



**City of St. Helena
Planning Commission
Regular Meeting
Tuesday, September 4, 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 please observe the time limit of four minutes.

Page

1. PLEDGE OF ALLEGIANCE
2. CALL TO ORDER AND ROLL CALL
Chairperson: Lester Hardy
Vice Chair: **David Knudsen is teleconferencing from 325 19th Street.
Boulder, CO 80302
Commissioners: Bobbi Monnette and John Ponte
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 the 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. **Please observe the time limit of four minutes.**
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: August 21, 2018 5 - 11
[Commission Minutes 08-21-18](#)
5. PUBLIC HEARINGS
 - 5.1. Request by Eric Sklar for a Short-Term Rental Permit to rent the single-family home located at 1610 Kearney Street in the Medium Density Residential District in accordance with the requirements of the Short-Term Rental Ordinance. 13 - 40

CEQA Determination: Exempt pursuant to Section 15061(B)3
Prepared By: Aaron Hecock, Senior Planner
Recommendation:
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; and
 2. Accept the required findings and approve a short-term rental permit at 1610 Kearney Street.

[1610 Kearney St. - Staff Report](#)
[Public Comment \(1\)](#)
[Public Comment \(2\)](#)
[1610 Kearney.Brown Public Comment](#)

- 5.2. Consideration and recommendation to the City Council of an Ordinance amending St. Helena Municipal Code ("SHMC") Title 17, 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.

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CEQA Determination: Exempt pursuant to Section 15061 of the CEQA Guidelines.

Prepared By: Aaron Hecock, Senior Planner

Recommendation:

Staff recommends that the Planning Commission review the Draft Ordinance and proposed text amendments related to permitted and conditional uses in the CB and SC zoning districts and:

1. Determine that the proposed text amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061; and
2. Recommend that the City Council approve the proposed Ordinance in order to update and modify existing zoning code regulations related to permitted and conditional uses in the CB and SC zoning districts.

[Amending St. Helena Municipal Code \("SHMC"\) Title 17, Section 17.48 \(Central Business District\) and 17.52 \(Service Commercial\), to modify the list of permitted and conditional uses - Staff Report](#)

- 5.3. *This item is continued from the July 17, 2018 Planning Commission meeting and will be again continued to September 18, 2018. *Request by Brian Moore on behalf of Verizon Wireless for adoption of a resolution granting design review approval in order to place a 12 foot high addition on an existing PG&E tower to accommodate 6 new panel antennas and associated equipment on the property located near the 1600 block of Grayson Avenue in the A-20 zoning district.

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

Prepared By: Aaron Hecock, Senior Planner

[Verizon Wireless - 1600 block of Grayson Ave.](#)

6. SCHEDULED MATTERS

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. A list of all current planning projects is available on our city website in the link below:

http://www.cityofsthelena.org/projects?term_node_tid_depth=21

Please contact the assigned project Planner for additional questions.

9. ADJOURNMENT

The next Regular Planning Commission meeting is scheduled for September 18, 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 August 24, 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://cityofstheleena.org> and will be available for public review at the respective meeting.

MINUTES
City of St. Helena
Planning Commission Meeting
Tuesday, August 21, 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://sthenela.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: Vice-Chair Lester Hardy, Commissioner David Knudsen, Commissioner Bobbi Monnette, and Commissioner John Ponte

Absent: None

Staff Present: Noah Housh, Planning & Community Improvement Director, 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 Monnette pulled item 4.3 on the Consent Calendar.

Senior Planner Aaron Hecock pulled item 4.4 and will be continued to a date uncertain.

Vice-Chair Knudsen pulled item 4.1 on the Consent Calendar.

- 4.2 Request by Michael Collins for Design Review Exemption to construct a free-standing 13 foot tall, approximately 420 sq-ft trellis in the backyard at 1585 Arrowhead Drive in the Medium Density Residential (MR) Zoning District.

CEQA Determination: Exempt from the requirements of CEQA pursuant to Section 15301, which exempts the construction of small accessory structures.

Prepared By: Lilly Bianco, Contract Planner

Recommendation:

Staff recommends that the Planning Commission adopt a resolution to:

1. Find that the project is exempt from the requirements of CEQA as a Class 1 Categorical Exemption pursuant to CEQA Section 15301 as a

- small accessory structure, and
2. Accept the required findings and approve the Design Review Exemption for the proposed trellis at 1585 Arrowhead Drive.

Commissioner John Ponte moved to approve item 4.2 on the Consent Calendar. The motion was seconded by Commissioner Bobbi Monnette and on roll call carried by the following vote:

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

4.1 Approval of Minutes: July 17, 2018

Commissioner Bobbi Monnette moved to approve the Minutes on the Consent Calendar. The motion was seconded by Commissioner John Ponte and on roll call carried by the following vote:

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

4.3 Request by Don Gallagher for adoption of a resolution granting a design review exemption in order to construct two storage sheds near an existing agricultural barn located at 1859 Hillview Place in the Twenty-acre Agriculture (A-20) district.

CEQA Determination: Exempt pursuant to CEQA Guidelines Section 15303.
Prepared By: Aaron Hecock, Senior Planner

Recommendation:

Staff finds that the proposed accessory structures raise no substantial design problems and therefore recommend that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15303; and
2. Approve a resolution finding that the project is exempt from design review thereby approving the construction of two storage sheds on the property located at 1859 Hillview Place.

Commissioner Monnette disclosed written and oral ex parte communication.

Senior Planner Aaron Hecock reported on the item.

Don Gallagher addressed the Commission.

Chair Hardy opened public comment.

Joy Brown, Barry Brown, Suzan Mitchel and Don Gallagher addressed the Commission.

Chair Hardy closed public comment.

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

AYES: Lester Hardy, David Knudsen, and John Ponte

NOES: None

ABSENT: None

ABSTAIN: Bobbi Monnette

RECUSE: None

- 4.4 Request by Jay M. Behmke on behalf of 929 Main Street, LLC for approval of a resolution granting a sign permit for new signage at Yao Family Wines located at 929 Main Street in the Service Commercial (SC) district.

CEQA Determination: Exempt pursuant to Section 15311 of the CEQA Guidelines.

Prepared By: Aaron Hecock, Senior Planner

Recommendation:

Staff finds that the proposed signage is in compliance with all required standards and therefore recommends that the Planning Commission:

1. Determine that the signs are exempt from the requirements of CEQA pursuant to Section 15311; and
2. Approve a resolution granting a sign permit for new signage on the property located at 929 Main Street.

Item will be continued to a date uncertain.

Chair Hardy called for a recess at 7:02 P.M.

Chair Hardy reconvened the meeting at 7:11 P.M.

5. PUBLIC HEARINGS

- 5.1 Request by Gary Head for Design Review Approval to construct a new single

family residence with detached accessory dwelling, landscaping, pool (under separate permit), and other appurtenant improvements at 1760 Dean York Lane in St. Helena.

CEQA Determination: The project is exempt from the requirements of CEQA pursuant to Section 15303, which exempts the construction of single-family residences, amongst other things.

Prepared By: Lilly Bianco, Contract Planner

Recommendation:

Staff finds that the proposed configuration of the site, the overall design elements and proposed materials/finishes are appropriate for the subject property and recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA, pursuant to Section 15303, which exempts the construction single-family residences.
2. Accept the required findings and grant design review approval for the Cypress House at 1760 Dean York Lane.

Item to be continued to a date certain of September 18, 2018.

Commissioner Bobbi Monnette moved to continue item to a date certain of September 18, 2018. The motion was seconded by Commissioner John Ponte and on roll call carried by the following vote:

AYES: Lester Hardy, David Knudsen, Bobbi Monnette, and John Ponte

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

- 5.2 Consideration and recommendation to the City Council of an Ordinance amending St. Helena Municipal Code ("SHMC") Title 17, Section 17.148, Signs, as deemed appropriate by the Planning Commission.

CEQA Determination: Exempt pursuant to Section 15061 of the CEQA Guidelines.

Prepared By: Aaron Hecock, Senior Planner

Recommendation:

Staff recommends that the Planning Commission review the Draft Ordinance and proposed text amendments to the Sign Ordinance and recommend the following:

1. Determine that the proposed text amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061; and

2. Recommend that the City Council approve the proposed Ordinance in order to update and modify existing zoning code regulations governing signs, expand the current allowances for Administrative Sign Permits and create and implement an administrative sign permit fee.

Senior Planner Aaron Hecock reported on the item.

Chair Hardy opened public comment.

Debra Dommen addressed the Commission.

Chair Hardy closed public comment.

Commissioner Bobbi Monnette moved to approve staff recommendation as amended. The motion was seconded by Chair Lester Hardy and on roll call carried by the following vote:

AYES: Lester Hardy, David Knudsen, Bobbi Monnette, and John Ponte

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

- 5.3 Review and recommendation to the City Council of an Ordinance amending and restating St. Helena Municipal Code (SHMC) Chapter 17.164 'Design Review', modifying the requirements and process for Design Review primarily as applied to single family residential projects; proposing to eliminate the requirement for Design Review for "Outdoor Seating" identified in SHMC Chapters 17.48.090 and 17.52.090; and proposing to eliminate the requirement for Design Review for the installation of "Awnings and Canopies", as identified in SHMC Chapter 17.112.070, citywide.

CEQA Determination: Exempt from the requirements of CEQA under Sections 15301, 15302 and 15303 and 15061 (b)(3)

Prepared By: Noah Housh, Planning & Community Improvement Director

Recommendation:

It is recommended by the Planning and Community Improvement Department that the Planning Commission:

1. Find that the proposed changes are exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15302 and 15303 in that these modifications reduce the administrative process for modifications to and replacement of existing single family residential structures and further allow the construction or conversion of "Small Structures" as defined in the statute; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that 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 therefore, the activity is not subject to CEQA; and

2. Review, comment and make a recommendation to the City Council on the proposed changes to Chapters 17.164, 17.48.090 C. 6., 17.52.090 D. 6., 17.112.050 B. and 17.112.070 of the St. Helena Municipal Code.

Planning and Community Improvement Director Noah Housh reported on the item.

No public comment received.

Vice-Chair David Knudsen moved to approve that the proposed text amendments are exempt from the requirements of CEQA as per staff recommendation. The motion was seconded by Chair Lester Hardy and on roll call carried by the following vote:

AYES: Lester Hardy, David Knudsen, Bobbi Monnette, and John Ponte

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

Vice-Chair David Knudsen moved to forward the proposed recommendations to the City Council for approval. The motion was seconded by Commissioner John Ponte and on roll call carried by the following vote:

AYES: 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 A list of all current planning projects is available on our city website.

9. ADJOURNMENT

Chair Kistner adjourned the meeting at **8:58 P.M.**

APPROVED:

ATTEST:

Lester Hardy, Planning Commission Chair

Noah Housh, Planning and Community
Improvement Director



PLANNING COMMISSION REPORT
Planning Commission Meeting of September 4, 2018

AGENDA SECTION: Public Hearing

FILE NUMBER: PL18-053

SUBJECT: Request by Eric Sklar for a Short-Term Rental Permit to rent the single-family home located at 1610 Kearney Street in the Medium Density Residential District in accordance with the requirements of the Short-Term Rental Ordinance.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Noah Housh, Planning & Community Improvement Director

APPROVED BY: Noah Housh, Planning & Community Improvement Director

APPLICATION FILED: 07/05/18

ACCEPTED AS COMPLETE: 07/23/18

LOCATION OF PROPERTY: 1610 Kearney Street

APN: 009-163-010

GENERAL PLAN/ZONING: Medium Density Residential (MR)

APPLICANT: Eric Sklar

PHONE: (707) 484-8656

BACKGROUND

Several of the City's 25 short-term rental (STR) permits have become available due to a variety of circumstances including the denial of a renewal, expiring permits, and homes being sold (the permits are non-transferable). In 2016, the STR ordinance was updated and amended including the addition of a local preference policy. This addition states *"Preference for the review and issuance of new short-term rental permits shall be given to current residents of St. Helena over nonresident applicants. Applicants whose primary residence is within the city of St. Helena shall be reviewed and acted on ahead of other nonresident applications to implement the local preference policy for short-term rental permits."*

Staff is currently working through the waiting list in an attempt to find a local residents to fill the available permit space. The applicant was notified of their eligibility and subsequently submitted an application for a STR permit on July 5, 2018. In accordance with the STR ordinance, a notice of application was sent to all residents and property owners within 300 feet of the subject parcel on July 24, 2018 informing them of the STR application and notifying them that they may submit written comments on the application. At the conclusion of the 30 day public comment period, the application was scheduled on a publicly noticed Planning Commission agenda and all residents and property owners within 300 feet were notified of the meeting.

PROJECT DESCRIPTION

The applicant is requesting a Short-Term Rental Permit to rent the single-family home located at 1610 Kearney Street in the Medium Density Residential District in accordance with the requirements of the Short-Term Rental Ordinance.

ANALYSIS

GENERAL PLAN/ZONING

The property has a General Plan and Zoning designation of Medium Density Residential (MR). This district provides for single-family detached homes, accessory dwelling units, limited agricultural uses and other compatible uses. Short-term rentals which are defined as a use in which overnight accommodations are provided to guests for compensation for periods of less than thirty (30) days in a single-family dwelling require permit approval in the MR district.

SHORT-TERM RENTAL PERMIT

Municipal Code Section 17.134 regulates short-term rentals within the City. The purpose of the STR ordinance is to establish a permitting process and appropriate restrictions and standards for the short-term rental of single-family dwellings; to provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city; to ensure the collection and payment of transient occupancy taxes (TOT); to minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods; and to retain the character of the neighborhoods in which any such use occurs.

In accordance with Municipal Code Section 17.134.060(A), the Planning Commission shall review and either approve or deny the application after considering the effects the proposed use would have on surrounding uses and the cumulative impacts within the community. In approving a STR application, the planning commission must make the following findings:

1. The establishment of a short-term rental at the subject property is consistent with the purpose of the general plan, including policies regarding the displacement of rental units in the housing stock.

2. The establishment of a short-term rental at the subject property will not be detrimental to a building, structure or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature.
3. The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.
4. The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city and will help to ensure the collection and payment of transient occupancy taxes.

Per Section 17.134.090 of the Short-term Rental Ordinance, a STR may be revoked by the Planning Director if any of the following occur:

1. The owner-applicant gave false or misleading information during the application process;
2. There has been a violation of any of the terms, conditions and restrictions on the use of the dwelling unit for short-term rental use;
3. The owner-applicant has violated any provision of the ordinance; or
4. The owner-applicant has failed to timely pay the transient occupancy tax as required by this code.

Staff Response: The City has an adopted short-term rental ordinance that allows for a maximum of 25 short-term rental permits in the City; 5 of the 25 permits are currently available. Furthermore, short-term rentals are a permitted use (with an approved permit) within the MR 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; they purchased the home in 1999; and the subject property is their primary residence. Additionally, the proposed STR location has two (2) required off-street parking spaces and is five (5) bedrooms or less (it is a 3 bedroom home). In this case, the applicant is an ideal candidate for a short-term rental permit as the application meets all the criteria established by the City Council for a preferred permit holder.

CEQA

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.

ISSUES

Staff has not identified any other issues related to this application that require additional discussion.

CORRESPONDENCE

Staff received seven (7) letters of opposition in regard to this application which are attached to this report. Opposition is focused on the following:

- Opposition to STRs in general;
- The applicant's business interests;
- Safety;
- Increased traffic;
- Parking; and
- Noise.

STAFF RECOMMENDATION

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; and
2. Accept the required findings and approve a short-term rental permit at 1610 Kearney Street.

ATTACHMENTS

[Resolution](#)

[APN Map](#)

[Aerial View](#)

[Floor Plan](#)

[Parking Plan](#)

[STR location map 2018](#)

[Written Statement](#)

[Public Comments](#)

**CITY OF ST. HELENA, STATE OF CALIFORNIA
RESOLUTION NO.
GRANTING A SHORT-TERM RENTAL PERMIT TO
1610 KEARNEY STREET (#PL18-053)**

PROPERTY OWNER: Eric & Erica Sklar

APN: 009-163-010

RECITALS

- A. In July 2018, staff confirmed the applicant's eligibility to apply for a short-term rental permit under the short-term rental ordinance's Restrictions and Standards (Municipal Code Section 17.134.040).
- B. On July 5, 2018, the applicant submitted an application for a short-term rental permit at 1610 Kearney Street in the Medium Density Residential (MR) district.
- C. In accordance with the short-term rental ordinance, a Notice of Application was sent to all residents and property owners within 300 feet of the subject parcel on July 24, 2018 informing them of the short-term rental application and notifying them that they may submit written comments on the application.
- D. The Planning Commission of the City of St. Helena, State of California, held a duly noticed public hearing on September 4, 2018 to consider the application.

RESOLUTION

- A. The Planning Commission hereby finds that 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.
- B. The Planning Commission hereby finds that the Short-Term Rental Permit application complies with the following required findings pursuant to Section 17.134.060 of the St. Helena Municipal Code:
 - 1. The establishment of a short-term rental at the subject property is consistent with the purpose of the general plan, including policies regarding the displacement of rental units in the housing stock in that the City Council has adopted a short-term rental ordinance limiting the number of permitted short-term rental in the City to twenty-five (25).
 - 2. The establishment of a short-term rental at the subject property will not be detrimental to a building, structure or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature in that no modifications to a structure will occur as a result of a short-term rental permit being issued.
 - 3. The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses in that the short-term rental would operate occasionally when the property owner is away for work, but would otherwise be occupied by a long term resident.

*1610 Kearney Street
Short-term Rental Approval
September 4, 2018*

4. The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city and will help to ensure the collection and payment of transient occupancy taxes in that an additional rental space will become available.

C. The Short-Term Rental Permit for the above described property is granted subject to compliance with the following conditions.

CONDITIONS OF APPROVAL

1. The permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of the 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.
2. Pursuant to the St. Helena Municipal Code, Section 17.134.040. Short-Term Rentals shall be subject to the following restrictions and standards:
 - a. The short-term rental use shall be permitted in no more than one single-family dwelling per lot.
 - b. The short-term rental permit shall be in the name of the owner-applicant, who shall be an owner of the real property upon which the short-term rental use is to be permitted. One person may hold no more than one short-term rental permit. The permit shall not be transferable.
 - c. Short-term rental uses shall be limited to single-family dwellings existing and constructed as of the date of application for the short-term rental permit.
 - d. The total number of permits for short-term rental dwellings shall not exceed twenty-five (25) at any time.
 - e. The maximum number of bedrooms used for short-term rental use in the short-term rental dwelling shall be no greater than five (5). The total number of guests staying in the short-term rental dwelling at any one time shall be no greater than two times the number of bedrooms plus two persons, up to a maximum of twelve (12) persons.
 - f. Short-term rental dwellings shall meet all applicable building, health, fire and related safety codes at all times and shall be inspected by the fire department before any short-term rental activity can occur.
 - g. A minimum of two (2) on-site parking spaces shall be provided for use by the short-term rental occupants.
 - h. The owner-applicant shall keep on file with the city the name, telephone number, cell phone number, and e-mail address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information shall be posted in a conspicuous location within the short-term rental dwelling. The local contact person shall be available twenty-four (24) hours a day to accept telephone calls and respond physically to the short-term rental within thirty (30) minutes when the short-term rental is rented and occupied. The city shall post the name and contact information of the local

1610 Kearney Street
Short-term Rental Approval
September 4, 2018

contact person associated with each short-term rental on the city's webpage.

3. The owner-applicant shall post "house policies" within each guest bedroom. The house policies shall be included in the rental agreement, which must be signed by the renter and shall be enforced by the owner-applicant or the owner-applicant's designated contact person. The house policies at a minimum shall include the following provisions:
 - a. Quiet hours shall be maintained from ten p.m. to seven a.m., during which noise within or outside the short-term rental dwelling shall not disturb anyone on a neighboring property.
 - b. Amplified sound that is audible beyond the property boundaries of the short-term rental dwelling is prohibited.
 - c. Except as permitted by the planning director, vehicles shall be parked in the designated on-site parking area and shall not be parked on the street overnight.
 - d. Parties or group gatherings which exceed the maximum number of allowed guests and/or which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.
4. Auctions, weddings, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.
5. The owner-applicant shall ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.
6. The owner-applicant, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this code or state law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.
7. All advertising for any short-term rental, including electronic advertising on short-term rental websites, shall include the number of the short-term rental permit granted to the owner-applicant.
8. The owner-applicant shall maintain city business licenses and pay all transient occupancy taxes in accordance with Chapter 3.28 as required.
9. Preference for the review and issuance of new short-term rental permits shall be given to current residents of St. Helena over nonresident applicants. Applicants whose primary residence is within the city of St. Helena shall be reviewed and

acted on ahead of other nonresident applications to implement the local preference policy for short-term rental permits.

10. Applicants for short-term rental permits are required to have owned their homes for a minimum of three years prior to applying for and being issued a short-term rental permit.
11. Short-term rental permit holders are required to rent their properties on a short-term basis a minimum (average) of sixty (60) days per year. Individual permit holders who do not meet this minimum rental activity may (at the determination of the director) have their renewal denied and/or reviewed by the planning commission at a noticed public hearing. Short-term rental permit holders who utilize their primary residence for short-term rental activities are exempted from this requirement.
12. This permit is valid for 2 years and the owner must reapply for subsequent short-term rental permits to extend the use beyond this period. It is the applicant's responsibility to apply for renewal, no notice will be provided from the City.
13. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.

I HEREBY CERTIFY that the foregoing short-term rental permit 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 September 4, 2018 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

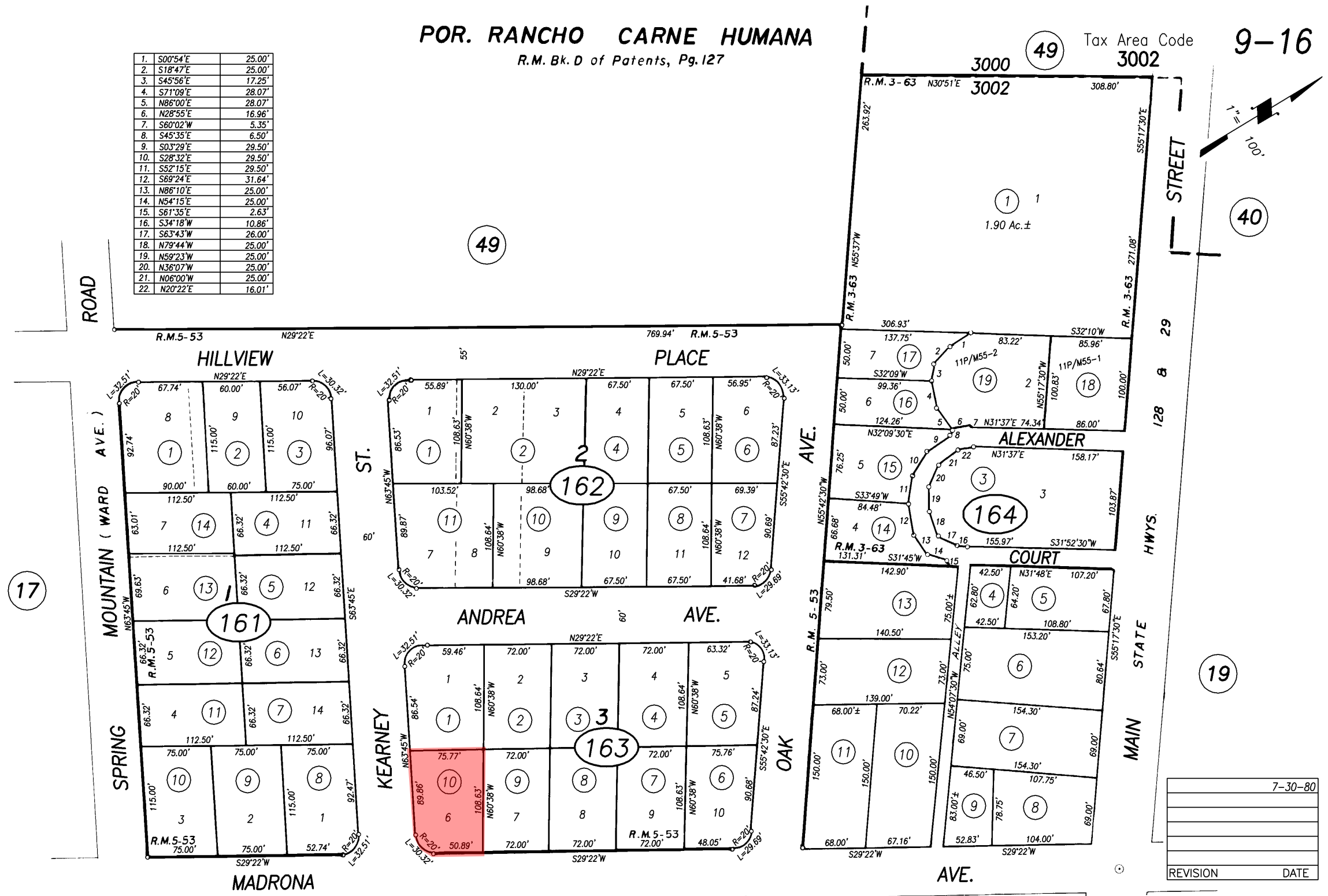
Lester Hardy
Chair, Planning Commission

Noah Housh
Planning Director

POR. RANCHO CARNE HUMANA
R.M. Bk. D of Patents, Pg.127

49 Tax Area Code 3002 9-16

1.	S00°54'E	25.00'
2.	S18°47'E	25.00'
3.	S45°56'E	17.25'
4.	S71°09'E	28.07'
5.	N86°00'E	28.07'
6.	N28°55'E	16.96'
7.	S60°02'W	5.35'
8.	S45°35'E	6.50'
9.	S03°29'E	29.50'
10.	S28°32'E	29.50'
11.	S52°15'E	29.50'
12.	S69°24'E	31.64'
13.	N86°10'E	25.00'
14.	N54°15'E	25.00'
15.	S61°35'E	2.63'
16.	S34°18'W	10.86'
17.	S63°43'W	26.00'
18.	N79°44'W	25.00'
19.	N59°23'W	25.00'
20.	N36°07'W	25.00'
21.	N06°00'W	25.00'
22.	N20°22'E	16.01'

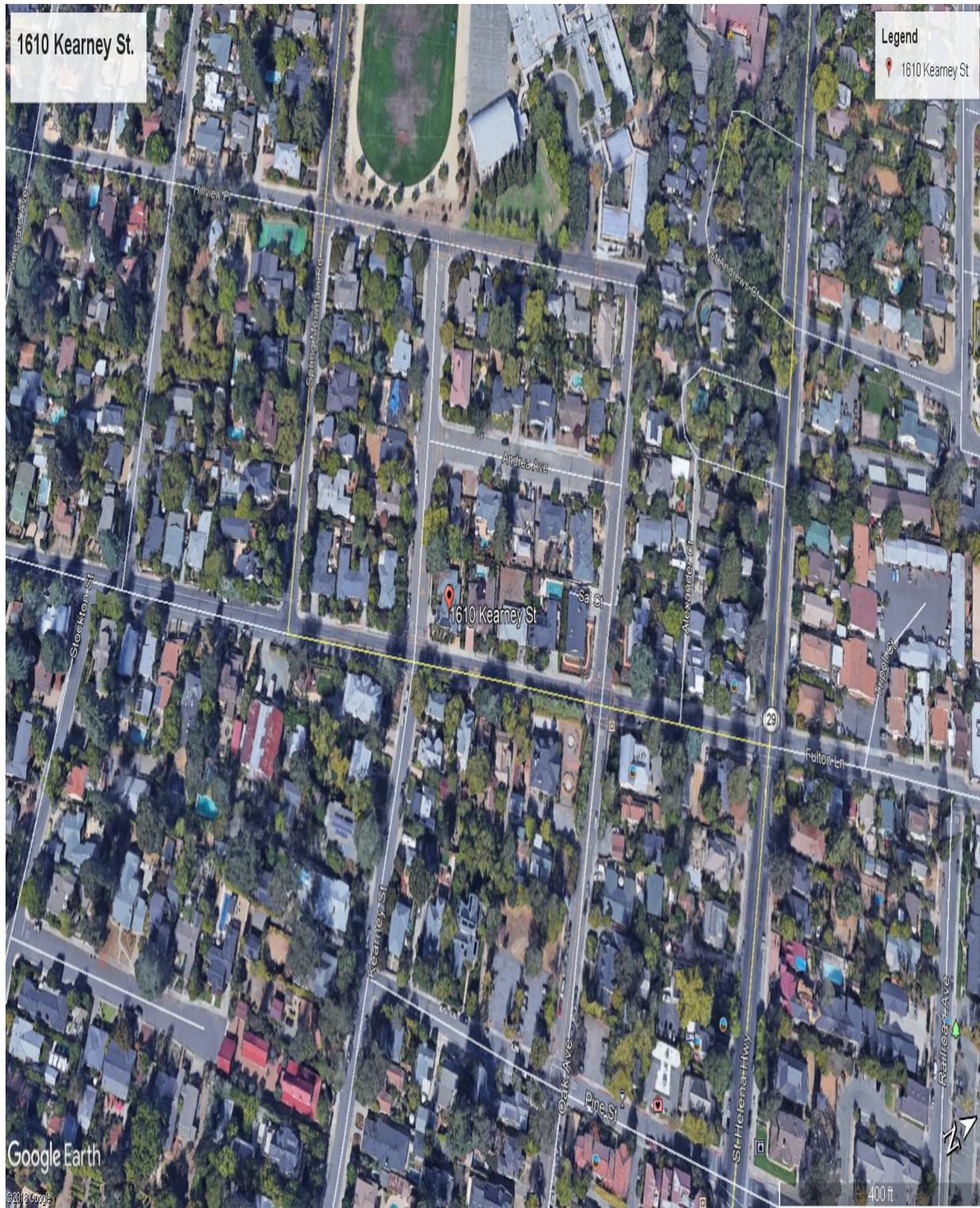


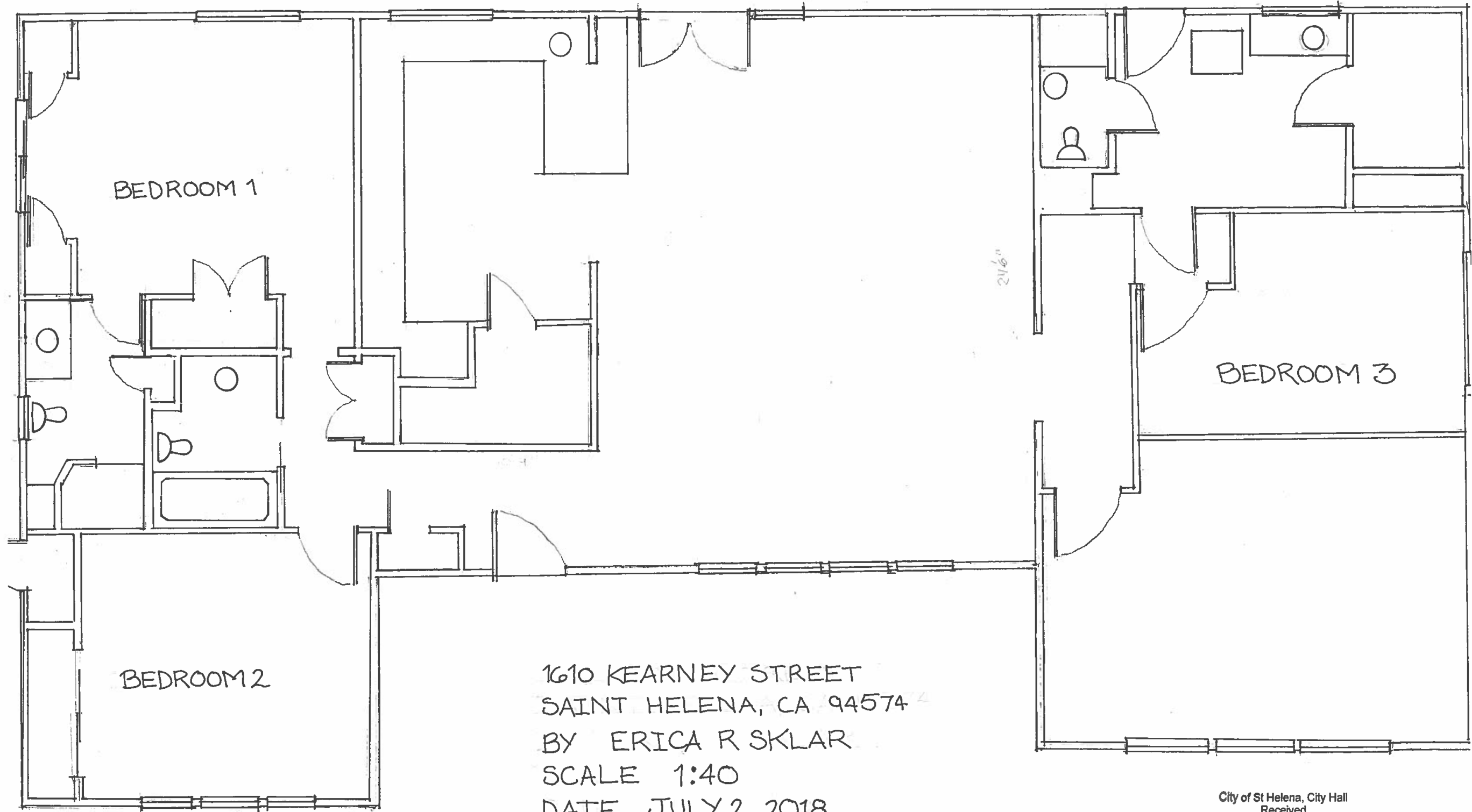
NOTE: This Map Was Prepared For Assessment Purposes Only , No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.

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

CITY OF ST. HELENA
Assessor's Map Bk. 9 Pg. 16
County of Napa, Calif.
1954-60-61



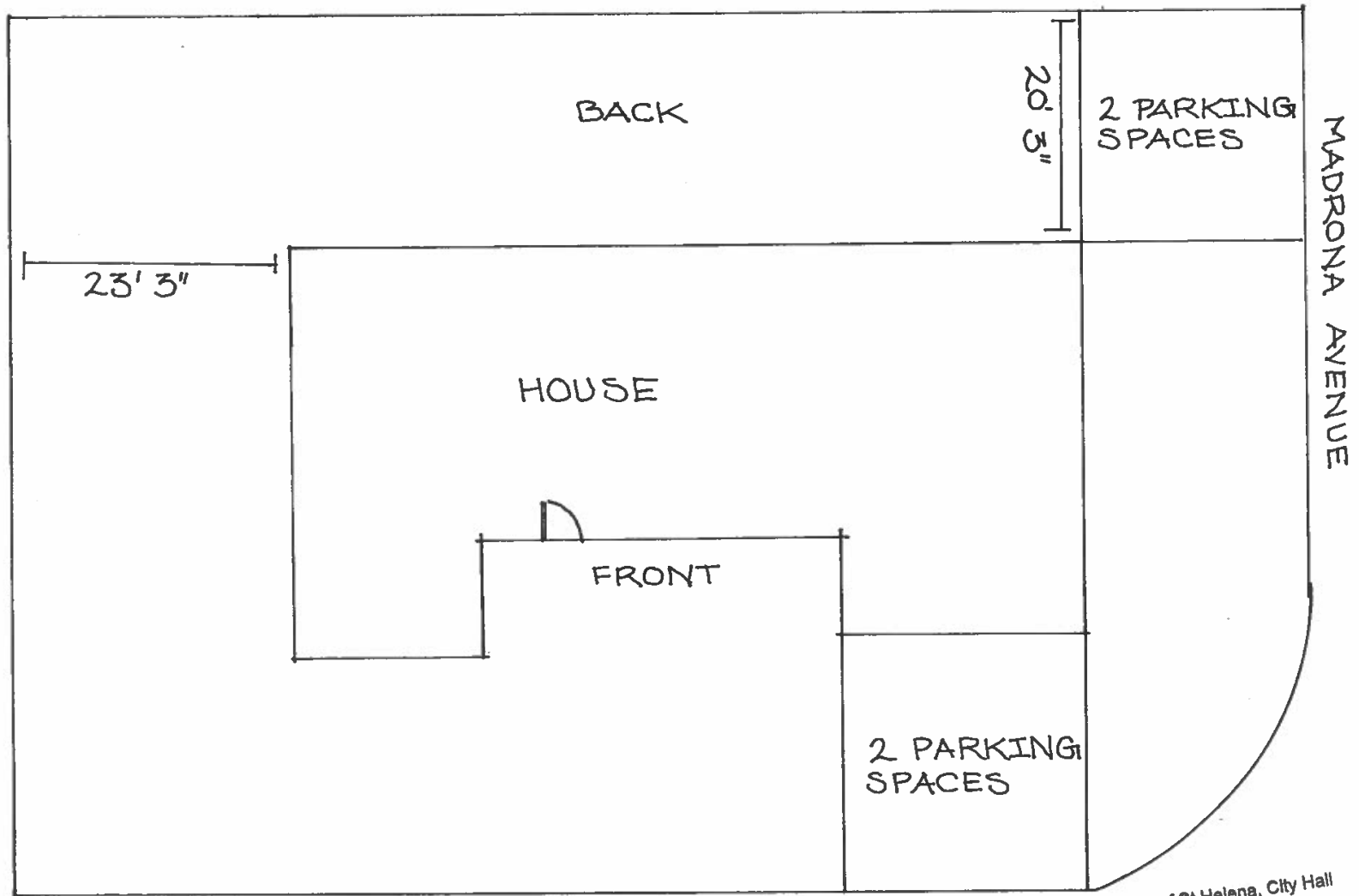


1610 KEARNEY STREET
SAINT HELENA, CA 94574
BY ERICA R SKLAR
SCALE 1:40
DATE JULY 2, 2018

City of St Helena, City Hall
Received

JUL 05 2018

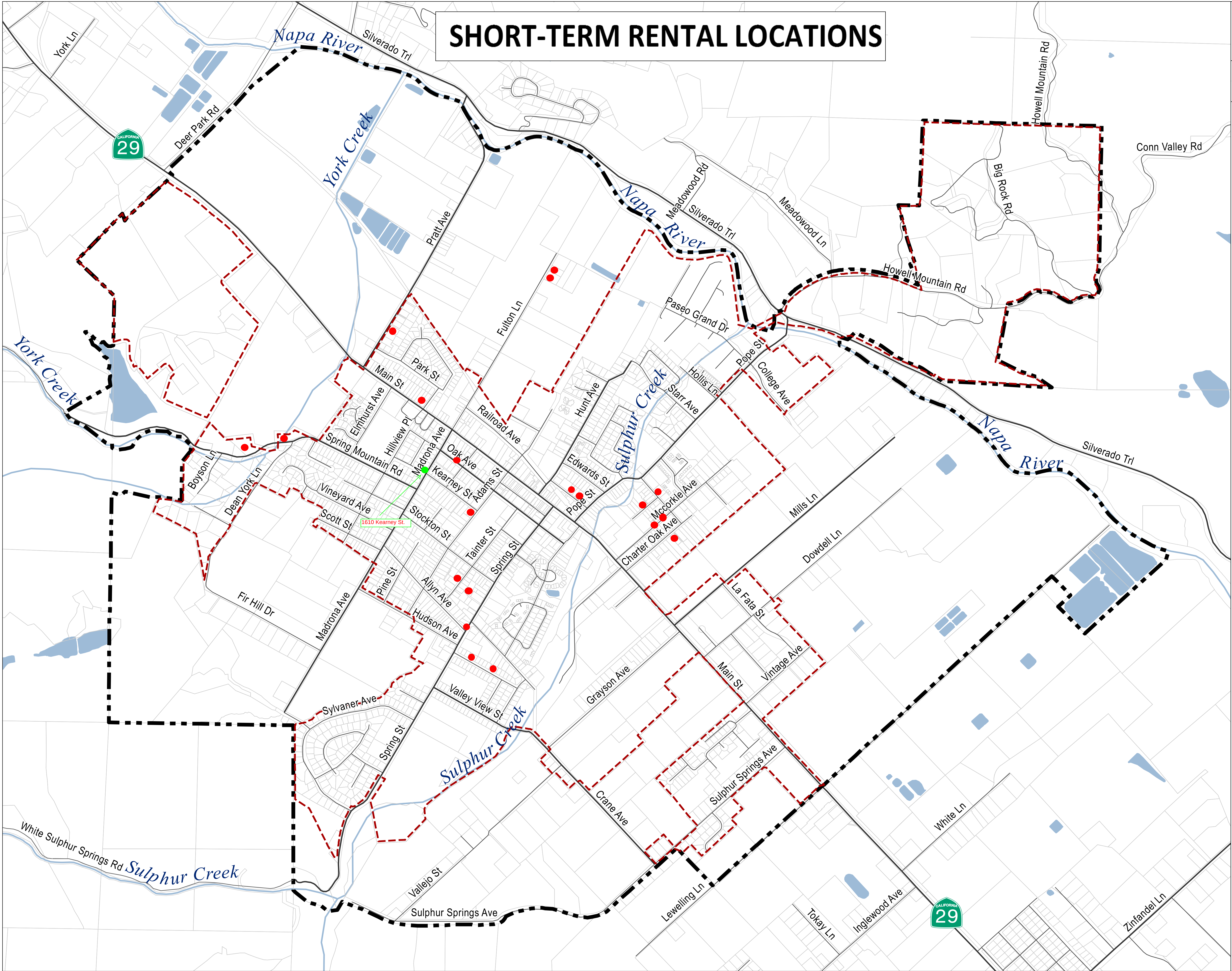
1480 Main St.
St Helena, CA 94574



1610 KEARNEY ST
 SAINT HELENA, CA 94574
 BY ERICA R SKLAR
 SCALE 1:120
 DATE JULY 2, 2018

KEARNEY STREET

City of St Helena, City Hall
 Received
 JUL 05 2018
 1480 Main St.
 St Helena, CA 94574



SHORT-TERM RENTAL LOCATIONS

CITY OF
ST. HELENA

Base Map

LEGEND

- Major Roads
- Local Roads
- River/Stream/Creek
- Water Bodies
- Parcels
- St. Helena City Boundary
- Urban Limit Line
- Short-term Renal Locations (approximate)



SAINT HELENA

*Eric and Erica Sklar
1610 Kearney Street
Saint Helena, California 94574*

City of St Helena, City Hall
Received

JUL 05 2018

1480 Main St.
St Helena, CA 94574

July 2, 2018

City of St. Helena
Planning Department
1480 Main St.
St Helena, CA 94574

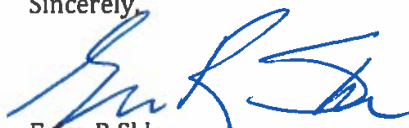
Re: Short Term Rental Application

To Whom It May Concern:

We are writing to a Short Term Rental Permit for our single-family home located at 1610 Kearney Street in St Helena. We are interested in renting out our home on a short term basis several times a year when we travel. Our intention is to use the rental income to help us cover expenses of our travel accommodations. We believe that our home will provide visitor's to St Helena with a family friendly option for accommodations and will not compete with our local hotels.

Thank you for your consideration. Please do not hesitate to contact us with any questions or concerns at (707) 738-2294 or sklarer@gmail.com.

Sincerely,



Erica R Sklar

July 28, 2018
City of St. Helena Planning Department
Aaron Hecock, Senior Planner
1480 Main Street
St. Helena, California 94574

Dear Mr. Hecock,

I recently received notice of the short term rental permit requested by our immediate neighbors at 1610 Kearney Street.

I strongly oppose the issuance of the short term rental permit to Eric Sklar at this property, which is across the street from my property and residence.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan J. Gearey". The signature is fluid and cursive, with the first name "Susan" being more prominent.

Susan J. Gearey

1550 Kearney Street
St. Helena, Ca. 94574

Aaron Hecock

From: Peter McCrea <peter@McCrea-Family.com>
Sent: Thursday, July 26, 2018 12:28 PM
To: Aaron Hecock
Cc: 'Priscilla + Sloan Upton'
Subject: 1610 Kearney Street

Given Mr. Sklar's active involvement in promoting marijuana sale and use in Napa County, I would have serious concerns about his choice of tenants for his short term rental property.

Also, apparently Mr. Sklar has moved out of St. Helena if he can offer his house for rental.

Peter and Willinda McCrea
1330 Pine Street, St. Helena

Aaron Hecock

From: info@quivetcellars.com
Sent: Monday, July 30, 2018 10:51 AM
To: Aaron Hecock
Subject: 1610 Kearney St - Short Term Rental application - NO VOTE

Hello Aaron,
We received your notice of the short term rental application for 1610 Kearney St

As a neighbor with children - We are against the application and do not want short term/ Air Bnb/ Home away rentals where the guests come and go and are here to party til all hours of the night. This is a school neighborhood with many families and parking on the street is already limited - and we dont feel it appropriate or want this near our home

Please consider this a NO vote for your planning comission for this permit

Thank you

Leah and Mike Smith
1610 Spring Mtn Rd
St Helena, CA



Aaron Hecock

From: Lisa Togni <ltogni@hotmail.com>
Sent: Friday, August 03, 2018 10:52 AM
To: Aaron Hecock
Subject: RE: Short-term Rental Permit Application for 1610 Kearney St. (File No. PL18-053)

August 3, 2018

RE: Short-term Rental Permit Application for 1610 Kearney St. (File No. PL18-053)

Dear Mr. Hecock,

I am a resident and owner of 1530 Kearney St. and also the owner of 1340 Pine St., both near the proposed short-term rental address above.

I was born and raised in St. Helena and am dismayed by recent changes to our town. As tourist-serving businesses have increased, the quality of life of residents has suffered. This is precisely what will happen if this proposed short-term rental is allowed. The quality of life within our neighborhood will decrease and the only “upside” will be the money made by the applicants. Why should one homeowner’s desires override those of everyone else in the neighborhood?

My primary concern is safety. We have two small children, ages 5 and 7, and are very worried that this rental will bring a daily rotation of strangers into our neighborhood. We will also be dealing with increased traffic, parking issues and potential noise.

In 2013 we lived in a rental house on Scott St. while our house was being remodeled. Perhaps I don’t need to remind the city of the problems there caused by short-term rentals. While living there, we dealt with unhappy, distrustful neighbors, unease caused by strangers coming and going, parking problems and a generally unpleasant neighborhood “vibe.” We would hate for this to also happen to our Kearney St. neighborhood, and area where residents know each other and look out for each other.

Please do not allow this application for a short-term rental to be approved. Our neighborhood will suffer greatly if it is.

Best regards,
Lisa Togni

Aaron Hecock

From: Priscilla Upton <pbupton@comcast.net>
Sent: Thursday, July 26, 2018 4:27 PM
To: Aaron Hecock
Cc: Peter McCrea
Subject: Re: 1610 Kearney Street

We feel having a short term rental situation in this quiet neighborhood is a very bad idea. Kearney street on both sides of Madrona, and Madrona from Spring Mt Rd down to Oak is an area filled with families and young children. The coming and going of strangers in this neighborhood brings much unnecessary risk, as well as unwanted noise. With Mr. Sklar living out of town, there is no way he can be a responsible host for short term tenants. We are adamantly apposed to having a short term rental in our neighborhood.

Priscilla and Sloan Upton

1533 Kearney Street, St Helena

> On Jul 26, 2018, at 12:28 PM, Peter McCrea <peter@McCrea-Family.com> wrote:

>

> Given Mr. Sklar's active involvement in promoting marijuana sale and use in Napa County, I would have serious concerns about his choice of tenants for his short term rental property.

>

> Also, apparently Mr. Sklar has moved out of St. Helena if he can offer his house for rental.

>

> Peter and Willinda McCrea

> 1330 Pine Street, St. Helena

> <winmail.dat>

August 20, 2018

Sasha and Dagan Janev

1635 Kearney Street

Saint Helena, CA 94574

Re: Short-Term Rental Permit Application for 1610 Kearney Street – PL 18-053

Dear Mr. Hecock,

We are writing in regard to letter we received about application for Short-Term Rental permit, PL 18-053, for neighboring property at 1610 Kearney Street.

We think Short Term Rental use is not appropriate for our neighborhood because of following reasons:

1. Increased vehicle traffic and street parking especially on weekends.
2. Reduced personal and property security and privacy.
3. Potential noise increase during week days and evening hours.
4. Proximity to two public schools.

We hope that stated reasons will be taken in consideration during application review process.

Warm regards,

Sasha and Dagan Janev

A handwritten signature in dark ink, appearing to be a stylized representation of the names Sasha and Dagan Janev. The signature is written over the printed name.

Aaron Hecock

From: Rob Harrison <harrison.rob@me.com>
Sent: Wednesday, August 22, 2018 8:13 AM
To: Aaron Hecock
Subject: Short Term Rental Permit Application for 1610 Kearney

Good morning Aaron,

Should the owners be present while renting out separate rooms of their home I would support the idea.

If the owners of 1610 Kearney plan to vacate the property and their short term occupants be unsupervised, I would oppose the idea. My opposition stands more in keeping the neighborhood quiet during the evening hours when noise carries extremely well in our area. I fear a short term rental without the owners supervision would inject new temporary residents too frequently celebrating the fruits of the Napa Valley and would cause our neighborhood to use city resources much more frequently to maintain the evening hour serenity we all strive for in St. Helena and our neighborhood would be negatively affected.

I have no objection to the owners of 1610 Kearney to renting their home for 28 days or more to occupants.

I hope you are well,

Rob Harrison
1660 Kearney Street
Saint Helena, CA 94574
707-227-0449

Rob

*Cynthia Mein
1650 Kearney Street
St. Helena, CA 94574*

August 23, 2018

Aaron Hecock, Senior Planner
Planning and Community Improvement Department
Planning Department
1480 Main Street
St. Helena, CA 94574

RE: Short-Term Rental Permit Application for 1610 Kearney Street (File No. PL18-053)

Dear Aaron:

I am writing in response to the short-term rental application my next-door neighbors at 1610 Kearney Street have applied for.

I have many concerns about this short-term rental application. We are located one block from RLS Middle School and two blocks from St. Helena Elementary School. Our street is quiet and filled with local people who live here full time. Allowing a short-term rental on this street will create disharmony and disrupt our lives.

I am concerned once given a short-term rental permit the home owner has no restrictions on the number of nights they can rent out their house. We could be dealing with multiple renters each week all year long.

My bedrooms are on the south side of my house and are right next to the Sklar's backyard where they have a large hot tub on our property line.

I am strongly against this short-term rental application.

Sincerely,

Cynthia Mein

From: Todd McElhatton [<mailto:tmcelhatton@gmail.com>]

Sent: Wednesday, August 29, 2018 8:38 PM

To: Aaron Hecock <ahecock@cityofsthelena.org>

Cc: John Willoughby <johnswilloughby@gmail.com>; McElhatton, Todd <tmcelhatton@gmail.com>

Subject: 1610 Kearney Short Term Rental PL18-053

St Helena Planning Department:

As owners of a residence on the same block we do not support a Short-Term Rental Permit for 1610 Kearney Street. One of the compelling reasons to purchase our home in St. Helena were the restrictions on short term rentals.

Our experience has been that short term rentals both change the character of the neighborhood and have an adverse impact on the quality of life for other residents.

Best Regards,

Todd McElhatton and John Willoughby
1679 Kearney St
St. Helena, CA 94574

Cindy Tzafopoulos

Subject: FW: STR application @ 1610 Kearny St.

From: joyrb@aol.com [<mailto:joyrb@aol.com>]

Sent: Monday, September 03, 2018 1:56 PM

To: Aaron Hecock <ahecock@cityofsthelena.org>; Noah Housh <NHoush@cityofsthelena.org>

Subject: STR application @ 1610 Kearny St.

To the Planning Department and Commission:

Below is a fictionalized (no permit) but possible (if allowed) scenario to ponder:

From the Sklar Family STR binder to the Guests of 1610 Kearny:

Welcome to our home. We're sorry we aren't there to greet you, but as you know opportunities await!

We're so pleased you found us on our website. It's reassuring to vet our guests and future friends by virtue of our shared interests in the availability, distribution and consumption of cannabis.

Enjoy the family friendly house--it's walking distance from two schools, one on each end of the street and all of St. Helena's shops. We've provided take-out menus in our binder from our favorites including our own Napa Valley Fume--our cannabis delivery service. With no more effort than ordering a pizza and 20 minutes time your cannabis selection will be delivered to you...right here in your home-away-from-home. We know you'll love the Napa Valley experience. We're pleased to be able to provide this opportunity and hope you'll tell all your friends.

A front page article in the St. Helena Star on 8/21 and another in the Register on 8/30 make it clear what the Sklars hope to have happen in the Napa Valley and soon. They already operate a dispensary in Lake County. WHERE is the source of the cannabis that can be delivered to the Sklar home in 20 minutes that they mention and demonstrate in the St. Helena Star? Certainly not Lake County.

This short term rental application is promoting itself as family friendly. The Sklars have much publicized intentions to effortlessly provide cannabis. The STR permit requires 60 days of rentals at minimum. The Sklars say they will be traveling during these times. This combination of family friendly home, easily obtained cannabis and no on-site presence is troubling. Hard questions need to be asked regarding this application and transparent and honest answers must be forthcoming. This is not the time nor location to set this unmanageable precedent. This application should be denied.

Joy Roades-Brown

Barry Brown
1815 Hillview



PLANNING COMMISSION REPORT

Planning Commission Meeting of September 4, 2018

AGENDA SECTION: Public Hearing

FILE NUMBER: N/A

SUBJECT: Consideration and recommendation to the City Council of an Ordinance amending St. Helena Municipal Code ("SHMC") Title 17, 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:

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.

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 (December 19, 2018; January 16, 2018 and June 19, 2018);
2. Review of the sign standards (February 20, 2018; May 15, 2018 and August 21, 2018);
3. Review of the Use Permit requirements in the Service Commercial and Central Business Zoning Districts (March 20, 2018 and April 17, 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 discussed items 1, 2 and 3 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. On April 17, 2018 staff brought the item back before the Commission in order to receive feedback on the changes proposed. At this time the Commission expressed general support for the changes however they decided to delay any action until completion of the Kosmont & Associates (Kosmont) downtown retail study (attached). The results of the Kosmont study have been made public and the City Council has expressed general support for several recommendations contained therein, including clarifying and broadening the list of permitted uses in the City's primary commercial zoning designations (the Central Business and Service Commercial districts).

Adoption of the draft 2040 General Plan (likely to occur in late 2018) will trigger a comprehensive Zoning Code update to implement the full 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 modifications proposed 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, both the City Council and Planning Commission have expressed concerns with these same issues, and their relation 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 has consistently identified that a clothing store should be a permitted use (under General Retail) 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, individual offices uses are listed time and time again when they can be easily classified under a broader "Office Use" category, this

is supported by the majority of office uses being required to occupy the second floor of any downtown business location with frontage onto Main Street.

In order to resolve many of these issues, staff has amended the City's Zoning Code to modify the list of permitted and conditional uses in the CB and SC districts. Staff is now seeking final input from the Commission on the modifications contained herein prior to taking an ordinance before the City Council to review and implement these directed changes, at their discretion.

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 ~~strike through~~. 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;

~~Tobaccoist;~~

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 regarding proposed amendments to the St. Helena Municipal Code with respect to permitted and conditional uses within the CB and SC districts.

CORRESPONDENCE

At the time of packet distribution staff had not received any correspondence related to this application.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the Draft Ordinance and proposed text amendments related to permitted and conditional uses in the CB and SC zoning districts and:

1. Determine that the proposed text amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061; and
2. Recommend that the City Council approve the proposed Ordinance in order to update and modify existing zoning code regulations related to permitted and conditional uses in the CB and SC zoning districts.

ATTACHMENTS

[Resolution](#)

[CB and SC Code Sections](#)

[Draft Ordinance update](#)

[Kosmont Exec Summary](#)

[Land Use Map](#)

CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ST. HELENA RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE ATTACHED ORDINANCE (EXHIBIT 1) AMENDING ST. HELENA MUNICIPAL CODE (SHMC) TITLE 17, CHAPTER 17.48 (CENTRAL BUSINESS DISTRICT) AND CHAPTER 17.52 (SERVICE COMMERCIAL DISTRICT) TO UPDATE AND MODIFY PERMITTED AND CONDITIONAL USES IN EACH DISTRICT.

Recitals

- A.** City of St. Helena Municipal Code Chapters 17.48 and 17.52 regulate permitted and conditional uses in the Central Business (CB) and Service Commercial (SC) zoning districts;
- B.** To facilitate a better functioning code and more efficient process, the City prepared draft text amendments to remove and/or amend certain elements of the code related to permitted and conditional uses in the CB and SC districts;
- C.** The proposed text amendments are consistent with the goals and objectives of the General Plan;
- D.** The proposed text amendments are consistent with public necessity, convenience, general welfare, and good zoning practice; and
- E.** The Planning Commission of the City of St. Helena held a duly noticed Public Hearing to review the proposed text amendments on September 4, 2018 at which time all interested parties had the opportunity to be heard.

Resolution

- F. Now, therefore let it be resolved** that, the Planning Commission finds that the action to adopt this Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA 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.
- G. Now, therefore be it further resolved** that the Planning Commission recommends that the City Council adopt the Ordinance attached hereto as **Exhibit 1**, modifying existing zoning code regulations governing permitted and conditional uses in the CD and SC zoning districts.

I HEREBY CERTIFY that the foregoing recommendation to the City Council 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 September 4, 2018 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Lester Hardy
Chair, Planning Commission

Noah Housh
Planning and Community
Improvement Director

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:~~

Commented [NH1]: Given that there is no evidence that the combination of 2 permitted uses would create impacts necessitating the approval of a Use Permit, staff is recommending deletion of this provision. Further, this is in keeping with the recommendations of the Kosmont study.

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;

The St. Helena Municipal Code is current through Ordinance 17-3, passed October 24, 2017.

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

Commented [AH2]: Falls under General Retail category.

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;~~

Commented [AH3]: Moved to Conditional Use.

~~Insurance office;~~

Commented [AH4]: Falls under broader Office Use category.

~~Locksmith;~~

Commented [AH5]: Moved to Conditional Use.

~~Medical office;~~

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

~~Mortgage company;~~

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

Music store;

~~Newspaper office;~~

Commented [AH8]: Falls under broader Office Use category.

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 [AH9]: 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 [AH10]: Each fall under General Retail category.

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

Commented [AH12]: Falls under broader Office Use category.

Commented [AH13]: Move to Conditional Use list.

Commented [AH14]: Falls under broader Office Use category.

Commented [AH15]: Antiquated use, no longer necessary.

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

Commented [AH16]: 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 [AH17]: 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 [AH18]: 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 [AH19]: 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 [AH20]: Moved to Permitted Uses

~~Interior decorating shop;~~

Commented [AH21]: Combined with Home Furnishings stores and moved to permitted uses.

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

Laundromat or Laundry;

~~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 (including parking for a fee) 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 and/or nicotine 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;

Child care facilities consistent with state law;

Cleaning and janitorial services;

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

Commented [AH23]: Falls under broader Office Use category.

Commented [AH24]: Moved to Conditional Use and combined with sales.

Commented [AH25]: Moved to Conditional Uses as more appropriate in an industrial area.

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 [AH26]: Combined with banks above.

Dance studios and schools;

Emergency shelter;

Commented [AH27]: Recommend as a Conditional Use after conferring with state law.

Engineering, architectural and surveying services;

Engraving services;

Farm supply and Feed store;

Florist;

Frame shop;

Fruit and vegetable market;

Furniture stores, new and unfinished;

Glazing businesses;

Graphic design services;

Hardware store;

Hobby store;

~~Home health 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 [AH28]: Falls under broader Office Use category.

Locksmith;

Luggage store;

Media representatives;

~~Medical offices;~~

Music recording studio;

Nail salon;

~~Newspaper distribution facilities, no retail sales;~~

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;~~

Pet store, services, supplies;

Plumbing and contractor/services;

~~Postal and mail service;~~

Printing and copy service;

~~Real estate services;~~

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;~~

Security services;

Shoe repair;

Sign maker;

Sporting goods store;

~~Staffing services;~~

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

Commented [AH29]: Falls under broader Office Use category.

Commented [AH30]: Consider moving to Conditional Use?

Commented [AH31]: Added a staffing services use below.

Commented [AH32]: Falls under broader Office Use category.

Commented [AH33]: Created staffing service and postal service uses.

~~Surveyor;~~

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

Telephone center, including sales and maintenance;

~~Title company;~~

Commented [AH35]: Falls under broader Office Use category.

~~Towing services;~~

Commented [AH36]: Moved to Conditional Use.

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

~~Travel agency;~~

Commented [AH37]: 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 [AH38]: 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 [AH39]: 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 [AH40]: Remove, modify?

~~Child care facilities;~~

Commented [AH41]: Moved to permitted uses per state law.

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

Commented [AH42]: 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,~~
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;*

Commented [AH43]: Leave, modify, delete?

Electric and gas utilities;

Equipment rental and leasing;

~~Farm supply stores;~~

Commented [AH44]: 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.

St. Helena Municipal Code

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This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations;

~~Furniture stores, new and unfinished;~~

Commented [AH45]: 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 [AH46]: 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 [AH47]: 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 [AH48]: 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 [AH49]: Nursery use provided above.

Pool and spa supply and sales;

~~Sanitary-Janitorial~~ services;

The St. Helena Municipal Code is current through Ordinance 17-3, passed October 24, 2017.

Schools and educational services;

Service station, pursuant to Section 17.136.080;

[Tobacco/smoke shop, including the sale of tobacco, tobacco and/or nicotine products and equipment for smoking;](#)

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 [AH50]: 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)

CITY OF ST. HELENA

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. HELENA, CALIFORNIA, AMENDING AND RESTATING ST. HELENA MUNICIPAL CODE (SHMC) TITLE 17, CHAPTER 17.48 (CENTRAL BUSINESS DISTRICT) AND CHAPTER 17.52 (SERVICE COMMERCIAL DISTRICT) TO UPDATE AND MODIFY PERMITTED AND CONDITIONAL USES IN EACH DISTRICT.

The City Council of the City of the City of St. Helena ordains as follows:

SECTION 1. Findings. The City Council finds as follows:

A. City of St. Helena Municipal Code Chapters 17.48 and 17.52 regulate permitted and conditional uses in the Central Business (CB) and Service Commercial (SC) zoning districts.

B. The purpose of regulating uses is to allow the proper integration of essential or desirable uses which may only be suitable in certain locations or zoning districts, or to ensure that such uses are designed or arranged appropriately.

C. In order to facilitate a better functioning code and more efficient processes, the City desires to make a number of minor amendments to the SHMC by modifying the lists of permitted and conditional uses in the CB and SC districts.

D. The City's Planning Commission reviewed the proposed amendments at a duly noticed public hearing on September 4, 2018. After all interested parties were given full opportunity to be heard, and to present evidence, the Planning Commission voted to recommend to the City Council that the Council adopt the amendments to Chapters 17.48 and 17.52.

E. On September __, 2018, the City Council conducted a duly noticed public hearing to consider this ordinance, and all interested parties were given full opportunity to be heard and to present evidence.

F. The proposed amendments are consistent with the General Plan in that they will encourage commercial uses that are compatible and complementary to the image and character of St. Helena (policies 2.6.25, 2.6.27, 2.6.35, 2.6.36, and 2.6.37).

G. The proposed amendments would further the public necessity, convenience, general welfare and good zoning practice by creating more efficient and effective regulatory processes.

SECTION 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Chapter 17.148 of the St. Helena Municipal Code is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) 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. Further the City Council finds that the proposed modifications to the City of St Helena Sign regulations, Chapter 17.148 of the Municipal Code, are consistent with the environmental impact analysis of the 1993 General Plan EIR.

SECTION 3. Amendment. SHMC Chapters 17.48 “Central Business District” and 17.52 “Service Commercial District” are hereby amended and restated as set forth in the attached **Exhibit A.**

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. Effective Date. 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.

SECTION 6. Amendment Declarative Of Existing Law. The City Council finds that the amendment of Title 17 by this Ordinance with respect to the imposition of civil penalties, and the right of the City to seek and obtain civil penalties by civil action, is intended to be declarative of existing law.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the th day of September, 2018 and was adopted at a regular meeting of the St. Helena City Council on the th day of October, 2018 by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Koberstein: _____

Councilmember Dohring: _____

Councilmember Ellsworth: _____

APPROVED:

Alan Galbraith, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Tzafopoulos, City Clerk

I, CINDY TZAFPOULOS, 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 ____th day of September, 2018. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____th day of October, 2018 by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Koberstein:	_____
Councilmember Dohring:	_____
Councilmember Ellsworth:	_____



July 24, 2018

Mr. Mark Prestwich
City Manager
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Re: St. Helena Downtown Retail Analysis

Dear Mr. Prestwich:

Kosmont & Associates ("Consultant" or "Kosmont") was retained by the City of St. Helena ("City" or "St. Helena") for real estate advisory services in connection with a focused retail market analysis of the Downtown area. Kosmont is pleased to present our findings below.

BACKGROUND

Downtown St. Helena is facing significant vacancies as a result of macro changes in the retail industry and competition for retail sales from Calistoga to the north and Yountville and Napa to the south. The City would like to increase the vibrancy and reduce retail vacancies in the historic Downtown.

EXECUTIVE SUMMARY

St. Helena, which lies in the heart of Napa Valley, has flourished for over 140 years embellished by the expansive development of the winery/tourism industries. The City's robust and generally upscale suburban character has several unique features: home to Culinary Institute of America, a major transportation corridor – CA State Highway 29, and is in close proximity to open space and recreational amenities.

The demographics of Napa Valley are changing rapidly with wealth and visitors on the rise. The City is facing competition for sales and hotel tax dollars from Calistoga to the north and Yountville and Napa to the south. The City can mitigate this circumstance by proactively embracing economic opportunities or face potential negative consequences resulting from surrounding area's growth in retail and hospitality industries. Investing in Downtown and creating a business friendly environment will help capture revenue. Prohibiting new development won't stop the traffic.

The City has achieved relative economic success. However, St. Helena will need to evolve as the digital economy converts the lifestyles and social patterns of every generation. With today's consumer's using online websites for purchasing commodities, clothing, and a broad array of soft goods (e.g. Amazon.com), even the most vibrant

communities are exposed to the closure of department stores, reduction in retail store format sizes, trends reinforced by bankruptcies of dozens of major retail store chains. As a result, today's economic forces demand approaches to land use that explore diversification in uses and densities, and concepts for public amenities and private attractions that help cities capture trips and thus "sales" sufficient to retain vibrant commercial districts.

Younger consumers, with their increased use of media and digital communication, seek gathering places with restaurants, entertainment venues and experiential retail, rather than simply a collection of traditional store fronts. Another important group, is the creative class of professionals (artists, designers, scientists, musicians, and programmers) who are an important force in economic development across the United States. This dynamic workforce segment is attracted to communities with urban environments and clustered centers, which provide a sense of vitality, diversity, convenience and balanced mix of work, entertainment, services, arts and culture.

The Millennial population (ages 18-34) also brings opportunities for communities to attract new technology business and create 24/7 live work environments that can revitalize downtowns.

Demographic Summary

- St. Helena is a low density City with approx. 6,000 residents
- It has an aging population - median age of 44 in City and 54 within a 10 mile radius (older than County and State median ages)
- Average household size of 2.38, smaller than County and State averages; Average household income of approx. \$118k for the City is much higher than the County and State
- Well educated population: Educational attainment in St. Helena is higher than that of the County and State, with a majority of residents having completed a bachelor's degree or higher
- St. Helena experiences a larger daytime population, as more people enter the City for work compared to those who leave, resulting in a net inflow of jobs

Retail Market Overview

- Following the Great Recession, vacancy in the City was very low until 2017; but 2017 vacancy is not near the historic highs hit during the Great Recession
- Downtown St. Helena retail vacancy rate (8%) is significantly higher than the vacancy rate of the Napa County submarket (2.6%), and many neighboring submarkets.
- Asking lease rates in St. Helena are at an all time high historically and higher than those for the Napa County submarket, and all of the neighboring submarkets.
- With average retail rents above \$40 psf, plus NNN costs of \$5 to \$10 psf, store owners typically need to generate sales of \$600 psf to be profitable.
- Most local serving merchants cannot achieve that sales volume from the approx. 2,000 local resident households – thus the critical need for attracting visitors and other Napa Valley residents to shop in St. Helena.

Retail Sales Trends

- Historic growth in retail sales from 2006 to 2016 in St. Helena was 16% compared to Yountville's 82% growth, and Napa County's 35% growth. As a result, City's share of the County's retail sales has declined from 10% in 2006 to 8.6% last year
- Retail sales per capita for the St. Helena in 2016 (~\$28,200) is greater than the retail sales per capita of Calistoga (~\$12,000), Napa County (~\$13,800) and the State (\$11,300), but less than Yountville (~\$30,700)
- Higher performing sales categories for St. Helena include apparel stores, home furnishings and appliance stores, other retail stores, grocery stores, and auto dealers and supply stores
- Lower performing retail categories include restaurants and bars (*relative to Yountville*)

National Retail Trends

Retail is as much about *distribution* of goods as it is *destination* to consume goods. Think: disruption and bifurcation.

Omnichanneling – Consumers have multiple ways to shop for and receive goods:

- **The Traditional Approach** – Buy and pick up in store
- **Buy and Receive** – Buy in store receive at home
- **Click and Collect** – Buy online and pick up in store
- **Click and Receive** – Buy online and receive at home

E-commerce sales to reach \$462 billion in 2018, up 12.8% (U.S.)

- Growth from apparel, sporting goods, electronics, office supply
- Still internet captures only approx. 9% of total retail sales

Kosmont observations based on stakeholder interviews, research and tours:

Kosmont confidentially interviewed approximately one dozen stakeholders, primarily comprised of St. Helena business owners and property owners. There were several themes that came out of the interviews:

- Historic context, changing conditions
- Problems with City zoning code and permit process
- Changing market forces
- Public Investment needs

We have itemized these findings along with our own internal observations and lessons learned from similar downtown revitalization assignments throughout California.

History

- As late as 2007, downtown retail was booming with no vacancies
- Following the 2008-09 Great Recession, businesses recovered until 2013, when Napa County started major road and utility repair work on Highway 29. Three

years of construction made commuting from Napa to St. Helena challenging resulting in lost Bay Area day trippers

- 2nd home buyers are replacing full time residents negatively impacting retail sales
- Resident population is not supporting all existing retail stores
- Few new retail shops opened in recent years
- Zoning code is antiquated and lacks consistent regulations for current retail trends

Market Forces

- Retailers are facing many new challenges – bulk discount centers and online shopping/delivery are cannibalizing conventional in store sales nationwide
- Food service comprises as much as 30% of all shopping center tenants in the industry – “Food and Place are new anchor tenants”
- St. Helena needs more specialty shops that provide unique goods/experience – “Authenticity” and strong Customer Service
- Need to attract visitor spending to improve Downtown retail sales
- Many property owners have high asking rents
- City has lost cache for high end customers
- Yountville attracting Millennials and “foodies” with strong restaurant and hotel options and pristine walking environment

Other Conditions

- City does not have a business-friendly reputation (e.g. difficult entitlement and permitting rules)
- Conditional Use Permit process for new retailers is expensive and high risk (estimated 20% to 30% of applications are rejected by Planning Commission)
- Restaurants and hotels must go through an additional City Council approval process to finalize number of seats/rooms allowed
- Very few retail uses are allowed by right. Permits run with the land – many tenants cannot practically relocate without high cost/risk
- Existence of “do nothing” and “anti-corporate” sentiment in the community
- Hard to maintain quality workforce because high cost of housing
- Some landlords are not motivated to lease buildings because of past high rent expectations
- Planning staff has no discretionary approvals
- Welcome Center has moved to downtown to be more effective

RECOMMENDATIONS

Given today’s economic challenges, the City is faced with a series of choices in planning for its long-term future.

- Does the City want to strategically select and attract types of new retail/entertainments/visitor concepts – or – focus more on retention of existing businesses?

- Does the City want to add and improve community services?
- Does the City want to pursue the status quo approach in which St. Helena is becoming characterized as a “second home” community – or – pursue an approach that allows a residential, live/work/play environment for all generations?

Sustainable economic growth is characterized by a combination of judicious and strategic public policy with private sector investment. When successful, sustainable economic growth provides fundamentally reliable incomes for the labor force, profitable business opportunities for employers, and adequate tax revenues for maintaining services and infrastructure that supports the future needs of the community. When responding to business needs in a fast-paced digital laced world, it is critical that government be able to respond in a timely manner to take advantage of opportunities as they arise and evolve.

Kosmont suggested strategies for consideration:

Marketing / Outreach

- City should consider resolving “anti-business” reputation and image through marketing/branding
- Establish tie-ins with Downtown merchants, Culinary Institute and wineries
- Consider concept of monthly or more frequent community events in Downtown (e.g. First Friday, Art Walks, Music/Food Fests)
- Consider high image or “formula” retail (e.g. Tesla / Nordstrom’s) or Market Hall concepts for vacant Masonic Lodge and other prime locations
- Need to create more experiences for shoppers (e.g. “Pop Ups”, entertainment, breweries, etc)
- Work with landlords on economic market realities and more aggressive leasing campaigns
- Educate landlords/businesses and City Council on experiential, destination and omnichannel retail trends

Capital Investment

- Improve image with infrastructure improvements
- Capitalize on new sidewalk improvement program – encourage facade improvements and add landscape and street art
- Focus construction during morning hours during offseason to minimize downtown business disruption
- Activate Money Way
- Provide more parking and wayfinding signage
- Provide some 20-30 minute parking zones on Main Street to facilitate in and out customers
- Provide valet parking service or shuttles on weekends

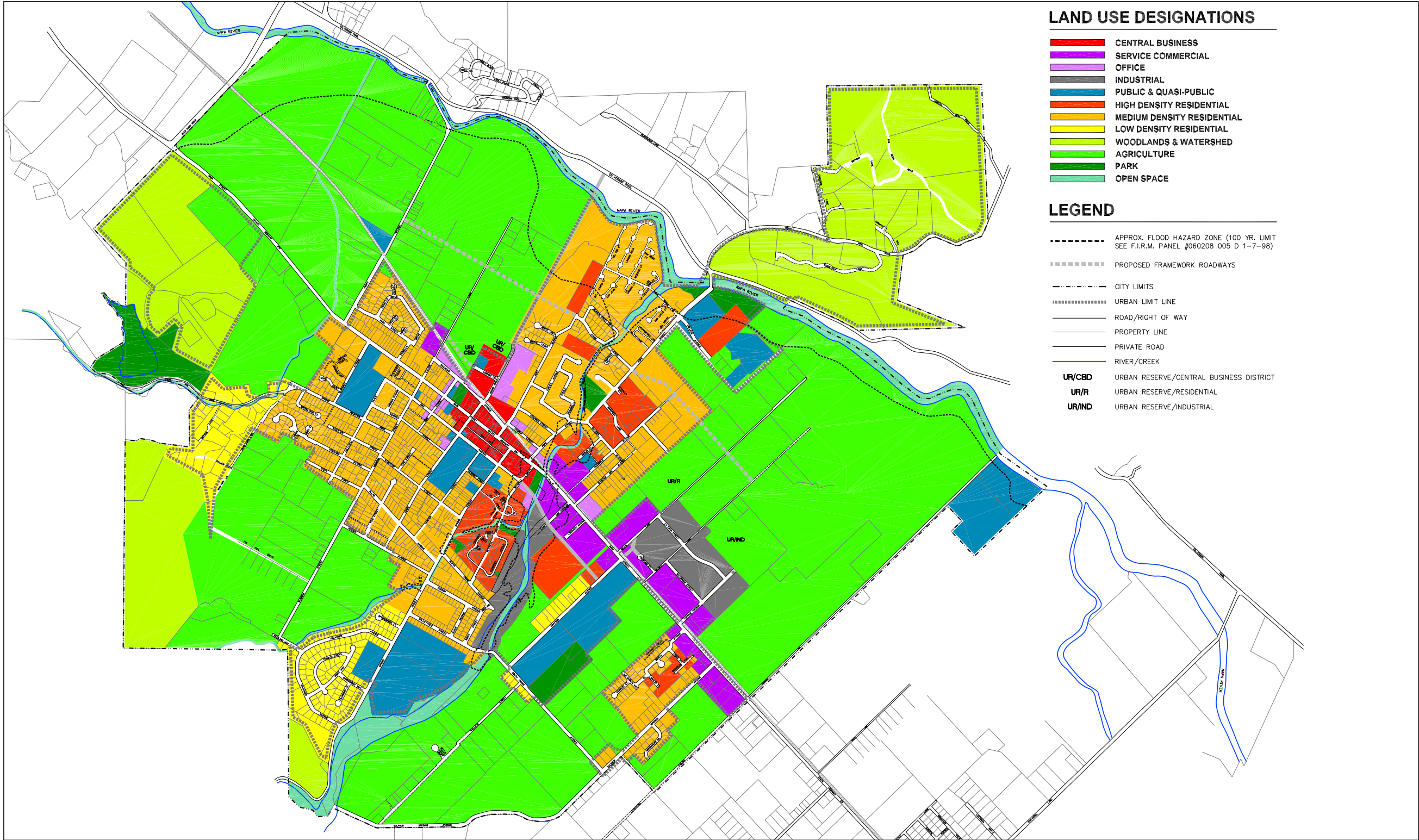
*Downtown St. Helena Retail Analysis
July 24, 2018
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Administrative Actions

- Fundamentally review/revamp zoning and permitting process to be more flexible to accommodate market and changing retailer and customer dynamics
- Identify beneficial retail categories and streamline permit process
- Provide permits for temporary Pop Up users
- Allow high end hotel development – increase evening business and tax revenue
- Consider allowing infill housing or blended use in vacant buildings near Main Street
- Allow ancillary and accessory uses in existing businesses without requiring new conditional use permits
- Provide process to allow for live music/amplified sound to attract customers in evenings (can limit to 9:00 pm or 10:00 pm)
- Allow restaurant and hotel applications with no more than a single CUP process
- Permit some limited high end “formula” retail stores:
 - Small shop owners have high failure rate - don't have adequate financial capital in high cost locations
 - Success breeds success
- Consider allowing Wine Train dropoff to increase business and reduce car traffic and need for parking
- Expand community outreach efforts to get broad feedback on land use issues (e.g. digiConversation^R)
- Consider Specific Plan for zoning strategy/higher density on targeted sites

NEXT STEPS / IMPLEMENTATION

Kosmont is prepared to assist the City in implementing the desired actions.



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General Plan Land Use Map

CITY of ST HELENA

August 2009





PLANNING COMMISSION REPORT

Planning Commission Meeting of September 4, 2018

AGENDA SECTION: Public Hearing

FILE NUMBER: PL18-005

SUBJECT: *This item is continued from the July 17, 2018 Planning Commission meeting and will be again continued to September 18, 2018. *Request by Brian Moore on behalf of Verizon Wireless for adoption of a resolution granting design review approval in order to place a 12 foot high addition on an existing PG&E tower to accommodate 6 new panel antennas and associated equipment on the property located near the 1600 block of Grayson Avenue in the A-20 zoning district.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Noah Housh, Planning & Community Improvement Director

APPROVED BY: Noah Housh, Planning & Community Improvement Director

LOCATION OF PROPERTY: 1600 Block Grayson Avenue

APN: 009-280-041

GENERAL PLAN/ZONING: Agriculture (AG) / Twenty-Acre Agriculture (A-20)

APPLICANT: Verizon Wireless

PHONE: (510) 480-5574