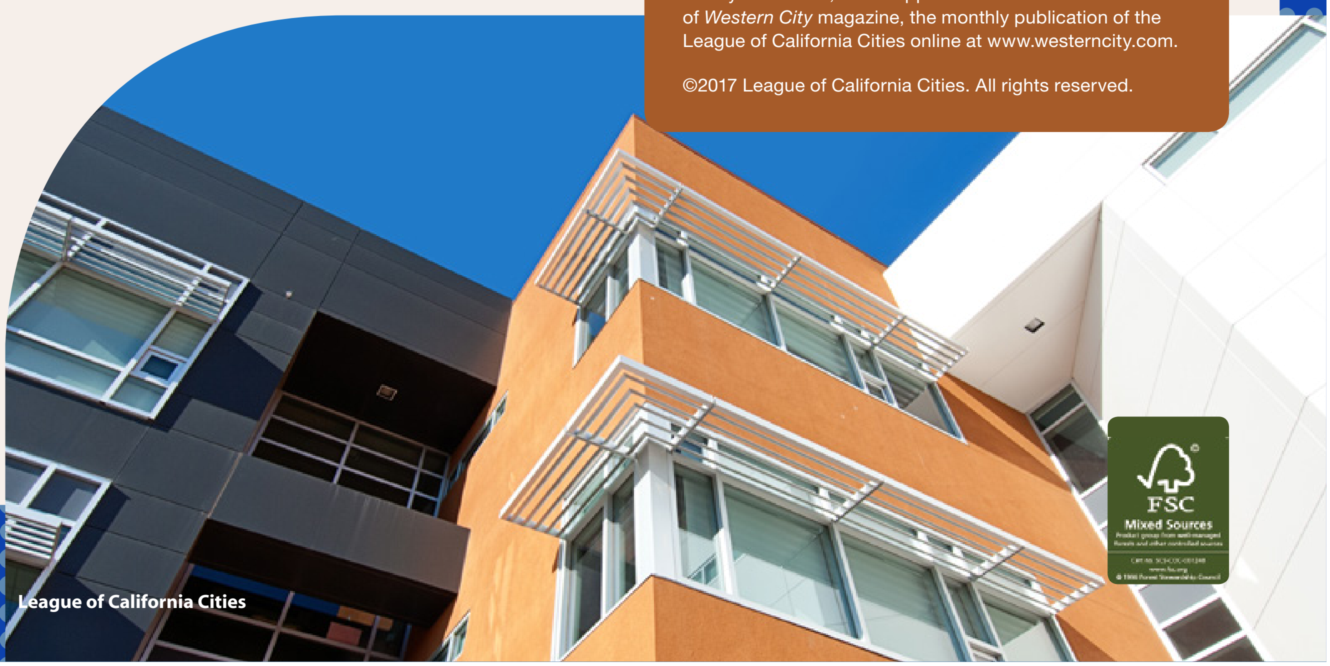

SETTLEMENT AGREEMENT AND RELEASE

Plaintiffs, Esvin Calderon, JC, EC and LC, minors, by and through their guardian ad litem, Esvin Calderon, Sali Alvarzez, ML, a minor, by and through her Guardian ad litem, Sali Alvarzez, Lidia Valenciano, Antonio Gutierrez, Maria De Jesus Cirigo, Bernardo Garcia, Greater Napa Valley Fair Housing Center, d/b/a Fair Housing Napa Valley ("NVFH"), Latinos Unidos del Valle de Napa y Solano ("LUNA"), initiated this action in the United States District Court for the Northern District of California, Case Number C 12-05819 VC, alleging that defendant, the City of St. Helena ("the City"), promoted or maintained policies, practices, or actions that had the purpose or effect of displacing or excluding Latino residents and low-income residents from the City, claimed to be in violation of the federal Fair Housing Act, 42 U.S.C. § 3601 *et seq.;* the Civil Rights Act of 1866, 42 U.S.C. § 1983, California Government Code §65008 and other state laws. Plaintiffs have also included claims in Case Number C 12-05819 VC against the City in connection with its role in the inspection, Code enforcement, and "red-tagging" of dwelling units located at 1103-1105 Pope Street ("the Pope Street dwellings").

Plaintiffs and the City desire to avoid further litigation and agree that Case Number C 12-05819 VC should be compromised, settled and resolved without further litigation. Plaintiffs and the City therefore have agreed to enter into this Settlement Agreement and Release regarding all claims that were or could have been brought in this action by plaintiffs against the City and against other released parties as detailed below. By entering into this Settlement Agreement and Release ("this Agreement"), the City of St. Helena does not make any admission of liability or wrongdoing, and explicitly denies that it engaged in any wrongful conduct, or in any of the discriminatory and unlawful conduct alleged by plaintiffs.

Plaintiffs' claims against the owners and operators of the Pope Street dwellings, Grazia Barbarino, Corrado Barbarino, Salvatore Barbarino, and Renee P. Paladini (collectively, the "Individual Defendants"), have been resolved by way of a separate settlement agreement and release. The settlement with the Individual Defendants together with this Agreement will fully and finally resolve all claims by and against all parties who were or could have been named as parties in Case Number C 12-05819 VC.

I.
DEFINITIONS

1. The following terms when used in this Agreement, in addition to terms defined elsewhere in the Agreement, shall have the following meaning:
    a. "Affordable Housing Units" (or "AFUs") refer to dwelling units as referenced in St. Helena Municipal Code § 17.146.020 that are specifically designated and restricted to occupancy by extremely low, very low, or lower income households as those terms are defined in California Health and Safety Code §50106, §50105, and §50079.5 respectively, and which are not restricted by age.

b. "The Affordable Housing Trust Fund" (or "AHTF") refers to the affordable housing trust fund established and maintained by the City pursuant to Section 17.146.30 of the St. Helena Municipal Code.

c. The terms "approve the development" (in past, present, or future tenses) and "approval of the development" are defined as the City's completion of the Highest Level of Approval, which means final proposed project approval, or with respect to the project at 1105 Pope Street, the issuance of a certificate of occupancy for the development of affordable housing on the site. For purposes of this Agreement, the "Highest Level of Approval" may be the City Council, the Planning Commission, or some other City entity, depending on the project or proposal submitted for development and the discretionary process employed at that entity. For purposes of this Agreement, the term "Highest Level of Approval" means that no additional or further discretionary review or approval is required on a project that contains AFUs.

II.

JOINT PRESS RELEASE

2. The parties agree to issue a Joint Press Release the first calendar day after the later of (a) City Council approval of this Agreement and (b) the last of the Plaintiffs to sign this Agreement. The Joint Press Release will be in the form attached to this Agreement as Exhibit 5.

III.
BENCHMARKS FOR THE APPROVAL OF LOW INCOME HOUSING UNITS IN THE CITY AND CITY INVESTMENTS IN THE AFFORDABLE HOUSING TRUST FUND

The City shall be required to make one or more deposits into the Affordable Housing Trust Fund as set forth below.

3. The City will make an initial deposit of $500,000 to the Affordable Housing Trust Fund no later than December 31, 2016. The City will use its best efforts to make that deposit by December 31, 2014, but shall not be required to do so unless the City has received that amount of affordable housing impact fees from the developer of the Grandview project or other projects earlier in 2014. If sufficient affordable housing impact fees have not been received by December 31, 2014, the City shall make partial deposits into the trust fund as impact fees are received. The December 31, 2016 deadline is not contingent on receipt of impact fees.

4. A. This Agreement is designed to foster and encourage the development of AFUs in St. Helena. The parties acknowledge that the private market also plays a key role in determining whether AFUs will be proposed and constructed in the City, and if so, how many. The parties also acknowledge that the City cannot guarantee that the requisite number, or any, AFU proposals will be presented to the City for review and approval in any milepost time period or over the entire RHNA period. The parties have developed a time table with City investment commitments based on milepost deadlines to further encourage the City and the private market to pursue AFU development in the City if there is a shortfall during the RNHA period.

B. If the City does not approve the development of the cumulative number of AFUs specified by the deadline(s) set forth in Table 1 below, the City shall deposit additional money into the AHTF based on the schedule and benchmarks specified in Table 1. The numbers in Table 1 are intended to be cumulative over time, e.g., the twelve (12) AFUs for which the City is to approve the development by December 31, 2018 may include the six (6) units approved or built by the prior milestone date, not twelve (12) more than the six (6) already counted at the earlier deadline.

C. Nothing in this Agreement precludes the City from either approving the development of more AFUs, or from receiving more money into the AHTF, than indicated in Table 1, but such excess AFUs or excess deposits in the AHTF will not be subject to the restrictions and requirements of this Agreement. For example, nothing in this Agreement would prevent the City from using moneys from its general fund or other sources to be added to moneys distributed from the AHFT toward a mixed use project, where the general fund or other source moneys were used toward moderate income units and the AHTF moneys toward AFUs as defined in this Agreement.

TABLE 1: City Investments And Benchmarks

Cumulative Number Of AFUs	**Milepost Deadline**	**Required Additional Deposit AHTF If City Does Not Meet Cumulative AFUs By Deadline Under This Agreement**
6	12/31/2016	$200,000
12	12/31/2018	$500,000
25	12/31/2020	$750,000
30	12/31/2022	$250,000
The City's total investment into the AHTF by 12/31/2022 if the City does not approve the development of the AFUs above shall not exceed $2.2 million under this Agreement,		

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inclusive of the City's initial $500,000 investment. **The total number of AFUs for the City to approve the development of if all benchmarks are met by development is at least 30**

5. If the City has approved the development of fewer than 15 AFUs in the City by December 31, 2021, the City will disburse all remaining moneys deposited in the AHTF pursuant to this Agreement less any such funds that had been previously disbursed from the AHTF for AFUs. In such an event, the City shall disburse the remaining AHTF money only for the purposes of the development of AFUs within the City consistent with the terms contained within this Settlement Agreement, and the City shall disburse that money by December 31, 2022.
6. Units within a development that are not AFUs shall not count toward the City's benchmarks in Table 1 above. In the event that the City wishes to contribute funding to developments or portions of developments that are not for AFUs before December 31, 2022 (including but not limited to moderate or market-rate housing units), the City must use funding from sources other than the funds deposited in the AHTF pursuant to this Agreement. The City will have discretion to contribute AHTF moneys funding toward AFUs in a mixed-use development project.
7. Any AFUs for which the City approves the development at 684 McCorkle Avenue (or built and issued a Certificate of Occupancy at 1105 Pope Street) which are not studio units or age-restricted units shall count toward the City's benchmarks in Table 1, above. This means that the City's already existing approval of the development at 1105 Pope Street shall not count, but the construction of an AFU pursuant to the pre-existing approval shall count, towards the benchmarks. Also, if the pre-existing approval for AFUs at 1105 Pope Street is withdrawn or abandoned by the developer but a new development project or proposal is submitted and the City approves the development of same, then the new approval shall count towards the benchmarks in Table 1 above.
8. Studio units, second units, and age-restricted units will not count toward the City's benchmark units in Table 1. This restriction, and the bedroom number restriction in the following paragraph, will apply only through December 31, 2022.
9. The number of one-bedroom units that the City may count as benchmark units for purposes of Table 1 may not exceed the number of three bedroom units counted as benchmark units.
10. The City may, in its discretion, determine to donate City-owned land to a developer for the development of affordable housing in lieu of making one or more deposits to the AHTF required by the schedule in Table 1. The value of the donated land, as determined by independent appraisal or the current County Assessor appraisal for property tax purposes,

whichever is less, will be deducted from the amount payable as outlined on Table 1 for all relevant time periods and will be deducted from the $2.2M total potential investment in the AHTF. City-owned land donated to a developer in lieu of making one or more monetary deposits to the AHTF must be deed-restricted for development of only AFUs on the site in order for the donation to be credited to the amounts owing to the AHTF in Table 1.

11. Money disbursed from the AHTF pursuant to this Agreement may be spent only for the purposes of the development of housing affordable to households with low, very low, and extremely low incomes in the City.
12. For all money disbursed from the AHTF pursuant to this Agreement, the City may not spend more than $100,000 per AFU. This restriction will apply only to moneys deposited into the AHTF pursuant to this Agreement, and only through the end of the RHNA cycle, i.e., through December 31, 2022.
13. The City agrees to provide quarterly notice of AHTF deposits and balances to plaintiffs' counsel, Fair Housing Napa Valley, and the non-profit developers listed on the attached Exhibit 5. These notices may be sent by e-mail or US Mail.

FUNDING APPLICATIONS AND CITY SUPPORT FOR SAME:

14. The City will use best efforts to facilitate applications of non-profit developers for tax credits, CDBG grants, and other sources of government or private funding that may be available for the development of AFUs in the City of St. Helena. "Facilitate" in this context means allowing the City's name to be used by the non-profit developer in its application, and to add a letter on City letterhead reflecting the City's position on the proposed development for which the credit, grant, or other application is being made, or adopting appropriate resolutions in support of funding applications.
    a. The City shall facilitate any such tax credit proposals or funding applications if the proposed development fits within the parameters of the number of units required in Table 1, complies with the requirements for AFUs as set forth in this Agreement, and otherwise is in compliance with other City policies, including but not limited to the City's General Plan.
    b. The City shall publish on its website a statement of requirements and parameters for project applications seeking disbursements from the AHTF, which is intended to facilitate the application process and encourage developers to submit proposals for AHU development in the City
    c. If the City is approached by a non-profit about another type of tax credit, subsidy or grant application, such as one for senior housing or moderate income housing or a project calling for more than 30 AFUs, the City retains full discretion to support or not support the application consistent with the law.

IV

AMENDMENT TO RESOLUTION 2005-98:

15. The City's trial counsel and plaintiffs' counsel have worked cooperatively to draft an amendment to Resolution 2005-98. The amendment is attached hereto as Exhibit 1.

16. A. The City shall promptly place an item on an agenda for the City Council to consider adopting Exhibit 1. The City Council does not by this Agreement pre-judge or pre-approve the amendment. The City Council will consider this proposed amendment in accordance with California law, the St. Helena Municipal Code and all other applicable requirements for the open, transparent, and public consideration and adoption of legislative proposals, including the rights of the public to address their elected representatives about proposed legislation affecting the City.

B. If the City Council does not adopt Exhibit 1 within 60 days of the execution of this Agreement, plaintiffs reserve the right to withdraw from the Settlement Agreement in its entirety and reinstate the litigation proceedings subject to plaintiffs refunding all moneys paid to plaintiffs and/or their counsel pursuant to this Settlement. Plaintiffs hereby agree that before exercising their reserved right to withdraw from the Settlement Agreement and reinstitute litigation proceedings, plaintiffs agree to attempt in good faith to work out any such dispute with the City and its counsel and may, under appropriate circumstances, grant an extension of time for the City's adoption of the amendment.

V.

AMENDMENT OF ST. HELENA MUNICIPAL CODE § 17.144 (DENSITY BONUS ORDINANCE):

17. Plaintiffs and the City have worked cooperatively to draft an amendment to St. Helena Municipal Code section 17.144, which includes the City's Density Bonus Ordinance. The amendment is attached hereto as Exhibit 2.

18. A. The City shall promptly place an item on an agenda for the Planning Commission to consider recommending Exhibit 2 to the City Council, and after the recommendation from the Planning Commission the City shall promptly place an item on its agenda for the City Council to consider adopting Exhibit 2. The City Council does not by this Agreement pre-judge or pre-approve Exhibit 2, nor does the Planning Commission. The Planning Commission and City Council will consider Exhibit 2 in accordance with California law, the St. Helena Municipal Code and all other applicable requirements for the open, transparent, and public process for consideration and adoption of legislative proposals,

including the rights of the public to address their elected representatives about proposed legislation affecting the City.

B. If the City Council does not adopt Exhibit 2 within 60 days of the recommendation by the Planning Commission, plaintiffs reserve the right to withdraw from the Settlement Agreement in its entirety and reinstate the litigation proceedings, subject to plaintiffs refunding all moneys paid to plaintiffs and/or their counsel pursuant to this Settlement. Plaintiffs hereby agree that before exercising their reserved right to withdraw from the Settlement Agreement and reinstitute litigation proceedings, plaintiffs agree to attempt in good faith to work out any such dispute with the City and its counsel and may, under appropriate circumstances, grant an extension of time for the City's adoption of the amendment. The 60-day City Council approval period shall not include the 30-day referendum period following the second reading of Exhibit 2.

VI

WATER AND SEWER PRIORITY POLICY FOR AFFORDABLE HOUSING

19. Plaintiffs and the City have worked cooperatively to draft an amendment to SHMC chapter 17.144 that, among other things, would add § 17.144.080 to the Municipal Code, as well as a Resolution, to confirm the City's water and sewer priority policies consistent with California Government Code § 65589.7. The Resolution and proposed new code section are attached hereto as Exhibit 3.

20. A. The City shall promptly place an item on an agenda for the Planning Commission to consider recommending Exhibit 3, and after the recommendation from the Planning Commission the City shall promptly place an item on its agenda for the City Council to consider adopting Exhibit 3. The City Council does not by this Agreement pre-judge or pre-approve Exhibit 3, nor does the Planning Commission. The Planning Commission and City Council will consider Exhibit 3 in accordance with California law, the St. Helena Municipal Code and all other applicable requirements for the open, transparent, and public process for consideration and adoption of legislative proposals, including the rights of the public to address their elected representatives about proposed legislation affecting the City.

B. If the City Council does not adopt Exhibit 3 within 60 days of the recommendation by the Planning Commission, plaintiffs reserve the right to withdraw from the Settlement Agreement in its entirety and reinstate the litigation proceedings, subject to plaintiffs refunding all moneys paid to plaintiffs and/or their counsel pursuant to this Settlement or withdraw from the Release, or both, at plaintiffs' sole option. Plaintiffs hereby agree that before exercising their reserved right to withdraw from the Settlement Agreement and reinstitute litigation proceedings, plaintiffs agree to attempt in good faith to work out any such dispute with the City and its counsel and may, under appropriate circumstances, grant an extension of time for the City's adoption of the amendment. The 60-day City Council approval period shall not include the 30-day referendum period following the second reading of Exhibit 3.

VII

RELOCATION ORDINANCE (SHMC CHAPTER 8.32)

21. Plaintiffs and the City have worked cooperatively to draft an amendment to SHMC chapter 8.32, the City's Relocation Ordinance. The amendment is attached hereto as Exhibit 4.

22. A. The City shall promptly place an item on an agenda for the City Council to consider recommending Exhibit 4. The City Council does not by this Agreement pre-judge or pre-approve Exhibit 4. The City Council will consider Exhibit 4 in accordance with California law, the St. Helena Municipal Code and all other applicable requirements for the open, transparent, and public process for consideration and adoption of legislative proposals, including the rights of the public to address their elected representatives about proposed legislation affecting the City.

B. If the City Council does not adopt Exhibit 4 within 60 days of the execution of this Agreement, plaintiffs reserve the right to withdraw from the Settlement Agreement in its entirety and reinstate the litigation proceedings, subject to plaintiffs refunding all moneys paid to plaintiffs and/or their counsel pursuant to this Settlement or withdraw from the Release, or both, at plaintiffs' sole option. Plaintiffs hereby agree that before exercising their reserved right to withdraw from the Settlement Agreement and reinstitute litigation proceedings, plaintiffs agree to attempt in good faith to work out any such dispute with the City and its counsel and may, under appropriate circumstances, grant an extension of time for the City's adoption of the amendment. The 60-day City Council approval period shall not include the 30-day referendum period following the second reading of Exhibit 4.

VIII.
FAIR HOUSING WORKSHOP

23. The City shall host a fair housing workshop at least once per year for at least five years. This workshop shall be attended by all City staff who have duties related to the planning, zoning, permitting, construction, or occupancy of residential housing. Members of the

City Council and City commissions who have duties related to the planning, zoning, permitting, construction, or occupancy of residential housing also shall be invited to attend.

24. NVFH shall facilitate the fair housing workshops. NVFH shall share with the City Manager PowerPoint slides or other written materials that it intends to use at the workshop(s) at least five days in advance of each workshop. NVFH shall use the substance of a presentation it gives or has given to other organizations or may create a substantially similar customized presentation for its City workshop. If the City Manager has any objections to the content, the City Manager shall communicate those objections to NVFH, in writing, at least three days in advance of the workshop. The City and NVFH shall confer in good faith to resolve any disputes about the content.

25. The City shall pay $1,500.00 per workshop directly to NVFH within one month following each annual presentation.

IX.

MONETARY RELIEF

26. The City shall pay a total lump sum of $300,000 to resolve the claims of each and all of plaintiffs for damages, attorneys' fees, costs, and expenses. The City shall deliver the payment to plaintiffs' counsel, Brancart & Brancart, P.O. Box 686, Pescadero, CA 94060 (mailing address) or 8205 Pescadero Creek Rd., Loma Mar, CA 94021 (physical address) within 15 days of the City's receipt of the last of the plaintiffs' signatures on this Agreement. The City shall make the check payable to the Attorney Client Trust Account of Brancart and Brancart. Alternatively, the City may wire transfer the funds upon prior request from Brancart and Brancart with its wire instructions and banking information.

27. If Plaintiff Antonio Gutierrez receives any portion of the $300,000 monetary payment from the City pursuant to this settlement, Plaintiffs and their counsel agree to comply with all applicable law in handling the existing lien on Mr. Gutierrez's portion of the settlement proceeds and agree to hold the City and their counsel harmless from any claim by any individual entitled to payment from Mr. Gutierrez or from the Division of Family Services, District Attorney's office, or other governmental or prosecuting agency responsible for enforcing qualified domestic relations orders, child support orders, or similar orders that may pertain to Mr. Gutierrez.

X.
RELEASE, WAIVER AND COVENANT NOT TO SUE; TERMS

28. In consideration of the terms and provisions of this Agreement, each of the undersigned Plaintiffs, on behalf of himself/herself/itself and his/her/its representatives, attorneys,

predecessors, successors, descendants, dependents, heirs, and assigns, hereby releases, acquits, and forever discharges City as well as its agents, officers, employees, departments, department heads, representatives, trustees, City Council members, insurers and attorneys, past or present, and its and their respective predecessors, successors, and assigns, and all persons acting by, through, under, or in concert with any of them, and each of them (the "Releasees"), from any and all claims, debts, charges, complaints, liabilities, obligations, promises, benefits, agreements, controversies, costs, losses, debts, expenses, damages, actions, causes of action, suits, rights, and demands of any nature whatsoever, known or unknown, suspected or unsuspected, concealed or hidden, whether civil, statutory, administrative, or otherwise, which were or could have been asserted in the Amended Complaint pending in the United States District Court for the Northern District of California, Case Number C 12-05819 VC ("Released Claims"), which any of the Plaintiffs now has or previously had, without regard to whether such Released Claims arise under or related to federal, state, regional, county, and/or City constitutions, statutes, charters, rules, ordinances, codes, regulations, manuals, general orders, consent decrees, contracts, common law, or otherwise. Plaintiffs each expressly acknowledge and agree that the Released Claims are forever barred, waived, settled, compromised and released by this Agreement, except for and subject to the terms and conditions set forth herein.

a. Plaintiffs each expressly acknowledge and agree that the Released Claims specifically include, but are not limited to, any rights or asserted rights to recovery or remedy for or as to any and all costs and expenses, attorneys' fees, compensatory damages, exemplary or punitive damages, restitution, reimbursement, recoupment, specific performance, equitable relief, declaratory relief, medical expenses, loss of income, loss of earning capacity, emotional distress, financial distress, or any other remedy or recovery of whatever kind or nature, whether known or unknown, suspected or unsuspected, fixed or contingent, concealed or hidden.
b. Plaintiffs also each expressly acknowledge and agree that the Released Claims specifically include, but are not limited to, any rights or asserted rights to recovery or remedy for Plaintiffs' assertion that the City failed to comply with or meet any requirement or obligation under the Housing Element Law, Government Code section 65580 et seq., including without limitation any assertion (which was or could have been asserted in the Amended Complaint pending in Case Number C 12-05819 VC) that the City has in any manner failed to satisfy or accommodate its Regional Housing Needs Assessment for the 2006 to 2014 period. This Paragraph is subject to Paragraph 33 below.

29. Plaintiffs each expressly acknowledge and agree that he/she/it is aware that he/she/it may hereafter discover claims or facts in addition to or different from those he/she/it now knows or believes to be true with respect to the matters related herein. Nevertheless, it is each Plaintiff's intention to fully, finally, and forever settle and release all such matters, and all claims relative thereto, which do now exist, may exist, or have previously existed between

and Plaintiff and the City except as otherwise expressly provided in this Agreement. In furtherance of such intention, the release given by Plaintiffs herein shall be and remain in effect as a full and complete general release of all such matters (except as otherwise expressly provided in this Agreement), notwithstanding the discovery or existence of any additional or different claims or facts relative thereto.

30. This is intended as a full and complete release and discharge, and accord and satisfaction, of any and all claims that the undersigned may or might have or had by reason of the incidents or activities as alleged in the complaint filed Case Number C 12-05819 VC.

31. Each of the undersigned plaintiffs hereby covenants, represents and warrants that he/she/it and/or anyone acting on his/her/its behalf has not filed any other suit besides Case Number C 12-05819 VC, and will not file at any time in the future, any writ, suit, complaint, petition, claim, appeal, or charge of any kind whatsoever with any state or federal court, administrative agency, public agency, or tribunal of any kind whatsoever, or any other proceeding in the state or federal courts, administrative tribunal, or any other forum to recover damages, legal or equitable relief, for any of the claims for relief that were asserted or could have been asserted in Case Number C 12-05819 VC.
32. Plaintiffs are not aware of any persons or entities who seek to bring a claim similar to the claims raised in Case Number C 12-05819 VC against the Releasees.

33. Nothing in this Settlement Agreement and Release releases the City from its obligations, if any, nor does this Agreement limit the City's lawful exercise of legislative discretion to comply with and implement Article 10.6 of the Government Code with respect to preparation and adequacy of the Housing Element for the 2014-2022 planning period, and its obligation, if any, to identify and rezone sites within the first year of the 2014-2022 planning period pursuant to Government Code Section 65584.09.

34. All of the Plaintiffs' and City's rights under Section 1542 of the Civil Code of the State of California are hereby expressly waived. -Each of the and City understand that said Section 1542 of the California Civil Code provides as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which, if known by him or her, must have materially affected his or her settlement with the debtor."

35. The undersigned hereby each declare and represent that the undersigned are executing this Agreement after having received full legal advice as to their rights from their legal counsel. Each of the Plaintiffs acknowledge being advised by the counsel of their choice with respect to the advisability of making the settlement provided for herein, with respect to the advisability of executing this AGREEMENT, and with respect to the meaning of California Civil Code § 1542.

36. Each signatory is legally competent and authorized to execute this agreement on behalf of the party whose name is subscribed at the signatories' line. Each signatory represents and warrants that he/she/it has consulted with and has had the advice and counsel of attorneys of his/her/its choice and that he/she/it has entered into this Agreement voluntarily, after independent investigation, and without fraud, duress, or undue influence.

37. Construction: This Agreement was mutually drafted by the Parties and their counsel. In the event of any ambiguity in or dispute regarding the interpretations of this Agreement, any such ambiguity or dispute shall not be resolved by any rule of interpretation providing for interpretation against the party who caused the uncertainty to exist, or against the draftsman, and the provisions of Civil Code Section 1654 shall not apply. Civil Code Section 1654 provides: "In cases of uncertainty not removed by the preceding rules, the language of a contract shall be interpreted most strongly against the party who caused the uncertainty to exist."

38. Governing Law: This Agreement has been executed and delivered within the State of California, and the rights and obligations of the parties shall be construed and enforced in accordance with, and governed by, the laws of the State of California.

39. Full Integration: This Agreement, together with its attached exhibits, is the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions. This Agreement supersedes all prior negotiations, discussion, deal points, and drafts of settlement terms, except as otherwise expressly provided herein.

40. Amendments: No modification, amendment or waiver of any of the provisions contained in this Agreement, or any future representation, promise, or condition in connection with the subject matter of this Agreement, shall be binding upon any party to this Agreement unless made in writing and signed by such party.

41. Severability: In the event that any term, covenant, condition, provision, or agreement contained in this Agreement is held to be invalid or void by any court of competent jurisdiction, the invalidity of any such term, covenant, condition, provision, or agreement shall in no way affect any other term, covenant, condition, provision, or agreement and the remainder of this Agreement shall still be in full force and effect.

42. Counterparts: This Agreement may be executed in counterparts, and when each party has signed and delivered at least one such counterpart, each counterpart shall be deemed an

original, and, when taken together with other signed counterparts, shall constitute one Agreement, which shall be binding upon and effective as to all parties.

43. No Third Party Beneficiaries. The parties acknowledge and agree that there are no intended or unintended third party beneficiaries of this Agreement, and that the settlement provided for herein is for the benefit of the named individual and institutional plaintiffs only on the one hand, and for the City on the other hand.

XI.
DISMISSAL, DURATION AND COMPLIANCE

44. Upon the City's tender of the total lump sum of $300,000 to Plaintiffs' counsel, Brancart & Brancart, as provided in Paragraph 25 above, counsel for Plaintiffs shall tender to the City's counsel a Rule 41(a)(2) Request for Dismissal by Court order on the terms that the parties have reached a settlement but that the District Court shall retain jurisdiction over the action and the Parties for the duration of this Agreement for the purpose of enforcing its terms. The City's Counsel will hold the Request for Dismissal in trust and shall not file the Request for Dismissal until after the City has had the agreed-upon time for the City to consider and act on the amendments proposed to its municipal ordinances as set forth in Parts IV, V, VI, and VII above, and shall continue to hold the Request for Dismissal in trust, or may file the same, as further provided below. The City agrees it will not file the Consent for Dismissal which it holds in trust without the written consent of plaintiffs' counsel.
45. A. Should the City approve all of the amendments in a form substantially in conformity with Exhibits 1, 2, 3, and 4 of this Agreement, and should no referendum be timely filed to challenge those approvals, then the City may file the Request for Dismissal.
46. B. The Parties will, by stipulation, jointly request the court to reschedule further proceedings and trial of the pending action in order to allow at least 90 days for the City to consider and act on the amendments proposed to its municipal ordinances as set forth in Parts IV, V and VI above. If the Court does not grant the Parties' request, any party may withdraw from the Settlement Agreement in its entirety and reinstate the litigation proceedings subject to plaintiffs refunding all moneys paid to plaintiffs and/or their counsel pursuant to this Settlement. If the Court approves the Parties' request, but the City does not approve one or more of the amendments to its municipal ordinances set forth in Parts IV, V, VI, and VII above, any Plaintiff may exercise its reserved right to withdraw from the settlement as set forth in those Parts subject to Plaintiffs refunding all moneys paid to Plaintiffs and/or their counsel pursuant to this Settlement. The Parties hereby agree that before exercising their reserved right to withdraw from the Settlement Agreement and

reinstitute litigation proceedings under this Dismissal, Duration and Compliance section of this Agreement, the party proposing to withdraw shall give written notice of intention to withdraw to all other Parties to this Agreement, and the Parties shall attempt in good faith to work out any such dispute with the other Parties and their counsel and may, under appropriate circumstances, grant an extension of time for the withdrawing party to exercise its reserved right to withdraw.

47. C. Notwithstanding the dismissal of this action, the parties agree and consent that the District Court does and shall retain jurisdiction over the parties both under federal law and pursuant to the provisions of California Code of Civil Procedure section 664.6 to enforce this written and binding settlement agreement between the parties.
48. For the duration of this Agreement and through at least December 31, 2022, the City shall maintain all records relating to implementation of and compliance with all provisions of this Agreement. Plaintiffs shall have the opportunity to inspect the records maintained by the City after giving reasonable notice to the City.
49. The parties shall attempt in good faith to work out any disputes that arise under the terms of this order. Only after good faith attempts have been exhausted will the parties request the assistance of the court in resolving such disputes. This express good faith obligation shall also pertain to each and any instance in this Agreement where plaintiffs reserved the right to withdraw from the Settlement Agreement in its entirety and reinstate the litigation proceedings. In the event that plaintiffs believe that their reserved right to withdraw from the settlement has been triggered, plaintiffs shall give written notice to the City Manager and City Attorney of intent to withdraw from the settlement, and shall give the City no less than 30 days' opportunity to cure the claimed triggering event as a condition precedent to such withdrawal and reinstatement of litigation proceedings.

CERTIFICATION OF TRANSLATOR

I, ____________________________________, hereby certify that I translated this document from English into Spanish, and that, to the best of my ability it is a true and correct translation. I further certify that I am competent in both Spanish and English to render and certify this translation.

______________________ ______________________

Name Date

las disposiciones del presente Acuerdo. Los demandantes tendrán la oportunidad de revisar los registros de la Ciudad después de dar aviso razonable a la Ciudad.

49. Las partes tratarán de buena fe resolver cualquier controversia que pueda surgir en virtud de los términos de la presente orden. Sólo después de que los intentos de buena fe se agoten, las partes solicitarán la asistencia de la corte en la solución de dichas controversias. Esta expresa obligación de buena fe, también se refiere a cada instancia en este Acuerdo en el que los demandantes reservan el derecho de retirarse del Acuerdo en su totalidad y el restablecimiento del litigio. En caso de que los Demandantes consideren que tienen razón de ejercer su derecho reservado a retirarse del Acuerdo, los demandantes deberán dar aviso por escrito al Administrador de la Ciudad y a los abogados de la Ciudad de su intención de retirarse del acuerdo, y darán a la Ciudad no menos de 30 días de oportunidad para curar el reclamo que activó el evento como una condición precedente a la retirada y restablecimiento del litigio.

CERTIFICACIÓN DE TRADUCTOR

Yo, Hilda Cisneros, Certifico que he traducido este documento del inglés al español, y que, a lo mejor de mis habilidades es una verdadera y correcta traducción. También certifico que soy competente tanto en español como en Inglés para rendir y certificar esta traducción.

______________________________ ______________________________
Hilda Cisneros Fecha

LAS PARTES DAN SU CONSENTIMIENTO A LA ENTRADA DE ESTE ACUERDO DE ORDEN DE DESPIDO COMO SE INDICA POR MEDIO DE LAS FIRMAS DE ABOGADOS Y LAS PARTES SIGUIENTES:

Esvin Calderon

Demandante Esvin Calderon

Irma Calderon

Esvin Calderon

Demandantes JC, EC and LC, menores,
Por y a través de su tutor ad litem, Esvin Calderón

____
Demandante Sali Alvarez

____
Demandante Martha Lopez (Nombrada originalmente como un menor "ML")

____
Demandante Lidia Valenciano

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____

Demandante Esvin Calderon

____

Demandantes JC, EC and LC, menores,
Por y a través de su tutor ad litem, Esvin Calderón

Sali Alvarez

Demandante Sali Alvarez

Martha Lopez

Demandante Martha Lopez (Nombrada originalmente como un menor "ML")

____

Demandante Lidia Valenciano

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Demandante Esvin Calderon

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Demandantes JC, EC and LC, menores,
Por y a través de su tutor ad litem, Esvin Calderón

____
Demandante Sali Alvarez

____
Demandante Martha Lopez (Nombrada originalmente como un menor "ML")

Lidia Valenciano
Demandante Lidia Valenciano

Antonio Gutierrez

Demandante Antonio Gutierrez

____
Demandante Maria De Jesus Cirigo

____
Demandante Bernardo Garcia

____
Demandante Greater Napa Valley Fair Housing Center,
d/b/a Fair Housing Napa Valley
Por Nicole Collier, Directora Ejecutiva

____
Demandante Latinos Unidos del Valle de Napa y Solano
Por________________ su Presidente/Director Ejecutivo

PARA LOS DEMANDANTES:

BRANCART & BRANCART

____
Liza Cristol-Deman
Abogados de todos los Demandantes
Excepto LUNA

OFICINA DE ABOGADOS DE DAVID GRABILL

____
David Grabill, Abogado para los Demandantes
Excepto Greater Napa Valley Fair Housing
Council

ASISTENCIA LEGAL RURAL
DE CALIFORNIA, INC.

____
Ilene J. Jacobs
Abogados para Demandante LUNA únicamente

____
Demandante Antonio Gutierrez

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Demandante Maria De Jesus Cirigo

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Demandante Bernardo Garcia

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Demandante Greater Napa Valley Fair Housing Center,
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Por Nicole Collier, Directora Ejecutiva

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Excepto Greater Napa Valley Fair Housing
Council

ASISTENCIA LEGAL RURAL
DE CALIFORNIA, INC.

____
Ilene J. Jacobs
Abogados para Demandante LUNA únicamente

THE PARTIES CONSENT TO THE ENTRY OF THIS SETTLEMENT AGREEMENT AND DISMISSAL ORDER AS INDICATED BY THE SIGNATURES OF COUNSEL AND THE PARTIES BELOW:

ESVin Calderon

Plaintiff Esvin Calderon

IRma CaldeRon

Plaintiff Irma Calderon

ESVin Calderon

Plaintiffs JC, EC and LC, minors,

by and through their guardian ad litem, Esvin Calderon

____

Plaintiff Sali Alvarzez

____

Plaintiff Martha Lopez (originally named as a minor "ML")

____

Plaintiff Lidia Valenciano

____

THE PARTIES CONSENT TO THE ENTRY OF THIS SETTLEMENT AGREEMENT AND DISMISSAL ORDER AS INDICATED BY THE SIGNATURES OF COUNSEL AND THE PARTIES BELOW:

____

Plaintiff Esvin Calderon

____

Plaintiffs JC, EC and LC, minors,

by and through their guardian ad litem, Esvin Calderon

Sali Alvarez
____

Plaintiff Sali Alvarzez

Martha Lopez
____

Plaintiff Martha Lopez (originally named as a minor "ML")

____

Plaintiff Lidia Valenciano

____

LA #4817-0408-0411 v4

THE PARTIES CONSENT TO THE ENTRY OF THIS SETTLEMENT AGREEMENT AND DISMISSAL ORDER AS INDICATED BY THE SIGNATURES OF COUNSEL AND THE PARTIES BELOW:

____

Plaintiff Esvin Calderon

____

Plaintiffs JC, EC and LC, minors,

by and through their guardian ad litem, Esvin Calderon

____

Plaintiff Sali Alvarzez

____

Plaintiff Martha Lopez (originally named as a minor "ML")

Lidia Valenciano

Plaintiff Lidia Valenciano

Antonio Gutierrez

LA #4817-0408-0411 v4

Plaintiff Antonio Gutierrez

____

Plaintiff Maria De Jesus Cirigo

____

Plaintiff Bernardo Garcia

____

Plaintiff Greater Napa Valley Fair Housing Center,

d/b/a Fair Housing Napa Valley

By Nicole Collier, its Executive Director

____

Plaintiff Latinos Unidos del Valle de Napa y Solano

By ______, its President/Executive Director

~~**As officers of the Court, counsel for the individual plaintiffs represents that the foregoing Settlement Agreement and Release has been explained to each of the adult individual plaintiffs in their native language, that the Settlement Agreement and Release provisions**~~

Plaintiff Antonio Gutierrez

____

Plaintiff Maria De Jesus Cirigo

____

Plaintiff Bernardo Garcia

____

Plaintiff Greater Napa Valley Fair Housing Center,

d/b/a Fair Housing Napa Valley

By Nicole Collier, its Executive Director

____

Plaintiff Latinos Unidos del Valle de Napa y Solano

By ______, its President/Executive Director

~~**As officers of the Court, counsel for the individual plaintiffs represents that the foregoing Settlement Agreement and Release has been explained to each of the adult individual plaintiffs in their native language, that the Settlement Agreement and Release provisions**~~

Plaintiff Antonio Gutierrez

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Plaintiff Maria De Jesus Cirigo

____

Plaintiff Bernardo Garcia

____

Plaintiff Greater Napa Valley Fair Housing Center,

d/b/a Fair Housing Napa Valley

By Nicole Collier, its Executive Director

____

Plaintiff Latinos Unidos del Valle de Napa y Solano

By ______, its President/Executive Director

FOR PLAINTIFFS:

BRANCART & BRANCART

___________________________________Liza Cristol-Deman Attorneys for all Plaintiffs Except LUNA

~~have been translated for those Plaintiffs who are not fluent in the English language, and that each has consented and agreed to the terms and conditions of the settlement.~~

FOR PLAINTIFFS:

BRANCART & BRANCART

Liza Cristol-Deman
Attorneys for all Plaintiffs Except LUNA

LAW OFFICE OF DAVID GRABILL

David Grabill, Attorney for all Plaintiffs Except Greater Napa Valley Fair Housing Council

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

Ilene J. Jacobs
Attorneys for Plaintiff LUNA only

FOR DEFENDANT CITY OF ST. HELENA:

Jennifer Phillips
City Manager, City of St. Helena

BURKE, WILLIAMS & SORENSEN, LLP

Thomas B. Brown

BURKE, WILLIAMS & SORENSEN, LLP

Ronald F. Frank

LA #4817-0408-0411 v4

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FOR PLAINTIFFS:

BRANCART & BRANCART

Liza Cristol-Deman
Attorneys for all Plaintiffs Except LUNA

LAW OFFICE OF DAVID GRABILL

David Grabill, Attorney for all Plaintiffs Except Greater Napa Valley Fair Housing Council

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

Ilene J. Jacobs
Attorneys for Plaintiff LUNA only

FOR DEFENDANT CITY OF ST. HELENA:

Toby Ross
Interim City Manager, City of St. Helena

BURKE, WILLIAMS & SORENSEN, LLP

Thomas B. Brown

BURKE, WILLIAMS & SORENSEN, LLP

Ronald F. Frank

LA #4817-0408-0411 v4

1

CITY OF ST. HELENA

PROPOSED AMENDED RESOLUTION NO. 2005-98

APPROVING A LOCAL PREFERENCE POLICY
FOR AFFORDABLE HOUSING

RECITALS

A. Policy 6A-1 of the 2002 St. Helena Housing Element states that the City of St. Helena shall "Support a jobs/housing balance by encouraging housing that provides for St. Helena's workforce".

B. City residents have questioned whether the City can give or require priority to local residents and workers for occupancy in affordable housing units.

C. Adoption of a local preference policy is required to be supported by findings that the policy is non-discriminatory and consistent with the Fair Housing Act and that a legitimate governmental purpose exists. The City Council desires to adopt a local preference policy in accordance with the Housing Element and based upon the findings set forth herein.

D. Since the original adoption of this Resolution in 2005, circumstances have occurred in which tenants residing in affordable housing units in St. Helena have been displaced because of living conditions in their units that the unit owners did not promptly remedy despite notice to the owners of health, safety, and other Code violations by the City. Some of the displaced tenants were households with children enrolled in schools within the St. Helena Unified School District.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows

1. Findings. The City Council hereby makes the following findings:

(a) Municipalities located within Napa County are facing a jobs housing imbalance. The tourist and service industries continue to grow providing job opportunities at the same time as housing costs have increased significantly, making much of the housing in the Napa Valley unaffordable to the workers in the community. In addition to the lack of housing affordable to a large segment of the workforce in the County, the County also faces the adverse consequences of workers commuting to jobs within the County on roads designed for more limited traffic. The lack of housing affordable to the workforce in the various municipalities is impacting the ability of revenue generating businesses to attract employees.

(b) In an effort to provide housing opportunities for all segments of the community near job opportunities, the Napa Valley Housing Authority researched the possibility of its member constituencies, including the City of St. Helena, adopting local preference policies for new housing developments that would allow a preference for people working or living in the local jurisdiction in a manner that does not violate fair housing laws and ensures a fair and open selection process. To that end, a demographic study was commissioned by the Napa Valley

Housing Authority that reports on the demographic characteristics of Napa County. That study dated November 3, 2004, was prepared by Keyser Marston Associates Inc. and is entitled "Demographic Information on Napa Residents and Workers," hereinafter referred to as the Demographic Study. The Demographic Study is incorporated herein by reference. In 2013, City representatives inquired of various affordable housing advocacy groups in an effort to identify any more recent demographic studies of a similar nature, and were advised that nothing more recent was available. Two of those groups, Fair Housing Napa Valley and Latinos Unidos del Valle de Napa y Solano, support this amended Resolution and believe that this amended resolution does not violate fair housing laws but rather promotes the goal of affordable housing for lower income households.

(c) The Demographic Study collected data about residents and workers in the County as a whole and within the various municipalities in the County. Generally, local preference policies are valid if they do not intentionally discriminate against any group protected by the fair housing laws or if they do not have a disparate impact on any group protected by fair housing laws. The Demographic Study indicates that a preference policy for households that live or work within an individual jurisdiction in Napa County will not have a disparate impact on a protected group. As Tables 3 and 4 in the Demographic Study show, the vast majority of workers in each of the municipalities in Napa County reside in the County although a large percentage reside outside of the municipality in which they work. Commute distance is one method of determining the housing market area or the area that applicants for housing will be drawn from. This data demonstrates that the housing market for Napa County is generally located within the County itself, although those jurisdictions on the north and south ends of the County do see more employees from adjacent counties. The housing market, for the City in particular where 83% of its workers reside in Napa County, can reasonably be defined as the County itself

(d) The Demographic Study shows that the demographic profile for the City of St. Helena is very similar to the County of Napa. Table 1 shows that 24% of Napa County residents are under the age of 18 and 25% of St. Helena residents are under the age of 18. Thirty-four percent (34%) of Napa County households have children under the age of 18 and 33% of St. Helena residents have children under the age of 18. Eighteen percent (18%) of Napa County residents are over the age of 62 and 20% of St. Helena residents are over the age of 62.

(e) Table 1 also shows that the race and ethnicity of the populations are similar. Eighty percent (80%) of Napa County residents are white, compared to 82% in St. Helena Twenty-four percent (24%) of County residents identified themselves as Hispanic/Latino and 28% of St. Helena residents identified themselves as Hispanic/Latino. A local preference policy will not have a disparate impact on a protected ethnic group.

(f) Table 4 shows that 23% of the people who work in St. Helena also live in St. Helena. Eighty-three percent (83%) of the workers live within Napa County. A local preference policy for workers currently employed within the geographic boundaries of the St. Helena Unified School District (SHUSD) will help reduce traffic congestion and improve air quality. The policy proposed is designed to achieve a significant governmental purpose of ensuring that housing opportunities are available to the workforce in the City, thus decreasing commuting with all of its attendant detrimental impacts, including environmental degradation and overuse of transportation infrastructure. Additionally, the preference policy ensures that businesses essential to the City's economy continue to locate in the area by providing housing opportunities for the necessary labor pool. Further, the preference policy will give priority to lower income, long-term households in the City of St. Helena who, because of substandard and/or unsafe living conditions resulting in code enforcement proceedings by the City, have been displaced from their affordable housing located within the City of St. Helena because of the inaction or insufficient action by their landlords to address those living conditions. Long-term residency, i.e., at least 12 consecutive months in the same location, will ensure that no applicant moves into a substandard rental unit, particularly once Code enforcement proceedings have been initiated, with the motive of seeking to gain priority under this policy.

(g) Given the similar demographics of the municipalities within the County, the fact that the housing market can reasonably be defined as the County itself, and the analysis of the demographic data specific to the City of St. Helena, a preference for households that work or live within the City will not have a disparate impact on any protected group by excluding any protected group and will further the above-described governmental purposes served by such a preference.

(h) The displacement of children from their homes during the school year can affect their academic performance and self-esteem. The City and its property owners benefit from improved test scores and higher achievement of students enrolled in the SHUSD. By prioritizing displaced households for available affordable housing in St. Helena, the disruption of academic performance and self-esteem can be lessened.

2. Based upon the foregoing findings, the City of St. Helena adopts the attached Amended Local Preference Policy for the City of St. Helena, to be implemented whenever ownership or rental housing opportunities are made available to eligible income households under the City's affordable housing regulations and policies.

Approved at a Regular Meeting of the St. Helena City Council on _______, 2014, by the following vote:

AYES: Councilmembers

NOES:

ABSENT:

APPROVED:	ATTEST:
Ann Nevero Mayor	Delia Guijosa City Clerk

LA #4834-1602-3324 v1

AMENDEDLOCAL PREFERENCE POLICY FOR CITY OF ST. HELENA

Applicants who live within the City of St. Helena or work within the geographic boundaries of the Helena Unified School District (SHUSD) will have a preference for housing developed pursuant to the City's affordable housing regulations in accordance with the following policy.

1. Preference.

Based upon the findings set forth in Amended Resolution No. 2005-98 adopted by the City Council of the City of St. Helena on ______, 2014, the City establishes the following priority to be used whenever ownership or rental housing opportunities are made available to eligible income households, unless prohibited by state or federal regulations that apply in connection with financing provided to assist in the acquisition/development/rehabilitation of the units.
:

a. First priority is given to eligible long-term households who, because of substandard and/or unsafe living conditions resulting in code enforcement proceedings by the City, have been displaced from their affordable housing located within the St. Helena because of the inaction or insufficient action by their landlords to address those living conditions.

b. Second priority is given to eligible households that have one or more members who work within the SHUSD geographic boundaries.

c. Third priority is given to all other eligible households.

2. Residency.

For purposes of the policy, an applicant for the displaced tenant priority will be determined to live in St. Helena if the applicant has lived in St. Helena for twelve consecutive months or longer. The applicant must produce evidence of residency within St. Helena. This evidence can be a copy of a deed, lease, rental agreement, rent receipt, utility bill, driver's license or other documentation that indicates residency.

3. Employment.

For purposes of this policy, an applicant will be determined to work in the SHUSD geographic boundaries if the primary place of employment for at least one member of the applicant's household is located in the SHUSD geographic boundaries and if the term of employment served has been twelve consecutive months or longer. If the applicant holds more than one job, the employment in the SHUSD geographic boundaries must be the job providing the greater percentage of income to the applicant. If the applicant does not have a fixed place of employment, such as delivery personnel, repair persons or similar employments, but spends at least 50% of his or her time employed in the SHUSD geographic boundaries, the applicant will be determined to be employed in the SHUSD geographic boundaries.

4. Application.

The developer, the City of St. Helena itself, and/or its agent shall affirmatively market the development to ensure that all applicants, regardless of eligibility for the preference, are aware of the housing opportunity. Applicants shall file complete applications with the Napa Valley Housing Authority (NVHA) by a deadline set by NVHA.

5. Determination of Eligibility.

Applicants who have applied for the local work or live preference shall be notified by NVHA whether their eligibility for the preference has been confirmed. If NVHA determines that an applicant is not eligible for the preference, NVHA shall notify the applicant and allow the applicant no less than five days to present additional evidence verifying the applicant's eligibility for the preference. The applicant can submit the additional evidence in writing or may request a hearing to present the evidence. The additional evidence of eligibility shall be presented to NVHA's administrator of housing programs. The administrator of housing programs can consider any evidence he or she thinks is relevant to determining an applicant's eligibility for the preference. The administrator of housing programs shall make a final determination of the applicant's eligibility for the preference based on all the evidence submitted by the applicant within five days of receiving the evidence. The administrator of housing's decision shall be final.

6. Lottery.

In administering the preference policy, a lottery will be used to select applicants. All applicants participating in the lottery must meet all the income and family composition qualifying criteria for occupancy in the development regardless of the applicant's preference eligibility. An applicant qualifying for the local "work" preference will have three opportunities to have his or her name drawn from the lottery. An applicant qualifying for the local "live" preference will have two opportunities to have his or her name drawn from the lottery. All other applicants will have one opportunity to have their names drawn from the lottery. Preference applicants shall be assigned the most favorable lottery number drawn for the applicant

7. Employer-Built Housing.

If affordable housing is bulk or sponsored by an employer with no government subsidies, fee waivers or other types of public agency monetary assistance, the City Council will consider allowing the employer to set aside some or all of the affordable units for the exclusive occupancy of employees of the employer meeting all the income and family composition qualifying criteria for occupancy in the development, regardless of the foregoing preference policy. The number of units to be set aside and the form of the affordable housing resale or rental restriction agreement shall be determined on a case by case basis.

2

CITY OF ST. HELENA

ORDINANCE NO. ______

AMENDING CHAPTER 17.144 OF THE ST. HELENA MUNICIPAL CODE TO REVISE REGULATIONS FOR GRANTING DENSITY BONUSES AND/OR INCENTIVES OR CONCESSIONS FOR THE CONSTRUCTION OF CERTAIN HOUSING PROJECTS AFFORDABLE TO LOWER INCOME, VERY LOW INCOME, SENIOR HOUSEHOLDS AND TO PROVIDE FOR CITY TO GRANT PRIORITY FOR THE PROVISION OF WATER AND SEWER SERVICES TO SUCH DEVELOPMENTS.

The City Council of the City of St. Helena does hereby ordain as follows:

SECTION 1: Findings. The City Council hereby determines that:

A. The State of California has declared that the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian is a priority of the highest order.

B. The State of California has declared that local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

C. To facilitate housing needs for all economic segments of the community, the state requires cities and counties to adopt a density bonus program for certain affordable housing projects and to adopt a procedure for providing priority water and sewer services to such affordable developments.

D. Section 65915 of the California Government Code requires cities and counties to adopt local legislation to provide density bonuses and/or incentives or concessions for the construction of certain affordable housing projects in order to implement the requirements of state density bonus law.

E. The City has previously adopted a local density bonus program codified as Chapter 17.144 of the St. Helena Municipal Code.

F. Section 65589.7 of the California Government Code requires each public agency or private entity providing water or sewer services to grant a priority for the provision of these services to proposed developments that include housing units affordable to lower income households.

G. The City has previously enacted policy HE1.D as part of the 2009-2014 Housing Element of the General Plan to give projects that include affordable housing units priority access to water and sewer resources over other new projects should the capacity of the local water or sewer systems become inadequate to meet the full demand for new connections.

H. As part of its ongoing efforts to encourage the development of housing affordable to all segments of the community, the City has reviewed its density bonus program and water priority policies as they relate to affordable housing development and determined that some minor amendments are needed to fully conform with the applicable provisions of State law.

I. On _____________, 2014, the Planning Commission held a duly noticed public hearing to consider the proposed amendments to Chapter 17.144. At the conclusion of said hearing, the Planning Commission adopted Resolution No. ____ recommending that the City Council adopt this Ordinance.

J. On ______________, 2014, the City Council held a duly noticed public hearing to consider this Ordinance.

SECTION 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Chapter 17.144 of the St. Helena Municipal Code is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) because: (i) the Ordinance is not a discretionary program pursuant to Public Resources Code Section 21080(a); (ii) the Ordinance is a ministerial project within the meaning of Public Resources Code Section 21080(b) since the Ordinance simply adopts or amends local regulations required to implement mandatory density bonus and water priority standards imposed by Government Code Sections 65915 and 65589.7, respectively; and (iii) the Ordinance is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Qualified affordable housing development projects that are subject to CEQA are reviewed individually prior to issuance of building permit. Accordingly, the City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(1), 15061(b)(2), and 15061(b)(3).

SECTION 3. Amendment of Chapter 17.144. Chapter 17.144 of Title 17 of the St. Helena Municipal Code is hereby amended to read in its entirety as shown on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 4: Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 5: Inclusion in the St. Helena Municipal Code. It is the intention of the St. Helena City Council that the text in Exhibit A of this ordinance be made a part of the St. Helena Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

<u>**SECTION 6:**</u> <u>Effective Date</u>. This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the _____ day of ____________, 2014, and was adopted at a regular meeting of the St. Helena City Council on the _____ day of _____________, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

____
Ann Nevero, Mayor

ATTEST:

CITY OF ST. HELENA

____
Delia Guijosa, City Clerk

I, DELIA GUIJOSA, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of _________________, 2014. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _________________, 2014 by the following vote:

OAK #4842-5615-1579 v1

AYES:
NOES:
ABSENT:
ABSTAIN:

____
Delia Guijosa, City Clerk

APPROVED AS TO FORM:

____
Thomas B. Brown, City Attorney

EXHIBIT A

Amendments to St. Helena Municipal Code Chapter 17.144

Chapter 17.144
AFFORDABLE HOUSING

Sections:

17.144.010 Purpose.
17.144.020 Definitions.
17.144.030 Applicability.
17.144.040 Project requirements.
17.144.050 Application.
17.144.050 Waiver or reduction of development standards.
17.144.060 Land donation.
17.144.070 Parking.
17.144.080 Priority for water and sewer services.

17.144.010 Purpose.
The purpose of this chapter is to encourage the development of housing affordable to all segments of the community and to provide for incentives to defray the costs of providing affordable housing for very low, low, and moderate income households in the city of St. Helena. In enacting these provisions, the city expressly intends this chapter to satisfy the requirements of:(1) Government Code Section 65915 and the City's Housing Element by specifying how the city shall provide density bonuses and/or incentives or concessions for the construction of certain housing projects affordable to lower income, very low income, senior households, and for condominium and planned development projects, moderate income; and (2) Government Code Section 65589.7 and the City's Housing Element by specifying how the city will grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households.

17.144.020 Definitions.
As used in this chapter:

"Concession or incentive" means and includes, but is not limited to, a modification of zoning code requirements such as reductions in lot size, frontage requirements, setbacks, yards, parking, or open space or fencing requirements; height increases; a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission; waivers, reductions or delay in improvement requirements (e.g., utility undergrounding, sidewalks, right-of-way dedication but not including curb-to-curb street width standards); monetary assistance, reductions or waivers of development fees, or provision of land to the extent that monetary assistance or land is available; approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area in which the housing project will be located.

"Condominium project" is as defined in subdivision (f) of Section 1351 of the Civil Code.

"Density bonus," except as applied to a condominium project or a senior housing development, means a density increase of at least twenty percent (20%) unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density for the site under the applicable zoning district and land use element of the general plan. The amount of the density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 17.144.030. For each one percent increase above ten percent (10%) in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of thirty-five percent (35%). For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of thirty-six percent (36%). All density calculations resulting in fractional units shall be rounded up to the next whole number.

"Density bonus" for a condominium project in which at least ten percent (10%) of total units are reserved for moderate income households, is a density increase of at least five percent, unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density for the site under the applicable zoning district and land use element of the general plan.

"Density bonus" for a senior housing development, as defined in Sections51.3 and 51.12 of the California Civil Code or any successor statutes, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Codeor any successor statutes, shall be twenty percent (20%) of the number of senior housing units, unless a lesser percentage is elected by the developer.

"Lower income households" is as defined by Section 50079.5 of the Health and Safety Code.

"Moderate income households" is as defined by Section 50093 of the Health and Safety Code.

"Planned development project" is as defined by subdivision (k) of Section 1351 of the Civil Code.

"Qualifying residents" is as defined in Section 51.3 of the Civil Code.

"Very low income households" is as defined by Section 50105 of the Health and Safety Code.

17.144.030 Applicability.
An applicant may request a density bonus and concessions or incentives for a residential or residential mixed-use project of five or more units that satisfy one or more of the following criteria:

1. At least ten percent (10%) of total units are designated for lower income households;

2. At least five percent of the total units are designated for very low income households;

3. A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code;

4. For a condominium project or planned development project only, at least ten percent (10%) of total units are designated for moderate income households.

17.144.040 Project requirements.

In addition to satisfying one or more of the criteria in Section 17.144.030 of this chapter, the housing project developer requesting a density bonus and/or incentive or concession shall satisfy the following requirements:

A. The designated units shall be comparable to the nondesignated units within the project. Location of designated units shall be at the city's discretion.

B. The developer and/or owner shall enter into an agreement with the city to ensure the continuing affordability of units designated for low and very low income households. Where the city grants a density bonus or concessions or incentives, such agreement shall be for a term of thirty (30) years, or longer should the project financing so require.

C. The developer and/or owner shall enter into an agreement with the city to ensure that the initial occupant of units in condominium projects and planned development projects directly related to the receipt of the density bonus shall be a person or family of moderate income. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city council shall adopt a resolution establishing the method for determining how the city will recapture its proportionate share of appreciation which shall then be used within three years for any of the purposes described in subdivision (c) of Section 33334.2 of the Health and Safety Code that promote home ownership.

D. Units designated for rent by lower income households shall be affordable at rents that do not exceed thirty percent (30%) of sixty percent (60%) of area median income. Units designated for rent by very low income households shall be affordable at rents that do not exceed thirty percent (30%) of fifty percent (50%) of the area median income.

E. Units designated for purchase by low income or moderate income households shall be affordable according to limits established by the State Department of Housing and Community Development.

F. The developer and/or property owner shall provide the city a yearly accounting of the total project units occupied and vacant, the total occupied and vacant units designated for low or very low income households, and rents charged.

17.144.050 Application.

A. To apply for a density bonus and/or incentives or concessions, the applicant may submit a proposal for specific incentives or concessions and may request a meeting with the city. The preliminary proposal shall provide the following information:

1. Preliminary sketch plan showing the context, location of buildings, and parking;

2. Number, type, and size of the housing units;

3. Any request for waiver of development standards;

4. Information satisfactory to the planning director to enable the city to determine the project cost per unit and whether the waiver or modification of otherwise applicable standards is necessary to:(i) provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code or any successor statute; (ii) provide for rents for the targeted units to be set as specified in subdivision (c) of Government Code section 65589.7 or any successor statute; or (c) otherwise make the housing units economically feasible. Such information may include capital costs, equity investment, debt service, projected revenues, operating expenses, and any other information deemed necessary by the planning director.

B. The city shall, within ninety (90) days of receipt of the preliminary written proposal, notify the developer in writing whether and in what manner the city shall grant a density bonus and incentives or concessions as follows:

Number of Concessions or Incentives	**Percentage of Units for Very Low Income**	**Percentage of Units for Low Income**	**Percentage of Units for Moderate Income in a Condominium or Planned Development**
1	5%	10%	10%
2	10%	20%	20%
3	15%	30%	30%

In addition to the foregoing, any developer who proposes to construct a housing development that conforms to the requirements of this chapter and includes a childe care facility that will be located on the premises of, as part of, or adjacent to the project shall also be entitled to either an additional density bonus or an additional concession or incentive in accordance with the provisions of California Government Code section 65915(h) or any successor statute.

C. Alternatively, within ninety (90) days, the city council shall preliminarily find that:

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50025.2 of the Health and Safety Code or for rents for the targeted units to be set as specified in Section 17.144.040 of this chapter, or

2. The concession or incentive would have a specific, adverse impact upon public health and safety, or upon the physical environment, or upon real property listed in the California Register of Historical Resources and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. For purposes of this paragraph, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Such notification shall represent the joint recommendation of city staff charged with implementing this section; provided, however, that the city council, in acting on the project, may modify such recommendation.

D. In accordance with the provisions of California Government Code Section 65915(f) or any successor statute, a developer may elect to accept a lesser percentage of density bonus than the maximum specified in this chapter.

E. In accordance with the provisions of California Government Code Section 65915(f)(5) or any successor statute, the granting of a density bonus pursuant to this chapter shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

F. If the developer does not submit a written preliminary proposal, the developer shall submit a written proposal for specific incentive along with information described in subsection (A)(4) of this section (along with other materials required for application submittal) at the time a formal application is submitted. The decision making body shall either grant the density bonus and at least one additional concession/incentive requested by the developer or make one of the findings, based on substantial evidence, described in subsection (C)(1) or (2) of this section.

G. The developer shall pay any fee(s), as established by resolution of the city council to implement this section, including but not limited to fees to process the request for a density bonus and/or other concessions or incentives; prepare contracts and other documents; and monitor contracts and documents for compliance. Fees shall be paid prior to building permit issuance unless otherwise established by resolution.

H. Affordable units under this section shall be constructed at the same time as the market-rate units. The right to a density bonus or concession under this chapter shall not be transferred to another development. Where a developer proposes to simultaneously develop two or more parcels in the city, nothing in this section shall prohibit the council from using a density bonus and/or concession/incentive granted for one of the parcels on another of the multiple parcels.

17.144.055 Waiver or reduction of development standards.
In addition to any density bonus and/or concessions or incentives granted pursuant to this chapter, a developer may also request that the city waive or reduce any development standard that has the effect of physically precluding the construction of a development meeting the criteria of this chapter at the densities or with the concessions or incentives permitted pursuant to this

chapter in accordance with the provisions of California Government Code Section 65915(e) or any successor statute.

17.144.060 Land donation.

A. When an applicant voluntarily offers to donate land which is of sufficient developable acreage and with appropriate zoning classification to permit construction of units affordable to very low income households in accordance with this section, the applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density. For each one percent increase above the minimum land donation described in subsection B of this section, the density bonus shall be increased by one percent, up to a maximum of thirty-five percent (35%).

B. The voluntary donation of land shall comply with the following criteria:

1. The land is transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application.

2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development. Housing units designated for very low income households pursuant to Chapter 17.146 of this title shall not be included when determining compliance with this section.

3. The transferred land is at least one acre or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.

4. The transferred land is within the boundary of the proposed development or, with the approval of the city council, within one-quarter mile of the boundary of the proposed development.

C. The applicant for a tentative subdivision map, parcel map, or other residential development approval wishing to donate land pursuant to Government Code Section 65915(h) shall include in its application for development the following information:

1. The size of the parcel;

2. The amount of developable acreage;

3. A preliminary plan for the development of at least forty (40) units affordable to very low income households on the developable acreage;

4. A description of the public facilities and infrastructure that would serve the units;

5. The name of the public or private entity to which the land will be donated.

D. The city council shall approve, modify or disapprove the application to donate land in accordance with the requirements of this section and Government Code Section 65915(h).

E. Unless the construction of at least forty (40) units affordable to very low income households on the donated land are the subject of a separate development application, the units shall be considered a part of the application for a tentative subdivision map, parcel map, or other residential development for purposes of review under the California Environmental Quality Act and other state and local laws and regulations.

17.144.070 Parking.

A. This section implements the provisions of Government Code Section 65915(p).

B. If a development is constructed with the vehicular parking ratios described in Government Code Section 65915(p)(1), and the parking ratios are less than otherwise required by the city, the applicant for development shall record a covenant against the property disclosing the difference between the parking ratios that have been used for the development and the city's requirements.

17.144.080 Priority for water and sewer services.

In accordance with the provisions of California Government Code Section 65589.7 or any successor statute, the city shall grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households in accordance with a written policy adopted by resolution of the city council.

3

RESOLUTION NO. 2014-___

CITY OF ST. HELENA

ESTABLISHING A POLICY AND PROCEDURE FOR GRANTING PRIORITY WATER AND SEWER SERVICES TO PROPOSED DEVELOPMENTS THAT INCLUDE AFFORDABLE HOUSING UNITS

RECITALS

1. The State of California has declared that the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian is a priority of the highest order.

2. The State of California has declared that local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

3. Section 65589.7 of the California Government Code requires each public agency or private entity providing water or sewer services to grant a priority for the provision of these services to proposed developments that include housing units affordable to lower income households.

4. The City has previously enacted Policy HE1.D as part of the 2009-2014 Housing Element of the General Plan to give projects that include affordable housing units priority access to water and sewer resources over other new projects should the capacity of the local water or sewer systems become inadequate to meet the full demand for new connections.

5. To further facilitate housing needs for all economic segments of the community, the City Council of the City of St. Helena has adopted Ordinance No. ____ amending Chapter 17.144 of the St. Helena Municipal Code to encourage the development of affordable housing within the city.

6. Ordinance No. ____, among other things, adds Section 17.144.080 to Chapter 17.144 to implement Policy HE1.D by requiring the City to grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households in accordance with a written policy. This resolution is intended to establish that written policy.

RESOLUTION

The City Council of the City of St. Helena, State of California, does hereby resolve, determine, and find as follows:

A. Incorporation of Recitals. The foregoing Recitals are true and correct and are incorporated herein and form a part of this Resolution.

B. Compliance with CEQA. The City Council hereby finds that the adoption of this policy is exempt from the California Environmental Quality Act ("CEQA") because: (i) the Policy is not a discretionary program pursuant to Public Resources Code Section 21080(a); (ii) the Policy is a ministerial project within the meaning of Public Resources Code Section 21080(b) since the Ordinance simply adopts or amends local regulations required to implement mandatory water priority standards imposed by Government Code Section 65589.7; and (iii) the Policy is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Qualified affordable housing development projects that are subject to CEQA are reviewed individually prior to issuance of building permit, and any impact on water or sewer services would be analyzed at that time. Accordingly, the City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Policy may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(1), 15061(b)(2), and 15061(b)(3).

C. Adoption of Policy. To comply with Government Code Section 65589.7 and to implement Housing Element Policy HE1.D, the City Council hereby adopts the policy and procedure for prioritizing water and sewer services to low income housing developments, attached hereto as Exhibit "A" and expressly made a part of this resolution by this reference.

Approved at a Regular Meeting of the St. Helena City Council on ______________, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:	ATTEST:
______________________________	______________________________
Ann Nevero Mayor	Delia Guijosa City Clerk

EXHIBIT A

CITY OF ST. HELENA POLICY RELATED TO PRIORITY OF WATER AND SEWER SERVICE TO LOW-INCOME DEVELOPMENTS

PURPOSE:
To establish a policy and procedure to grant a priority for the provision of water and sewer services to proposed developments that include housing units affordable to lower income households pursuant to a mandate set forth in California Government Code Section 65589.7 or any successor statute.

POLICY:
In accordance with Section 17.144.080 of the St. Helena Municipal Code and California Government Code Section 65589.7 or any successor statute, priority for water and sewer services shall be given to proposed developments that include housing affordable to lower income households. Such priority shall be granted in accordance with the procedures set forth in this policy.

PROCEDURES:

1. Based upon availability of the water supply, as determined by the Director of Public Works pursuant to the City's water service system regulations (Chapter 13.04 of the St. Helena Municipal Code), the Director of Public Works or his/her designee shall ensure that priority for water and sewer services is given to proposed developments that include housing units affordable to lower income households. Notwithstanding the foregoing, this Policy and Procedure shall have no effect on any state or local regulations or restrictions relating to water shortage emergencies.

2. For the purposes of this Policy, "proposed developments that include housing affordable to lower income households" shall mean dwelling units that will be sold or rented to lower income households, as defined in California Health and Safety Code Section 50079.5 or any successor statute, at an affordable housing cost, as defined by California Health and Safety Code Section 50053 or any successor statute.

3. The City shall not deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households, unless the City makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:

    a. The City: (i) does not have "sufficient water supply" as defined by California Government Code Section 66473.7(a)(2) or any successor statute; or (ii) is operating under a water shortage emergency as defined in California Water Code Section 350 or any successor statute and Chapter 13.04 of the St. Helena Municipal Code; or (iii) does not have sufficient water treatment or distribution capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report..

    b. The City is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.

c. The City does not have sufficient treatment or collection capacity, as demonstrated by a written engineering analysis and report on the condition of the City's sewer treatment or collection works, to service the needs of the proposed development.

d. The City is under an order issued by a Regional Water Quality Control Board that prohibits new sewer connections.

e. The developer has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the City, including, but not limited to: (i) the requirements of local, state, or federal laws and regulations, or (ii) the payment of a fee or charge imposed pursuant to Government Code Section 66013 or any successor statute.

4

Chapter 8.32
RELOCATION SERVICES AND PAYMENTS FOR RESIDENTIAL TENANT HOUSEHOLDS

Sections:

8.32.010 Findings.
8.32.020 Purpose.
8.32.030 Definitions.
8.32.040 Eligibility for relocation services and assistance.
8.32.050 Owner responsibilities.
8.32.060 Relocation payment procedures and appeal process.
8.32.070 City's involvement in relocation payments.
8.32.080 Relocation and other payments.
8.32.090 Emergency relocations—Payments.
8.32.100 Move-back option.
8.32.110 Penalties.
8.32.120 Private right of action.
8.32.130 Notices

8.32.010 Findings.

The city council finds and determines that:

A. Some rental units and rooms in St. Helena have been found, or will be found, to have severe code violations, which threaten the life and safety of occupants and require the units or rooms to be vacated to allow for extensive repairs.

B. Such code violations are often caused by deferred maintenance, may breach the landlord's implied warranty of habitability, and sometimes constitute constructive eviction of the tenant household from its residence.

C. Difficulty of preventing displacement, enforcing health and safety codes, and finding replacement housing and incurring moving-related expenses creates a financial hardship for tenant households, particularly those who are low-income.

D. The level of services and payments provided in this chapter are similar to those provided to tenant households displaced as a result of government-sponsored rehabilitation programs and are reflective of actual relocation costs likely to be incurred by displaced households.

E. The difference in payments between tenant households displaced from units and those displaced from rooms is based on differences in actual costs likely to be incurred.

F. The relocation payment obligations imposed on landlords by this chapter partially mitigate the financial hardships faced by tenant households displaced in order to bring the property up to housing code and have the additional purpose of encouraging landlords to maintain their residential properties in a habitable condition. (Ord. 12-6 § 1 (part))

8.32.020 Purpose.

The purposes of this chapter are to: (i) prevent displacement where possible; (ii) provide relocation services; (iii) require property owners to make payments to residential tenant households displaced as a result of code enforcement activities in order to alleviate hardships associated with such relocations; (iv) facilitate the correction of code violations; and (v) protect the health, safety and welfare of the residents of St. Helena. (Ord. 12-6 § 1 (part))

8.32.030 Definitions.

"Code enforcement" or "code enforcement activity" shall mean an activity or activities initiated by the city to ascertain the condition of a building and requiring an owner to make necessary repairs to bring the property into compliance with applicable building and housing codes.

"Emergency relocations" shall mean when, in the opinion of the building official, any condition of the building or surrounding property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of tenant households.

"Household" or "tenant household" shall mean one or more individuals entitled to the occupancy of a rental unit or room who share living expenses.

"Owner" shall mean a person, persons, landlord, corporation, or any entity holding title to a property or agent or assignee.

"Relocation" shall mean the required vacating of a residential unit or room by a tenant household and the moving into another unit or room as a result of repairs required to bring the property into code compliance where such repairs are undertaken because of code enforcement.

"Rental unit" or "unit" shall mean a dwelling containing a separate bathroom, kitchen, and living area which is the place of permanent or customary and usual abode of a household, including a single-family dwelling or a unit in a multifamily or multipurpose dwelling, a unit in a condominium or cooperative housing project.

"Room" shall mean a room in a hotel or boarding house or a rented room in a private dwelling occupied by a tenant who has paid for at least thirty (30) consecutive days of occupancy. (Ord. 12-6 § 1 (part))

8.32.040 Eligibility for relocation services and assistance.

A tenant household may be considered eligible for relocation assistance and payments pursuant to Sections 8.32.060, 8.32.070, 8.32.080, 8.32.090, and 8.32.100 if the city determines that the condition of a building is such that a household cannot safely occupy the unit or room while the unit is being rehabilitated and such condition was not created by the tenant household occupying the unit or room. (Ord. 12-6 § 1 (part)) The owner shall have the burden of establishing that a tenant household is exempt from relocation assistance under this chapter.

8.32.050 Owner responsibilities.

A. The owner shall make repairs within the time frame required by the city to remedy code violations that the city has determined are necessary to protect the health and safety of the tenants.

B. Neither the owner nor the city shall require the tenants to relocate as a result of code enforcement or code enforcement activity if the City determines that repairs can be made within a reasonable period of time without unreasonably endangering the health or safety of the tenants.

C. The owner shall be responsible for providing relocation payments to each tenant household displaced because repairs undertaken to bring the property into code compliance, as determined by the City, cannot be undertaken with the tenant household(s) in place.

D. The owner shall be responsible for providing such payments directly to the tenant household(s) to be displaced or already displaced.

E. The owner shall make payments required by this chapter at least ten (10) days in advance of the move to facilitate relocation. When it is uncertain as to when the unit to be rehabilitated will be ready for reoccupancy, advance payment can be a partial payment sufficient to allow relocation of the affected tenant household to take place. The remaining amount owed pursuant to this chapter shall be made in a timely manner in order to prevent hardship to the tenant household.

F. Relocation payments shall not be required for repairs which are required as a result of any natural disaster or emergency not caused by the owner, including, but not limited to, a fire, earthquake or flood, (Ord. 12-6 § 1 (part))

8.32.060 Relocation payment procedures and appeal process.

A. The city, in conjunction with available housing assistance and tenant advocacy services, shall assist households displaced by code enforcement activities by providing information, referral, monitoring, and other relocation advisory assistance aimed at facilitating the household's move.

B. Whenever a building containing a residential rental unit or room or portion thereof is declared to be a substandard or deficient building pursuant to this code, the building official shall also determine whether the repairs necessary to abate the substandard or deficient conditions can be reasonably accomplished without vacation of such building, or portion thereof, by its occupants. In deciding whether to order repairs or require vacation, the city shall give preference to repair of the building without requiring vacation, provided that the city determines the violations are not so extensive or of such a nature that the health and safety of the affected tenant households or the public is substantially and immediately endangered, consistent with the requirements of Health and Safety Code sections 17980 et seq. or any successor statute(s).

C. Upon a written showing by any affected tenant that displacement would create extreme hardship, the city shall allow a deferral of the effective date of any order(s) of abatement consistent with Health and Safety Code section 17959.4 or any successor statute, except in cases in which the city determines that the violations are so extensive or of such a nature that the health and safety of the affected tenant households or the public is substantially and immediately endangered, consistent with Health and Safety Code section 17980 et seq. or any successor statute(s), as applicable. The City Manager may create and make available a form to be used by affected tenants to make the written showing required by this section.

D. If the city determines that relocation is necessary in order to bring the property into compliance with applicable code requirements or abatement orders, the owner shall provide written notice to each affected tenant household at least thirty (30) days in advance of the date of required relocation, unless the city orders an abatement that requires relocation in less than thirty (30) days, and in such case, the owner shall provide notice as soon as practicable prior to the effective date of the abatement order. Such notice shall include, but not be limited to, all of the following:

(1) A summary of the repairs to be undertaken and the estimated duration of the relocation;

(2) A statement that the tenant household is entitled to relocation benefits under this chapter;

(3) A statement that the tenant household may appeal the determination to the city and request from the city a hardship deferral of the order to vacate;

(4) A statement that such appeal and/or request may be made to the city manager; and the address and telephone number of the city manager;

(5) A copy of this chapter.

The owner shall provide the City a copy of each notice provided under this section.

E. In addition to the notice provided by the owner, when the city issues a notice of abatement to the owner which requires vacation of the unit or building, the city shall provide written notice to affected tenant households either: (i) by posting a copy of the notice or order in a conspicuous place on the affected property and mailing the same by first class mail to each affected residential unit, or (ii) by posting a copy of the order or notice in a conspicuous place on each affected residential unit. The notice required by this subsection shall include, but not be limited to, all of the following:

(1) The city's address and telephone number;

(2) A statement that the tenant household may appeal the determination to the city and request from the city a hardship deferral of the order to vacate;

(3) A statement that such appeal and/or request may be made to the city manager; and the address and telephone number of the city manager; and

(4) A statement that a lessor (or owner) may not retaliate against a lessee (or tenant household) pursuant to Section 1942.5 of the Civil Code.

Notwithstanding the foregoing, failure of an affected tenant household to receive the notice required by this section shall not invalidate the city's notice of abatement to the owner requiring vacation of the unit or building.

F. The issuance by the building official of a notice of necessity to vacate the building shall not relieve the building owner of his or her obligation to provide any other notice of termination of tenancy imposed or required by any provision of state law or ordinance. Each tenant household which has been served with a notice of necessity to vacate building pursuant to this chapter shall: (i) submit a written request for relocation payment ; (ii) serve a copy of said written request for relocation payment on the owner, together with an estimate of the amount of payments to which the tenant household is entitled pursuant to Section 8.32.080 within twenty (20) days after receipt of such notice; and (iii) retain a copy of the written request for its records. If payment is to be made in more than one installment, the tenant household shall notify the owner of the remaining amount owed. The City Manager may create and make available a form to be used by tenant households under this section.

G. Within ten (10) days after receipt of the tenant's notice referred to in subsection F of this section, the owner shall either make the initial payment of relocation benefits directly to the tenant household or file a written request for an appeal hearing before the city manager or designee describing the reasons for such request with the city manager if the owner wishes to contest the estimated relocation payment amounts or the tenant household's eligibility for relocation payment. The initial payment shall include:

(1) The dislocation allowance pursuant to section 8.32.080(A)(1) or (B)(1).

(2) Fixed moving and storage costs pursuant to section 8.32.080(A)(2) or (B)(2).

(3) The replacement housing payment pursuant to section 8.32.080(A)(3) or (B)(3).

Except in cases where the City determines that the violations are so extensive or of such a nature that the health and safety of the tenant household or the public is substantially and immediately endangered (consistent with Health and Safety Code section 17980 et seq. or any successor statute), the tenant household shall have the right to remain at the rental unit or room until such time as it has received the initial payment of relocation benefits to which it is entitled under this chapter.

Subsequent relocation payments shall be made on a monthly basis thereafter and shall be made at least seven (7) days in advance of when the tenant household's monthly rental payment is due. In lieu of monthly payments, the owner may make lump payments covering specified periods of time.

H. An appeal hearing shall be scheduled before the city manager or designee to consider the issues described in the appeal document within thirty (30) days of the filing of such appeal. The owner and all affected tenants shall be notified by mail of the time and place of the hearing at least ten (10) days before the date of hearing. The city manager or designee shall render a decision on any such appeal within ten (10) days after the close of the hearing. The decision of the city manager shall be final.

I. Nothing in this section shall in any way preclude or limit any aggrieved party from seeking judicial review after such person has exhausted the administrative remedies provided by this section. However, it shall be conclusively presumed that a litigant has not exhausted his or her administrative remedies as to any issue which is not raised in the administrative proceedings authorized herein. (Ord. 12-6 § 1 (part))

8.32.070 City's involvement in relocation payments.

The city may, in its discretion, make any of the payments required by Section 8.32.080 in situations where the owner is unwilling or unable to pay for relocation costs and the tenant household is required to relocate due to code enforcement activity to bring the building into code compliance. The city shall recover from the owner all costs incurred as a result of making such payments. In order for the city to consider making such payments, a request must be made by the tenant household to the city manager within twenty (20) days from the owner's refusal to make the required payments.

A. In the above cases, the city shall first mail, by certified mail, a written notice to the owner of the owner's obligation under this chapter (i) to provide relocation assistance and payment and (ii) the time limit within which payment is to be made. The notice shall also specify that failure to make required payments may result in the city making such payments on behalf of the owner and the consequences to the owner of the city's action.

B. If within ten (10) days of receipt of said notice the owner continues to refuse to make the necessary payments, the city may make the required relocation payment to the tenant household. The city shall then bill the owner for the amount of payment, plus any administrative and other costs it would not have otherwise incurred. If the owner does not make payment to the city within sixty (60) days, the city shall record a lien on the property from which the tenant household was displaced with the county recorder and provide notice of such lien to the owner and to the county assessor. The lien amounts shall accrue interest at a rate of ten percent (10%) per annum until the lien is discharged. The lien shall be subordinate to all existing special assessment liens previously imposed upon the property and shall be paramount to all other liens except for state, county and municipal taxes and special assessments. (Ord. 12-6 § 1 (part))

8.32.080 Relocation and other payments.

A. Payments for Relocation from Rental Units. Tenant households displaced from rental units in order to bring the property into code compliance shall be eligible for the following payments:

1. A one-time dislocation allowance of five hundred dollars ($500.00) to help defray incidental relocation expenses.

2. The household's choice of a fixed or actual moving and storage expense payment subject to the following requirements:

a. If a fixed payment is chosen, a payment of eight hundred dollars ($800.00) shall be made if both moving and storage of household goods are necessary. If no storage is required, the fixed payment shall be four hundred dollars ($400.00). No documentation is necessary to receive a fixed payment. In cases of disputes as to whether storage is required, the city shall be asked to make that determination. The city's determination is final.

b. Payment for actual documented moving and storage expenses shall include both movement to the replacement unit(s) and movement back to the original unit. Payment shall not exceed the rates established by the California Public Utilities Commission.

3. A replacement housing payment equal to the documented difference between the rent and utilities paid on the unit being rehabilitated and the lesser of:

a. Rent and utilities in the replacement unit; or

b. An amount equal to ten percent (10%) above the fair market rent guidelines maximum used for the Section 8 Existing Housing Program or its equivalent by bedroom size of the unit being rehabilitated. The rent differential payment shall be made until such time that the unit from which the household was displaced is available for occupancy.

4. Payment of the required security deposit at the relocation unit, excluding any charges for damages to the relocation unit caused by tenant other than normal wear and tear.

5. Payment of a daily food allotment of $25 per person to the extent the relocated tenant household does not have access to cooking facilities during the time it temporarily occupies replacement housing.

B. Payments for Relocation from Rental Rooms. Payments for relocation from rooms shall be as follows:

1. Actual, documented moving and storage costs, not to exceed the rates established by the California Public Utilities Commission.

2. A replacement housing payment equal to the lesser of:

a. The documented difference between rent and utilities on the room to be vacated and a replacement dwelling; or

b. The fair market rent guidelines maximum for a one-bedroom unit used for the Section 8 Existing Housing Program. The rent differential shall be paid until such time as the room from which the tenant household was displaced is available for occupancy.

3. Payment of the required security deposit at the relocation unit, excluding any charges for damages to the relocation unit caused by tenant other than normal wear and tear.

C. Payment to Multiple Households Occupying a Unit or Room. Payments for displacement from a unit occupied by more than one household shall be divided among the households according to amount of space occupied in the unit. Payments for displacement from a room shall be shared equally among the households. (Ord. 12-6 § 1 (part))

8.32.090 Emergency relocations—Payments.

A. In the event of an emergency relocation, the city may order the immediate relocation of the tenant households without notice or hearing as provided in this chapter. The city shall provide relocation payments and services as provided in this chapter with the owner being responsible for payment pursuant to the procedures set forth in Sections 8.32.070 and 8.32.080. Prior to any emergency relocation, the city shall make reasonable attempts to contact the owner or his, her, or its management agent by telephone or in person to provide notice of the nature, timing, and extent of the emergency relocation, as well as the city's intent to collect the relocation costs and attorney's fees and that such costs and fees may be collected as a special assessment and the property may be sold after three (3) years by the tax collector for unpaid delinquent assessments and that any special assessment for abatement costs and fees may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes pursuant to Section 38773.5 of the California Government Code or any successor statute.

B. When emergency relocation is necessary, it shall be ordered only by the city manager or his or her designee.

C. Notice of the emergency relocation shall be provided to the owner or other responsible parties as soon as practicable. Service of the notice shall be made either by personal delivery to the person to be notified or by deposit in the U.S. Mail to such person to be notified at the address shown upon the last tax roll or as shown upon some other public record pertaining to the matter to which such notice is directed. Service by mail shall be deemed effective at the time of deposit in the post office. The notice shall describe the condition that caused the emergency vacation and imminent and/or immediate danger to the health and safety of the tenant household(s) and/or public that resulted in the emergency vacation as well as the city's intent to collect the relocation costs and attorney's fees as a special assessment against the property subject to collection at the same time and in the same manner as is provided for the collection of ordinary property taxes pursuant to Section 38773.5 of the California Government Code or any successor statute. The notice shall also advise that a hearing to contest the need for the emergency vacation and the amount of the relocation payments may be requested within fifteen (15) days of the notice. If a timely request for a hearing is submitted, it shall be heard within fifteen (15) days of receipt of the request pursuant to the procedures set forth in Section 1.12.170. The decision of the hearing officer may be appealed to the city council pursuant to the terms of Section 1.12.180.

D. The costs and expenses of an emergency vacation shall be made a lien on the property and shall be collected pursuant to the procedure found in Sections 1.12.210 to 1.12.230. (Ord. 12-6 § 1 (part))

8.32.100 Move-back option.

A. The relocation of a tenant household pursuant to this chapter shall not terminate the tenancy of the relocated household.

B. A tenant household displaced due to repairs or rehabilitation undertaken to bring a property into code compliance shall have the right to reoccupy the unit or room from which it was displaced as soon as the unit is ready for reoccupancy.

C. If a tenant household wishes to avail itself of this option, it must inform the owner in writing of its current address at all times during the period of displacement.

D. As a general rule, owners shall notify a relocated tenant household at least thirty (30) days in advance by registered mail of the availability of the unit or room. If a shorter notice is given and the tenant household indicates that it wishes to move back, the unit or room must be held vacant at no cost to the tenant household for a period of thirty-five (35) days after the mailing of the notice of availability.

E. Within five (5) days of receipt of notice of availability of the unit or room, a tenant household wishing to move back must personally notify the owner of its intent to reoccupy the rental unit or room. (Ord. 12-6 § 1 (part))

F. A unit or room shall be deemed to be permanently surrendered and the tenancy terminated when the tenant household provides notice in writing to the owner that it does not intend to reoccupy the unit or room from which it was displaced or does not notify the owner of its intent to reoccupy the unit or room. If the owner has not made relocation payments as required by this chapter and the tenant has not timely notified the landlord of its intent to reoccupy the premises, then it shall be presumed that the surrender of the right of possession of the premises was involuntary, unless the owner has received a written notice from the tenant household permanently surrendering its right to occupy the premises.

8.32.110 Penalties.

In addition to any other penalty or remedy available or imposed by at law or in equity, any person violating any provision or failing to comply with any of the requirements of this chapter shall be deemed guilty of an infraction as set forth in Chapter 1.20. (Ord. 12-6 § 1 (part))

8.32.120 Private right of action.

Any person or organization aggrieved by a violation of any provision of this chapter shall have the right to file an action for injunctive relief and/or damages. Treble damages shall be awarded for willful failure to comply with the payment obligation established by this chapter. (Ord. 12-6 § 1 (part)) The prevailing party in any court action under this chapter shall be entitled to reasonable attorneys fees.

8.32.130 Notices

All notices required by this ordinance shall be provided in English and Spanish.

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JOINT PRESS RELEASE FOR SETTLEMENT OF CALDERON SUIT

EXHIBIT 5 TO SETTLEMENT AGREEMENT

For Immediate Release. October 1, 2014

St. Helena, California.

The parties in a federal fair housing lawsuit, including members of four Latino families, Fair Housing Napa Valley (an agency that provides fair housing counseling and works with community members to ensure equal opportunities in housing), Latinos Unidos del Valle de Napa y Solano (an advocacy group for affordable housing in Napa County), and the City of St. Helena, announced today that settlements have been reached with all of the lawsuit's defendants, including both the City and the landlord who owned the low income housing units where the residents had previously lived. The settlement with the City was approved by the City Council and has now been signed by all parties. Certain additional approvals are required before the settlement is finalized, which the City will consider following an open, public process in the next 30-90 days. Attorneys for both the Plaintiffs and St. Helena City Manager Jennifer Phillips hailed the settlement as a win-win result. According to Ms. Phillips, St. Helena already has the highest percentage of regulated affordable housing units per capita in Napa County. Ms. Phillips stated, "the City looks forward to the creation of more quality, affordable housing for less advantaged families."

The settlement in Calderon vs Barbarino addresses the specific concerns of the four families who were displaced on short notice from their housing on Pope Street in November of 2011, after one of the families and Fair Housing Napa Valley reported the poor living conditions to the City. The City's Code Enforcement officials then conducted an inspection and discovered unsafe and unsanitary living conditions in the families' rental units. Under the settlements, the four families will receive compensation from their former Pope Street landlords, the Barbarino family, and from the City. "These families have lived and worked in St. Helena for years. Their children have grown up here. We are hopeful that this settlement leads to more dialogue within our community to find creative ways to ensure that there is enough affordable, accessible, and decent housing for these families and for all who contribute to the economic and cultural vibrancy of the Napa Valley." said Nicole Collier, Executive Director of Fair Housing of Napa Valley. Attorney Liza Cristol Deman, who represented the four displaced families and Fair Housing of Napa Valley in the lawsuit, agreed. She said, "all sides in this difficult case tried to do the right thing, both for these four families and to help address the need for more affordable housing in St. Helena."

The City had passed an ordinance before the Calderon lawsuit to require landlords to pay the relocation costs of tenants displaced due to safety and other Code violations. Under the settlement the City will soon consider strengthening that ordinance and amending another ordinance that would give top priority on affordable housing waiting lists to low income residents who were displaced from their rental units because of unsafe or unlivable conditions. City Manager Phillips and Ms. Cristol Deman agreed: "We realized early in this litigation that the parties share a common value of ensuring safe, decent housing for St. Helena residents, and protecting vulnerable tenants from the impacts of sudden displacement from their homes due to unsafe conditions beyond their control."

The settlement also includes a promise of periodic payments to St. Helena's pre-existing Affordable Housing Trust Fund, with guarantees that the moneys earmarked from the settlement payments into that Trust Fund will be used exclusively for affordable housing units. Moreover, if fewer than 15 low-income units have been approved by the end of 2021, the City will be required to contribute the moneys toward the development of low-income housing development within the following 12 months.

City Manager Phillips said "St. Helena hopes the settlement will incentivize the actual construction of affordable units; if the City approves private market development of low-income housing units at a certain rate and by certain benchmark dates specified in the settlement agreement, the City will be excused from making some of the earmarked moneys payable into the Trust Fund." She noted that City residents favor development of smaller, more personalized affordable projects and revitalization site opportunities in residential areas to better weave lower income housing into the fabric of the community.

The Agreement also makes clear that its provisions allow the City to approve the development of more affordable units. Ilene J. Jacobs, one of the Plaintiffs' lead negotiators, said "this will encourage the growth of much needed affordable housing for workers in the hospitality, winery, and agriculture industries."

City Manager Phillips said the Settlement Agreement requires the City to consider a number of proposed legislative changes to the St. Helena Municipal Code that make the City even more receptive to both non-profit and for-profit private developers of low income housing. These include provisions addressing a bonus for increased housing density and water priority for low income residential development.

If, after public review, the City Council approves the final amendments, a copy of the executed settlement agreement among the parties will be posted on both the City's website and on the Fair Housing of Napa Valley website, www.napafairhousing.org. The plaintiffs were represented by Liza Cristol Deman and other attorneys at Brancart & Brancart, a firm that specializes in enforcement of fair housing laws, by David Grabill, and by Ilene J. Jacobs at California Rural Legal Assistance, Inc. The City was represented by City Attorney Thomas Brown and Ronald Frank at the firm of Burke, Williams and Sorensen, LLP.

For additional information, please contact:

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City of St. Helena
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For the Barbarino Family

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Stratman, Patterson & Hunter
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AFFORDABLE HOUSING DEVELOPERS TO BE NOTIFIED:

Affordable Housing Associates (AHA)
1250 Addison Street, Ste. G
Berkeley, CA 94702
(510) 649-8500
www.ahainc.org

BRIDGE Housing
1 Hawthorne Street, Ste. 400
San Francisco, CA 94105
(415) 989-1111
www.bridgehousing.com

Burbank Housing Development Corp.
790 Sonoma Avenue
Santa Rosa, CA 95404
(707) 526 9733
www.burbankhousing.org

Calistoga Affordable Housing
1332 Lincoln Street
Calistoga, CA 94515
(707) 942-9520
www.calistogaaffordablehousing.org

Community Housing Development
Corporation of North Richmond (CHDC)
1535 Third Street, #A
Richmond, CA 94801
(510) 412-9290
www.chdcnr.com

EAH Housing
2169 E. Francisco Blvd., Ste. B
San Rafael, CA 94901
(415) 258-1800
www.eahhousing.org

Christian Church Homes of No. California
303 Hegenberger Rd., Ste. 201
Oakland, CA 94621
(510) 632-6712
www.cchnc.org

Eden Housing
409 Jackson Street
Hayward, CA 94544
(510) 582-1460
www.edenhousing.org

Mercy Housing California
1360 Mission Street, Ste. 300
San Francisco, CA 94103
(415) 355-7100
www.mercyhousing.org

Napa Valley Community Housing
Five Financial Plaza, Suite 200
Napa, CA 94558
(707) 253-6140
www.nvch.org

Mid-Peninsula Housing Coalition
303 Vintage Park Drive, Suite 250
Foster City, CA 94404
(650) 356-2900
www.midpen-housing.org

Satellite Housing Inc.
2526 Martin Luther King Jr. Way
Berkeley, CA 94704
(510) 647-0700
www.satellitehousing.org

Tentative Planning Commission Agenda
Updated: March 29, 2018

CURRENT AND PENDING MATTERS

March/April Important Dates:
1. March 6, 2018 - April 13, 2018 Hunter EIR Scoping Period
2. April 2, 2018 thru May 1, 2018 2040 General Plan EIR Scoping Period
3. April 13, 2018 End of Hunter EIR Scoping Period
4. April 17, 2018 2040 General Plan Update EIR Scoping Meeting-Planning Commission
5. April 17, 2018, Commercial Land Use Zoning Code Discussion-Planning Commission
6. April 24, 2018 Housing Element Update City Council Presentation
Active/Pending Projects In Process
1. See City of St Helena Planning Projects List
http://www.cityofsthelena.org/projects?term_node_tid_depth=21
Citywide PC/CC Assignments Prioritized by Staff and Planning Commission 9-5-17:
Tier 1 Priorities-2017-2018
1. 2040 General Plan Update and General Plan EIR-On Going
2. Initiate Creation of Design Guidelines-On Going
3. Comprehensive Zoning Code Update-On-Going
3a. F.A.R. Review-To be conducted with Zoning Code Update-PC Discussion 2-6-18
3b. Demolition Permit Review/ Limit on Demolition Permits
3c. Temporary Use Permit-Create Process-Ordinance and ZC Amendments
3d. Update Daycare Zoning Regs-Consistent with State Law
3e. Food Truck Ordinance
3f. Review Permitted/Conditional Uses in SC and CB Zoning Districts (CC Assigned 8/22/17)
3g. Review process for existing winery changes (PC assigned 8/22/17), existing Non-Conforming Uses, focusing on large Industrial Users
3h. Review of Small Lot Zoning Standards
3i. Update Sign Code Standards-
3j. Review and Update Telecommunication regulations to be consistent with State and Federal Law
4. Pre-Application/Concept Design Review Meeting prior to Submittal (CC Assigned 3/28/17)
Tier 2 Priorities 2018 +
1. Housing Strategic Plan-"Housing First" and Workforce Housing Study and Determine What Uses Generate Housing Needs (CC Assigned 8/22/17)
2. Review and Update Noise Ordinance
3. Code Enforcement Policy and Procedures Update

4. Pools-Drought Policy Changes. Phase 1?
Other PC/CC Assignments for Planning Department
1. Facilities Assessment RFP (CC Assigned 7-11-17) **RFP Issued 8-31-17**
SHAPE Committee Meeting On-Going
2. Water Update/Report from PW
Other Items of Interest to Planning Commission
1. Lot Line Adjustment Code Update-Potential
Required & On Going Items and Issues of Interest to Staff
1. Calderon Settlement Agreement Implementation and Monitoring-On Going
2. Short-Term Rental Ordinance Enforcement-On Going
3. Code Enforcement-On Going
4. PG&E Parking Lot Negotiation-On Going-Noah Housh
5. Growth Management Code Language Update and Annual Review (Sept)-Noah Housh
6. Fee Study-Pending
7. Review and Comment-Draft Tree Ordinance
8. AB 52 CEQA Process Implementation-Native American Consultation-On Going
9. PW & Planning - Ordinance to Amend Municipal Code Related to Exterior Fire Sprinklers
10. Affordable Housing Assistance; Contract Review; Term Negotiation; Etc.--On Going Noah Housh
Recent Actions
1. PL17-014 1000 Pratt Ave, DR for Beringer Winery Production Modifications April 18, 2017 Lilly Bianco-Approved- DR Appealed to the City Council 5-3-17 (PL17-032 1000 Pratt Ave) CC Review June 13, 2017-Appeal Denied by CC-Lilly Bianco
2. Zoning Code Update to Address Changes in State Law-Second Dwelling Units-Noah Housh- CC Pending for June 13, 2017 (PC Recommended May 2, 2017)-Approved
3. PL17-021 STR Permit 1764 Spring Street-Aaron Hecock-PC Approved
4. OTSH Concept for Affordable Housing on Railroad Property (CC Assigned 3/28/17) Presented to the CC
5. PL17-021 1764 Spring St New Short Term Rental-Aaron Hecock- Approved 6/6/17
6. RFP Selection Committee Recommendation on Adams Street RFP responses. Presented to the CC June 27, 2017.
7. PL17-045-1380 Main St-Sign Permit for New West Knife Works-Staff Approved-Aaron Hecock
8. PL17-039 1427 Kearney St DR for SFD Remodel + Addition –PC Approved-Lilly Bianco
9. PL17-019 1734 Scott St DR for Home and Second Unit Remodel-PC approved June 20, 2017 Lilly Bianco
10. PL17-028 1660 Kearney St DR for Residential Remodel + 455 Sq ft Addition-PC approved June 20, 2017Lilly Bianco
11. PL17-030 APN 009-362-015 LLA-Aaron Hecock- Approved 7/18/17
12. Joint PC/CC Meeting-August 22-Land Use 101CC and PC Reviewed 8-22-17

13. City Facilities Assessment RFP-CC to Review and Direct staff-Noah Housh CC Reviewed 8-22-17
14. HOME Grant Acceptance and Administration Contract-CC to Review and Act-Noah Housh-CC Approved 8-22-17
15. OTSH Fee Waiver Request-CC To Review and Provide Direction to Staff-Noah Housh-CC Approved 8-8-17
16. PL17-013 1915 Main St DR for Pedestrian Bridge over York Creek extending from Las Alcobas Hotel to Historic Beringer winery (2000 Main St)-Lilly Bianco-Approved 8-15-17
17. PL16-055 1045 Pratt Avenue-DR for new SFD on existing undeveloped flag lot. Lilly Bianco-Continued for Re-Approved 9-5-17
18. PL17-051 1057 Pratt Ave Second Extension for approved DR and Demo-Approved 9-5-17
19. PL17-046-627 Harvest Ln, Demolition of an Existing Barn –Aaron Hecock- Approved 11/7/17
20. PL17-057 1152 Church St-DR for Exterior Modifications to Existing Structure- Aaron Hecock-Approved 11/7/17
21. PL17-065 1226 Main St- Use Permit- Joseph Brockhoff approved 12/5/17
22. PL17-007 1178 Hudson Design Review Aaron Hecock- Approved 12/5/17
23. PL17-047-1916 Vineyard Ave-Demo and DR requesting to demolish existing SFD and construct a new SFD -Aaron Hecock- Approved 12/5/17
24. PL17-048 1843 Spring Mt Ct-DR for Exterior Building and Site Modifications-Lilly Bianco- Approved 12/5/17
25. PL17-059 1814 Spring St- DR for New SFR & Demo- Lilly Bianco Approved 12/19/17

*This document is intended as a courtesy and is only updated periodically. Therefore it may not reflect the most current project status. Please contact planning staff with questions about specific projects or properties at 707-967-2792.