



**City of St. Helena
Planning Commission
Regular Meeting
Tuesday, February 2, 2021 @ 6:00 PM**

In accordance with Executive Order N-29-20, and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways: Members of the public may not physically attend meetings. The Planning Commission meeting will be live-streamed on Comcast Channel 28 and on the City's website, barring technical difficulties. Those members of the public wishing to participate must do so remotely via Zoom electronic meetings in the following ways; by either logging onto the Zoom link located on the meeting agenda (please download the app to your computer or mobile device) and enter the meeting ID or by calling a listed number and enter the meeting ID. Public comment for Planning Commission meetings will be accepted via email to publiccomment@cityofstheleena.org. All public comments must be emailed by 4:00 PM prior to the meeting. Emailed public comments will not be read out loud but will be publicly available and attached to the on-line Planning Commission agenda.

Please see the end of the agenda for detailed PUBLIC PARTICIPATION instructions.

Spanish translation for this meeting will be offered. To access Spanish translation, you will need to join the meeting using the Zoom app from a computer, iPad or iPhone. You will see an icon on the screen that will allow you to choose Spanish translation. To learn how to use Zoom, please see the instructions below.

Please click the link below to join the meeting:

<https://us02web.zoom.us/j/84264851187>

Or iPhone one-tap :

US: +16699006833,,84264851187# or +13462487799,,84264851187#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or
+1 312 626 6799 or +1 929 205 6099

Meeting ID: 842 6485 1187

International numbers available: <https://us02web.zoom.us/j/kcFB4rBLGj>

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.

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**Ciudad de Santa Helena  
Reunión del Comisión de Planificación  
2 de febrero del 2021 @ 6:00 PM**

De acuerdo con las órdenes ejecutivas N-25-20, N-29-20, y la orientación del Departamento de Salud Pública de California sobre reuniones, se permite la participación pública virtual. Seguiremos la Orden de la siguiente manera: Los miembros del público no pueden asistir físicamente a las reuniones. La reunión del Comisión de Planificación de la Ciudad se transmitirá en vivo por el Canal 28 de Comcast y en el sitio web de la Ciudad, salvo dificultades técnicas. Aquellos miembros del público que deseen participar deben hacerlo de forma virtual a través de las reuniones electrónicas de Zoom de las siguientes maneras; iniciando sesión en el enlace Zoom ubicado en la agenda de la reunión (descargue la aplicación en su computadora o dispositivo móvil) e ingrese el ID de la reunión o llamando al número ubicado en la agenda e ingrese el ID de la reunión. Se aceptarán comentarios públicos para la reunión del Comisión de Planificación por correo electrónico a [publiccomment@cityofsthelena.org](mailto:publiccomment@cityofsthelena.org). Todos los comentarios públicos se harán públicos y se adjuntarán a la agenda, pero no se leerán en voz alta. Todos los comentarios públicos que se reciban después de las 4:00 PM se adjuntarán a la agenda al día siguiente.

**Consulte el final de la agenda para obtener instrucciones detalladas de PARTICIPACIÓN PÚBLICA.**

Se ofrecerá traducción al español para esta reunión. Para acceder a la traducción al español, deberá unirse a la reunión utilizando la aplicación Zoom desde una computadora, iPad o iPhone. Verá un icono en la pantalla que le permitirá elegir la traducción al español. Para aprender como utilizar Zoom, consulte las instrucciones a continuación.

Haga clic en el enlace a continuación para participar en la reunión:

<https://us02web.zoom.us/j/84264851187>

O por iPhone one-tap: US: +16699006833,,84264851187# o  
+13462487799,,84264851187#

O por Teléfono: Marque(para mejor calidad, marque número basado en su ubicación actual):  
US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626  
6799 or +1 929 205 6099

**ID de la Reunión: 842 6485 1187**

Números Internacionales Disponibles: <https://us02web.zoom.us/j/84264851187>

**TENGA EN CUENTA: Cualquier persona que desee hablar sobre un tema en la agenda o hacer un comentario en la sección de "comentario público" de la agenda puede hacerlo, pero por favor observe el límite de tiempo de cuarto minutos.**

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1. PLEDGE OF ALLEGIANCE
2. CALL TO ORDER AND ROLL CALL  
Acting Chair: John Ponte  
Commissioners: Autumn Anderson, Daniel Hale, Rosaura Segura and Marika Rothfeld  
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: December 15, 2020

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[Commission Minutes 12.15.2020](#)

5. PUBLIC HEARINGS

5.1. 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 Sections 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 Section 17.112.070, citywide.

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

Prepared By: Aaron Hecock, Senior Planner

Recommendation:

Staff recommends that the Planning Commission:

1. Find that the proposed Ordinance amendment is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15302, 15303 and 15061(b)(3); and

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

[Review and recommendation to the City Council of an Ordinance amending and restating St. Helena Municipal Code \(SHMC\) Chapter 17.164 - Staff Report](#)

6. SCHEDULED MATTERS

6.1. Nomination and election of a new Planning Commission Chair

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Prepared By: Maya DeRosa, Planning & Building Director

Recommendation:

It is recommended that the Commission nominate and vote to elect a new Chairperson and if this creates a vacancy of the Vice Chair, there is a nomination and vote to elect a new Vice Chair as identified in Rule 1 of the Planning Commission By-laws.

[Nomination and election of a new Planning Commission Chair - Staff](#)

### Report

7. DEPARTMENT REPORTS

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

8. AGENDA FORCAST

Below is a link to a list of pending and upcoming projects which may be of interest to the community.

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.

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

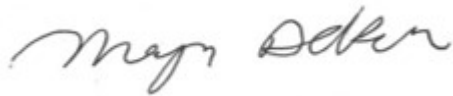
[http://www.cityofsthelena.org/projects?term\\_node\\_tid\\_depth=21](http://www.cityofsthelena.org/projects?term_node_tid_depth=21)

Please contact the assigned project Planner for additional questions.

9. ADJOURNMENT

The next Regular Planning Commission meeting is scheduled for February 16, 2021 at 6:00 p.m.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on January 22, 2021.



Maya DeRosa, Planning & Building Director

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

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

### PUBLIC TESTIMONY PROCEDURES

Pursuant to the Government Code Section 54954.3, the public may address the Commission on each agenda item during the Commission's consideration

of that item. Each speaker has the option to state his or her name for the record before testifying. Depending on the number of speakers or the interest of the item, the Planning Commission Chairman may also restrict, at his/her discretion, the speaker's time to three minutes. The Chairman may also restrict public comments if they become irrelevant to the agenda item or repetitious of prior comments. All persons interested may appear and be heard or submit written statements prior to the Planning Commission meeting. Please note that if you challenge the City's decision on any of these matters in court, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the City at, or prior to, the meeting.

#### **CHALLENGING DECISIONS OF CITY ENTITIES**

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of St. Helena is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing.

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

#### **SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA**

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

#### **THE CITY OF ST. HELENA ENCOURAGES ONLINE PUBLIC PARTICIPATION IN VIRTUAL PLANNING COMMISSION MEETINGS**

St. Helena, CA– The City of St. Helena is committed to public participation in City government in a manner that is consistent with guidance provided by the Napa County Public Health Official and Governor Newsom's Executive Order N-25-20. These guidelines relate to social distancing, and are intended to protect everyone by limiting the spread of COVID-19 in our community. In adherence to these guidelines, the St. Helena Planning Commission will host a

Virtual Planning Commission Meeting on Zoom; a free teleconferencing tool that enables users to watch and/or call into the meeting from their computers or phones. This meeting will be open to public and allows for live public comment. The meeting will also be recorded, livestreamed, and posted on the City's website after the adjournment of the meeting if technical difficulties occur: <https://sthelena.civicweb.net/Portal/>

**The ZOOM web link, meeting ID, and phone number will be listed at the top of the Planning Commission Meeting Agenda. You will be required to enter the meeting ID, but there will be no password or participant ID.**

#### **How to Watch or Listen to Planning Commission Meetings:**

1. Watch on Comcast Channel 28
2. Watch the livestreaming video on the City's website
3. Watch and Listen on Zoom.us by clicking on the link in the Planning Commission Agenda
4. Listen only by calling the Zoom number listed on the Planning Commission Agenda

#### **Watch Planning Commission Meetings by Joining the Zoom Meeting:**

##### **1. By Computer, Tablet, or Smart Phone:**

- a. Before joining the virtual Planning Commission Meeting, it is highly encouraged that you download the Zoom App. To sign up for your own free account, visit [zoom.us/signup](https://zoom.us/signup) and enter your email address. You will receive an email from Zoom (no-reply@zoom.us). In this email, click Activate Account.
- b. If you are logged into your account, Enter the **Meeting ID** listed on the Planning Commission Agenda. If you have not created an account go to: <https://zoom.us/join> and enter the **Meeting ID**
- c. Select if you would like to connect audio and/or video and tap **Join Meeting**.
- d. For specific instructions for your device, go to: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

##### **1. Listen Only by Telephone:**

- a. **Dial** the number listed on the Planning Commission Agenda.
- b. At the prompt, enter the **Meeting ID** provided on the top of the Planning Commission Meeting Agenda and **Press #**. **A participate ID is not required.**
- c. To disconnect from the meeting, hang up the phone.

#### **Ways to Provide Public Comment:**

While attending the virtual Planning Commission Meeting, the public will have the opportunity to provide live public comment during Public Forum and after each agenda item. When it is the appropriate time for public comment the Chair will verbally open public comment. At this time each individual is permitted 4 minutes to speak.

1. **Send a Public Comment in by 4:00 PM Prior to the Meeting to:**

[publiccomment@cityofsthelena.org](mailto:publiccomment@cityofsthelena.org)

The easiest way to provide public comment is to email your public comment. Public comments may be emailed to [publiccomment@cityofsthelena.org](mailto:publiccomment@cityofsthelena.org). Please include in the subject line "COMMENT TO PLANNING COMMISSION and the AGENDA ITEM". Any public comment is required to be submitted no later than 2 hours before the scheduled meeting and will be included as an attachment to the agenda. All public comments will be made publicly available and attached to the agenda item and will not be read out loud. All public comments that are received after 4:00 PM will be attached to the agenda the following day.

## **2. Provide Comment through Zoom meeting from a computer, tablet, or smart phone**

This option allows the public to virtually attend the meeting as a muted 'attendee' with no video or screen sharing capabilities. You will be able to see and hear those participating in the meeting, but they will not be able to hear you until the host unmutes you.

If you wish to provide public comment during a specific agenda item or during public forum, you can use the "**raise hand**" feature located in the control panel at the bottom of your screen. The icon is a small blue hand. In Windows you can also use the Alt+Y keyboard shortcut to raise or lower your hand. In Mac you can also use the Option+Y keyboard shortcut to raise or lower your hand.

The host will be notified that you've raised your hand and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. To be removed from the queue, just click the '**raise hand**' button again.

## **3. Call in to the ZOOM meeting from a cell phone or landline phone only**

This option allows the member of the public with the opportunity to verbally participate in public comment.

If you wish to speak during public comment time dial **\*9** on your telephone.

The host will be notified that you would like to speak and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. You may press **\*9** again if you wish to be removed from the queue.

You will be notified at the end of your statement that you have been muted.



**MINUTES**  
**City of St. Helena**  
**Planning Commission Meeting**  
**Tuesday, December 15, 2020 @ 6:00 PM**  
**Virtual Meeting**

In accordance with Executive Orders N-25-20, N-29-20, and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways: Members of the public may not physically attend meetings. The Planning Commission meeting will be live-streamed on Comcast Channel 28 and on the City's website, barring technical difficulties. Those members of the public wishing to participate must do so remotely via Zoom electronic meetings in the following ways; by either logging onto the Zoom link located on the meeting agenda (please download the app to your computer or mobile device) and enter the meeting ID or by calling a listed number and enter the meeting ID. Public comment for Planning Commission meetings will be accepted via email to [publiccomment@cityofsthenena.org](mailto:publiccomment@cityofsthenena.org).

A complete video recording of this meeting, except for closed session, can be found at <https://sthenena.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:** Acting Chair John Ponte, Commissioner Daniel Hale, and Commissioner Autumn Anderson

**Absent:** None

**Staff Present:** Maya DeRosa, Planning & Building Director, Aaron Hecock, Senior Planner, and Xinia Gamero, Permit Technician II

- 1. PLEDGE OF ALLEGIANCE**
- 2. CALL TO ORDER AND ROLL CALL**
- 3. PUBLIC FORUM:**

Donna Hinds addressed the Planning Commission

**4. NEW BUSINESS**

**4.1 Recognition of Service of Commissioner Bobbi Monnette**

Planning and Building Director Maya DeRosa, Permit Technician Xinia Gamero and all members of the Planning Commission presented former Commissioner Monnette with a commemorative plaque and words of gratitude for her years of service on the Planning Commission.

4.2 Recognition of Service of Chair Lester Hardy

Planning and Building Director Maya DeRosa, Permit Technician Xinia Gamero and all members of the Planning Commission presented former Chair Hardy with a commemorative plaque and words of gratitude for his years of service on the Planning Commission.

**5. CONSENT ITEMS**

5.1 Approval of Minutes: December 1, 2020

Commissioner Daniel Hale moved to approve the Minutes of December 1, 2020 on the Consent Calendar. The motion was seconded by Commissioner Autumn Anderson and on roll call carried by the following vote:

AYES: Daniel Hale, John Ponte and Autumn Anderson

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

5.2 **\*\*THIS ITEM WILL BE PULLED AND MOVED TO A FUTURE AGENDA\*\***

Presentation of an Administrative Approval granted to John and Pam Raybould for a Lot Line Adjustment to modify parcel configurations between two properties located at 800 Crane Avenue (APNs 009-280-040 & 009-392-035), St. Helena, in the Industrial (I) District.

CEQA Determination: Exempt pursuant to CEQA Guidelines Section 15305.

Prepared By: Aaron Hecock, Senior Planner

**Recommendation:**

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

1. Consider and concur with the staff finding that the project is exempt from the requirements of CEQA as a Class 5 categorical exemption pursuant to Section 15305, and

2. Accept staff approval to grant the Lot Line Adjustment to John and Pam Raybould to modify parcel configurations between two properties located at 800 Crane Avenue (APNs 009-280-040 & 009-392-035); or request to formally consider this LLA at a Public Hearing and identify the specific concerns the Commission would like to be addressed with such a review.

**6. PUBLIC HEARINGS**

- 6.1 Request by Arlene and Richard Corsetti for adoption of a resolution approving a demolition permit and design review in order to demolish an existing single-family residence and associated structures to accommodate the construction of a new single-family home on the property located at 1413 Spring Street in the

High Density Residential zoning district.

CEQA Determination: Exempt pursuant to CEQA Guidelines Section 15301 and Section 15303.

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 15301 and Section 15303; and
2. Accept the required findings and approve a resolution granting demolition permit and design review approval for the proposed demolition and new construction on the property located at 1413 Spring Street.

Senior Planner Aaron Hecock reported on the item.

Applicants, Richard and Arlene Corsetti addressed the Planning Commission.

Acting Chair Ponte opened the public hearing.

Donna Hinds, Chris Fowler, Beth Dioli, Kendra Craven, David Lattin and Susan (no last name provided) addressed the Planning Commission.

Acting Chair Ponte closed the public hearing.

Acting Chair Ponte re-opened the public hearing.

Kendra Craven, David Latten, Donna Hinds, Beth Dioli and Arlene Corsetti addressed the Planning Commission.

Acting Chair Ponte closed the public hearing.

Commissioner Daniel Hale moved to approve the item as amended. The motion was seconded by Acting Chair John Ponte and on roll call carried by the following vote:

AYES: Daniel Hale and John Ponte

NOES: Autumn Anderson

ABSENT: None

ABSTAIN: None

RECUSE: None

**7. SCHEDULED MATTERS**

None.

**8. DEPARTMENT REPORTS**

Planning and Building Director Maya DeRosa reported on the following:

- City Council to fill Planning Commission vacancies at the regular City Council meeting of January 12, 2021.
- Planning Commission to hold election of officers at the regular Planning Commission meeting of January 19, 2021.

**9. AGENDA FORCAST**

Please refer to the City website for updates.

Commissioner Anderson suggested a future discussion and review of the Zoning Code and General Plan as it relates to single and multiple-family dwellings in high density zoning districts.

**10. ADJOURNMENT**

Acting Chair Ponte adjourned the meeting at **7:30 P.M.**

The December 15, 2020 minutes were approved at the \_\_\_\_\_  
Planning Commission meeting.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
John Ponte, Acting Chair

\_\_\_\_\_  
Maya DeRosa, AICP  
Planning and Building Director



## PLANNING COMMISSION REPORT

Planning Commission Meeting of February 2, 2021

**AGENDA SECTION:** Public Hearing

**FILE NUMBER:** n/a

**SUBJECT:** 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 Sections 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 Section 17.112.070, citywide.

**PREPARED BY:** Aaron Hecock, Senior Planner

**REVIEWED BY:** Maya DeRosa, Planning & Building Director

**APPROVED BY:** Maya DeRosa, Planning & Building Director

**APPLICATION FILED:**

**LOCATION OF PROPERTY:** Citywide

**APN:** Citywide

**GENERAL PLAN/ZONING:** n/a

**APPLICANT:** City of St Helena

**PHONE:** 707-968-2659

### **BACKGROUND**

On October 4, 2017, the Council of the City of St Helena adopted their three year goals which included a goal to Enhance Organizational Performance. Under this goal was a line item directing planning department staff to "provide recommended improvements to the design review process."

On May 9, 2018, the Council reviewed the City's draft budget proposal which included a recommendation from the Planning Department to reduce the number of projects that require Design Review approval (from the Planning Commission) in an effort to more efficiently utilize staff resources. After reviewing this conceptual proposal, the City Council voted unanimously (5-0) to support the concept, and directed staff to prepare an ordinance to reduce the types of single family residential projects that are required to go before the Planning Commission for action prior to issuance of a building permit.

On August 21, 2018 a proposed Ordinance amendment was reviewed by the Planning Commission where they voted 4-0 to recommend that the City Council approve it.

On September 25, 2018 the City Council held a first reading of the proposed Ordinance amendment where they voted 5-0 to approve it.

A second reading of the proposed Ordinance amendment was held by the City Council on October 9, 2018 where it was passed by a 5-0 vote. The Ordinance (#2018-5) included a provision that the amendments contained within it would expire after two-years (on November 8, 2020) unless made permanent by action of the City Council. The sunset clause was included in order to give the Council time to evaluate the effectiveness of the changes and whether or not they would result in any unforeseen issues. It is staff's opinion that the amendments created by Ordinance 2018-5 have been effective in streamlining the approval of minor residential remodels and additions to the great satisfaction of residents. No unforeseen problems or negative public reaction have occurred as a result of the amendments. As such, the same code changes are being brought back without the expiration date to make them permanent until the comprehensive zoning code update is complete.

#### **PROJECT DESCRIPTION**

Prior to the amendments contained in Ordinance 2018-5, the City of St Helena Zoning Code required Design Review approval for "any new building or structure or for exterior addition to, alteration of, or modification of any existing structure or building as regulated by each of the established zoning districts." Based on this, many small scale residential projects (including accessory buildings, small additions and exterior renovations) were taken before the Planning Commission for review and action, often frustrating property owners and decision makers themselves with the additional time and expense required to make relatively minor improvements to their property. The requirement for these projects to be reviewed by the Planning Commission also takes significant staff resources to review, process and schedule for these relatively benign projects, which ultimately are reviewed for such conformance again as an element of the building permit review process.

In response to the May 9, 2018, directive from the City Council mentioned above, a draft Ordinance to implement their direction was brought before the Planning Commission for review and comment, prior to scheduling it for review and action by the City Council. Changes to the code included the following:

- Eliminating the need for Design Review approval for residential accessory buildings (sheds, trellises, arbors, etc.); and
- Eliminating the need for Design Review approval for exterior alterations, modifications and/or additions to an existing (non-historic) single family home. The addition of a second story where one currently doesn't exist was not included and still requires design review approval.
- Eliminating the need for Design Review approval for outdoor seating, awnings and canopies in the CB and SC districts in favor of an administrative approval process.

Other minor changes included language clean up for the criteria required for Design Review approval (including eliminating redundancy) and clarifying the applicability of Design Review in light of the proposed changes.

It is worth noting that these changes to the applicability of Design Review maintain the requirement that all changes to designated historic structures be reviewed by the Planning Commission and that the Planning Director maintains the ability to elevate any administrative Design Review to the Planning Commission.

#### **Design Review for Outdoor Seating in the Central Business and Service Commercial Districts**

Outdoor seating is often seen as an amenity in commercial districts and generally (when well managed through prescriptive standards) does not create any design issues. Further the existing code provisions provide specific design criteria regarding how outdoor seating is to be designed, mandate that restaurant owners maintain insurance and include a requirement for obtaining an encroachment permit (if any of the proposed seating is to be located within the public right-of-way). Based on these factors, Ordinance 2018-5 eliminated the requirement that the addition of outdoor seating at an existing restaurant require Design Review approval.

This change was achieved through creation of an administrative review of a revocable "sidewalk dining permit" (already referenced in the existing code) to ensure compliance with the standards for these seating areas as set forth in SHMC Sections 17.48.090 and 17.52.090 Other Uses standards and requirements.

#### **Design Review for the Installation of Awnings and Canopies**

Previously, the code required Design Review approval from the Planning Commission for the installation of a new awning, canopy or marquee (SHMC Section 17.112.070 Projections over easements and sidewalks). Similar to the outdoor dining section of the code, this section also provides prescriptive requirements for the vertical clearance required and further provides maintenance requirements. In addition, the installation of an awning often triggers the need for a building permit, creating an opportunity for planning staff to review. Based on this, staff found that the ability to install or replace these types of building elements with an administrative review of the design, would be both an improvement to the process as well as help to encourage maintenance and

upkeep of these often temporary building features. This change was accommodated with the addition of one word to the existing code provisions, as detailed below.

*SHMC Section 17.112.070 Projections over easements and sidewalks*

*B. Awnings, canopies, and marquees with a minimum vertical clearance of eight feet and attached to a structure may be allowed to extend over a public sidewalk.*

***Administrative** Design Review and a building permit shall be required to erect an awning or canopy\*~~or marquee~~. All awnings, canopies and marquees shall be maintained in good repair and shall be removed when noticeably worn.*

### **Elimination of some of the Design Review Criteria**

In addition to the procedural changes noted above, staff identified redundancy within a number of the Design Review criteria, which are the factors to be considered by the Planning Commission in reviewing all Design Review applications. To further improve the review process for Design Review applications, staff proposed eliminating Criteria 10, 14 and 16 from Section 17.164.030, and modifying Criterion 12.

Specifically, Criterion 10 references "ancillary functions...to support the main functions of the project..." and from the staff perspective appears more applicable to the review of the use of a site, rather than the design of the structures upon it.

Criterion 14 is almost identical to the language in Criterion 4 and therefore is completely redundant and does not add value to the review process.

Criterion 16 is one of four existing criterion that reference landscaping. By adding "and vegetation" to Criteria 12, this change would further help to eliminate unnecessary redundancy in the review criteria. The State mandated Water Efficient Landscape Ordinance (WELO) requirements and the language in Criterion 17 also help to support this change.

It should also be noted that the City is currently in the process of a comprehensive zoning code update which will likely further refine and clarify these processes. This amendment serves as a bridge until completion of complete code update.

## **ANALYSIS**

### **CEQA**

City staff has determined that the action to adopt this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA-Public Resources Code Section 21000, et seq.) 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.

Further the proposed modifications to the City of St. Helena Design Review procedures, Chapter 17.164 of the Municipal Code, are consistent with the environmental impact analysis of the 2040 General Plan Update. In addition, 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.

### **General Plan**

The changes to the Design Review process (SHMC Chapter 17.164) are generally proposed to modify the process for single family residential projects and would apply to all areas of the City designated for residential land uses. They would in no way affect zoning requirements for size, location, setbacks, height limits, Floor Area Ratio (F.A.R.) or any other prescribed development standard.

Similarly, the changes to the Central Business, Service Commercial and General Site Design and Development Standards (SHMC Sections 17.48.090(C)(6), 17.52.090(D)(6) and 17.112.050(B) respectively), are intended to allow administrative review of relatively benign design features, where the code currently provides prescriptive standards and requirements for their construction, installation and/or use. These changes would in no way affect zoning requirements for size, location, setbacks, height limits, Floor Area Ratio (F.A.R.) or any other prescribed development standard identified in the code.

Specific General Plan policies which relate to the code amendments include:

- *LU2.1 - Promote a mix of housing types and price ranges that are consistent with the Housing Element RHNA categories of housing affordability.*
- *LU2.2 - Encourage new residential development that is consistent in design, size, color, and floor area ratio (FAR) with the older residences in the neighborhood.*
- *CD3.1 - Limit building envelope sizes and require adequate side and rear set-backs to preserve the character of existing residential areas and to avoid over-built lots. Require future development to conform to the pattern and density of the neighboring areas. In order to complement existing town character and protect against incursion into vineyard agricultural areas.*
- *CD3.2 - Ensure that new residential designs contribute positively to existing neighborhoods by complementing character and incorporating design features, such as front porches, façade articulation and setbacks.*
- *CD3.3 - Encourage the use of landscaping and tree plantings as buffers between sidewalks and residential uses. Discourage the removal of existing trees and adopt more comprehensive tree preservation standards.*
- *HE1.5 - Encourage innovative housing types and designs.*
- *HE2.6 - Promote a balance of types of housing throughout the whole community.*
- *LU3.1 - Strengthen the downtown as the City's social and cultural core, and as the primary center of retail services. Facilitate a healthy mix of retail and commercial uses, residential development, entertainment, and lodging.*

*Staff Response: Staff finds that the proposed amendments to the Design Review process and requirements made by Ordinance 2018-5 and the currently proposed amendments are in keeping with the City of St. Helena General Plan in that these changes preserve the current Design Review requirements for historic resources; maintain the development standards established to ensure new development occurs in a logical manner; encourages residential development both by making the development review process less expensive and arduous for certain residential projects and by freeing up staff resources to focus on more complicated development proposals; will work to encourage the pedestrian nature of the St. Helena streetscape by facilitating the installation of outdoor amenities in both the Central Business and Service Commercial districts; continues to protect historic commercial buildings; maintains design review requirements for new commercial development to ensure changes are complementary to the image and character of Main Street; and will help to maintain the Central Business District as the social and cultural core of St. Helena by reducing the regulatory burden for outdoor amenities and maintenance of ancillary building features.*

### **Ordinance Process**

In keeping with the requirements of S.H.M.C. Chapter 17.12.100, after review and comment by the Planning Commission, the draft Ordinance and proposed changes will be taken before the City Council for further review and action at the next available meeting. In considering the proposed changes, both the Commission and the Council shall look for consistency of the proposed amendments with the goals, programs and policies of the General Plan, as well as other existing City policies.

### **ISSUES**

The proposed code amendments contained herein are the exact same as previously adopted in Ordinance 2018-5 except that the expiration date has been removed. That said, several homes have recently been lost due to both wildfires and electrical fires. In order to lessen the burden on victims of these events, the Commission may wish to add the reconstruction of a home destroyed by fire or other act of God which is substantially similar to the previously existing home in terms of size and form to the list of acceptable ministerial staff approvals.

### **CORRESPONDENCE**

As of the drafting of this report, no written comments on this item have been received.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission:

1. Find that the proposed Ordinance amendment is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15302, 15303 and 15061(b)(3); and
2. Review, comment and make a recommendation to the City Council on the proposed permanent changes to Chapter 17.164 and Sections 17.48.090(C)(6), 17.52.090(D)(6), 17.112.050(B) and 17.112.070 of the St. Helena Municipal Code.

**ATTACHMENTS**

[Amendment - PC Resolution](#)

[Exhibit 1 - Draft Ordinance](#)

[Exhibit A Chapter 17.164 Design Review-Redline-Final](#)

[Exhibit A Chapter 17.164 Design Review-Clean-Final](#)

[Exhibit B Outdoor Dining and Awning Code Amendment-Redline-Final](#)

[Exhibit B Outdoor Dining and Awning Code Amendment-Clean-Final](#)

**CITY OF ST. HELENA PLANNING COMMISSION**

**RESOLUTION NO.**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ST. HELENA RECOMMENDING THAT THE CITY COUNCIL ADOPT THE ATTACHED ORDINANCE (EXHIBIT 1) AMENDING ST. HELENA MUNICIPAL CODE (SHMC) TITLE 17, CHAPTER 17.164 'DESIGN REVIEW' TO MODIFY THE CRITERIA REQUIREMENTS AND PROCESS FOR DESIGN REVIEW; PROPOSING TO ELIMINATE THE REQUIREMENT FOR DESIGN REVIEW FOR "OUTDOOR SEATING" AS IDENTIFIED IN SHMC SECTIONS 17.48.090 AND 17.52.090; AND PROPOSING TO ELIMINATE DESIGN REVIEW FOR THE INSTALLATION OF "AWNINGS AND CANOPIES", AS IDENTIFIED IN SHMC SECTION 17.112.070, CITYWIDE.**

**Recitals**

- A.** On August 21, 2018 the Planning Commission considered the code amendments proposed in Ordinance 2018-5 at a duly noticed public hearing and unanimously recommended that the City Council adopt the proposed amendments contained therein.
- B.** On September 25, 2018 the City Council held a first reading of the code amendments proposed in Ordinance 2018-5 and unanimously approved a first reading of the amendments contained therein.
- C.** On October 9, 2018 the City Council held a second reading of Ordinance 2018-5 where the amendments contained therein were unanimously adopted.
- D.** Ordinance 2018-5 was adopted with a code reviewers note stating that the amendments expired on November 8, 2020 unless made permanent by the City Council in order for the Council and staff to evaluate whether the changes were effective and/or presented any unforeseen problems.
- E.** Prior to the adoption of Ordinance 2018-5, City of St. Helena Municipal Code (SHMC) Chapter 17.164 identified and described that Design Review was required for "any new building or structure or for exterior addition to, alteration of, or modification of any existing structure or building as regulated by each of the established zoning districts." within the City; and
- F.** SHMC Sections 17.48.090 and 17.52.090 "Other Uses standards and requirements" identifies prescriptive standards for the use and operation of outdoor seating and previously identified that the installation of outdoor seating (on both public and private property) required Design Review approval; and
- G.** SHMC Section 17.112.070 "Projections over easements and sidewalks B." required Design Review approval for the installation of an awning, canopy or marquee, while also providing prescriptive standards for the installation of such structures; and

- H. To facilitate a better functioning and more efficient development review process, enhance the pedestrian oriented nature of the City's commercial zoning districts and to help maintain the St. Helena downtown as the City's core and primary center of retail business, the City approved code amendments to remove and/or amend the design review provisions and now desire to make the changes permanent.
- I. The proposed amendments are found to be consistent with the goals and objectives of the General Plan, as identified in the staff report; and
- J. The proposed text amendments are consistent with public necessity, convenience, general welfare, and good zoning practice; and
- K. The Planning Commission of the City of St. Helena held a duly noticed Public Hearing to review the proposed text amendments on February 2, 2021, at which time all interested parties had the opportunity to be heard.

#### Resolution

- L. **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 15301, 15302 and 15303, in that these modifications reduce the administrative process for modifications to and replacement of existing facilities and further allow the construction, modification or conversion of "Small Structures" as defined in the statute; that the proposed text amendments are consistent with the environmental impact analysis of the 2040 General Plan Update 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.
- M. **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 identified in St. Helena municipal code (SHMC) Title 17, Chapter 17.164 'Design Review' to modify the requirements and process for design review as applied to single family residential projects; proposing to eliminate the requirement for design review for "outdoor seating" as identified in SHMC Sections 17.48.090 and 17.52.090; and proposing to eliminate the requirement for design review for the installation of "awnings, canopies and marquees", as identified in SHMC Section 17.112.070, citywide.

**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 February 2, 2021, by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**  
**ABSTAIN:**

APPROVED:

ATTEST:

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John Ponte  
Interim-Chair, Planning Commission

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Maya DeRosa, AICP  
Planning and Building Director

**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 CHAPTER 17.164 (DESIGN REVIEW), SECTION 17.112.070 (PROJECTIONS OVER EASEMENTS AND SIDEWALKS) AND SECTIONS 17.48.090 AND 17.52.090 (OTHER STANDARDS AND USES).**

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. Chapter 17.164 of the St Helena Municipal Code (SHMC) establishes the City's regulations regarding Design Review primarily located on private property.

B. The City has for several years required discretionary approval for any addition to, alteration of or modification of any existing structure or building.

C. This policy has created un-necessary administrative costs, unnecessary procedural burden and delay and general difficulty in permitting minor modifications to existing single family residential properties and structures.

D. The amendments to Chapter 17.164 with respect to the addition to, alteration of, or modification of existing residential buildings and/or the construction of accessory residential buildings or structures are intended to further the City's policy of supporting and facilitating housing and improving the discretionary review process.

E. The amendments to SHMC Sections 17.48.090, 17.52.090 and 17.112.070 create an administrative process to facilitate minor improvements to commercial properties and the use of outdoor seating which fully implement the existing prescriptive requirements placed upon such uses.

F. As such, it is the City's intent to permanently modify the regulation of residential and commercial land uses in an effort to reduce the administrative costs and procedural requirements (and additional burden and delay) for owners and tenants of these properties, while maintaining the regulatory protections governing each.

G. These regulations further the City's interest in both maintaining the aesthetic qualities and safety considerations of the community by continuing to enforce the appropriate zoning limitations on the size, height, location and lot coverage for residential and commercial properties as appropriate and in keeping with the zoning district in which the buildings are located, while also reducing the process needed to obtain approvals to make modifications to said properties within the City of St. Helena.

H. The City's Planning Commission reviewed the proposed amendments at a duly noticed public hearing on February 2, 2021. 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 Chapter 17.164; Section 17.112.070 and Sections 17.48.090 and 17.52.090 contained therein.

I. On \_\_\_\_\_, the City Council conducted a duly noticed public hearing to consider this ordinance amendment, and all interested parties were given full opportunity to be heard and to present evidence.

J. The amendment proposed by this Ordinance will further the public necessity, convenience, general welfare and good zoning practice by creating a more efficient and effective regulatory process.

**SECTION 2. Compliance with CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15302 and 15303 in that the amendment would remove the expiration date of Ordinance 2018-5 thereby reducing the administrative process for modifications to and replacement of existing single family residential structures and further allowing the construction or conversion of "Small Structures" as defined in the statute. Further the City Council finds that the proposed amendment to Ordinance 2018-5 is consistent with the environmental impact analysis of the 2040 General Plan Update EIR. In addition, the Council finds that the proposed change is exempt from the requirements of CEQA, under Section 15061(b)(3) the "general rule" 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.

**SECTION 3. Amendment.** SHMC Chapter 17.164 (Design Review), Section 17.112.070 (Projections over easements and sidewalks) and Sections 17.48.090 and 17.52.090 (Other uses, standards and requirements) are hereby amended and restated as set forth in the attached **Exhibit A** and **Exhibit B**.

**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. General Plan Consistency.** The amendment proposed by this Ordinance is consistent with the General Plan in that it will encourage residential and commercial building designs and the use of property that are compatible and complementary to the scale and character of St. Helena, will maintain the uses of said properties, will make permanent the zoning procedures to both maintain the zoning standards while also working to encourage appropriate development and property maintenance by reducing the administrative process for said development, and will continue to maintain the zoning and other land use regulations applicable to residential and commercial development within St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on \_\_\_\_\_, and was adopted by the following vote:

|                         |       |
|-------------------------|-------|
| Mayor Ellsworth:        | _____ |
| Vice Mayor Dohring:     | _____ |
| Councilmember Chouteau: | _____ |
| Councilmember Hardy:    | _____ |
| Councilmember Hall:     | _____ |

APPROVED:

\_\_\_\_\_  
Geoff Ellsworth, 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 \_\_\_\_\_. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the \_\_\_\_\_, by the following vote:

|                         |       |
|-------------------------|-------|
| Mayor Ellsworth:        | _____ |
| Vice Mayor Dohring:     | _____ |
| Councilmember Chouteau: | _____ |

Councilmember Hardy: \_\_\_\_\_  
Councilmember Hall: \_\_\_\_\_

**EXHIBIT A**

Chapter 17.164  
DESIGN REVIEW

Sections:

- 17.164.010 Statement of policy.
- 17.164.020 Purpose.
- 17.164.030 Design criteria.
- 17.164.040 Limitations of review.
- 17.164.050 Applicability.
- 17.164.060 Exemptions.
- 17.164.070 Submissions.
- 17.164.080 Stages of inquiry.
- 17.164.090 Statement of minimum conditions.
- 17.164.100 Time limitations.
- 17.164.110 Notice.

**17.164.010 Statement of policy.**

The city council finds that new development can have a substantial impact on the character of the area in which it is located. Some harmful effects of one land use upon another can be prevented through zoning, subdivision controls and housing and building codes. Other aspects of development are more subtle and less amenable to exacting rules of thumb promulgated without regard to specific development proposals. Among these are the general form of the land before and after development, the spatial relationships of the structures and open spaces to proximate land uses and the appearances of buildings and open spaces as they contribute to an area as it is being developed. (Prior code § 27.375)

**17.164.020 Purpose.**

The purpose of design review are is:

- A. To promote those ~~qualifies~~ **qualities** in the environment which bring value to the community;
- B. To foster the attractiveness and functional utility of the community as a place to live and work;
- C. To preserve the character and quality of our heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance;
- D. To protect certain public investments in the area;
- E. To encourage where appropriate, a mix of uses within permissible use zones;
- F. To raise the level of community expectations for the quality of its environment. (Prior code § 27.376)

**17.164.030 Design criteria.**

- A. In addition to the purposes prescribed in Section 17.164.020 the following factors shall be considered by the planning commission in reviewing all applications:
  - 1. Consistency and compatibility with applicable elements of the general plan;
  - 2. Compatibility of design with the immediate environment of the site;
  - 3. Relationship of the design to the site;
  - 4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
  - 5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;
  - 6. Compatibility with future construction both on and off the site;
  - 7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;
  - 8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;

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

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

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

11. Whether natural features **and vegetation** are appropriately preserved and integrated with the project;

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

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

13. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;

~~16. Whether plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety which is suitable to the climate of St. Helena;~~

14. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.

B. The planning commission shall develop additional criteria for review of architectural and landscape plans. Such criteria shall be approved by the planning commission and city council and shall be designed to form a basis of understanding between project designers and the commission on design objectives for St. Helena. (Ord. 07-4 § 2 (part); prior code § 27.377)

**17.164.040 Limitations of review.**

A. The commission shall not design or assist in the design of any buildings or projects submitted for approval except on request of the proponent or his or her architect. The commission shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant.

- B. Individual initiative and experimentation are to be encouraged.
- C. Only the proponent's failure to take reasonable account of the items discussed in Sections 17.164.010 through 17.164.030, shall justify the commission's disapproving a proposal solely on the basis of design.
- D. In its endeavor to improve the quality of a design, the commission shall keep considerations of cost in mind. But consideration of cost shall not override the other objectives of this title.
- E. The commission is not to use design review intentionally or inadvertently to exclude housing for minority groups or housing for low and moderate income persons.
- F. The commission is not to use design review intentionally or inadvertently to prohibit or unduly restrict building types, materials or methods or to vary the specific allowances or other development controls. (Prior code § 27.378)

**17.164.050 Applicability.**

- A. Any ~~exterior modification to a commercial, multi-family or designated historic building, including new construction; building or structure or for exterior addition to, alteration of, or modification of any existing structure or building as regulated by each of the established zoning districts;~~
- B. The construction of a new single family home;
- C. Structures, ~~or~~ buildings or site modifications requiring use permits in any district, ~~excluding fences;~~
- D. Additions to a single-family home which create a second or third floor, story or living space when one does not currently exist.
- E. Tentative map conditions shall include the requirement for design review ~~approval of any new structure~~ prior to the issuance of any future building permits ~~for structures on the newly created parcels~~ (Note: Effective on maps approved after January 1992);
- F. Any new public facility, ~~or modification there of;~~
- G. Demolition. Except when required for the emergency protection of public health, safety or welfare as determined by the ~~city manager~~ Building Official ~~or to allow the removal of a non-historic accessory structure,~~ no permit authorizing the demolition of any building within any zoning district shall be issued until approved by the planning commission in accordance with the following findings:

1. That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building. If a building is determined to be significant by the planning commission, no demolition will be authorized unless the following findings are made by the commission:
  - a. That the building poses a threat to health, safety and general welfare if it is not demolished,
  - b. That restoration of the building is not feasible or practicable using current building codes including, but not limited to, the Historic Building Code provisions of the Uniform Building Code of the state of California,
  - c. That no public or other funding is available for financing renovation or purchase of the building.
2. That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood;
3. That design review of the proposed replacement structure is approved prior to, **or in conjunction with**, approval of the demolition of a housing structure.

#### **17.164.055 Administrative Design Review**

**AF. The following activities are subject to all design criteria of the City of St Helena, however the review shall be ministerial and conducted administratively by City planning staff as a component of the building permit review: ~~Design review shall not be required for the following:~~**

1. Those activities not described above;
2. Any form of repair or maintenance where the work solely involves the replacement of materials in like kind and form or to any such work in areas not visible to the public from the public right-of-way or areas accessible to the public;
3. An accessory dwelling unit that meets the requirements of Section 17.116.030. (Ord. 17-2 § 10; Ord. 07-4 § 2 (part): prior code § 27.379);
- 4. The alteration, modification or addition to an existing single family residential structure or building (except as identified in Section 17.164.050).**
- 5. The construction of an accessory structure in keeping with all development criteria of the zoning district in which the structure is proposed.**

The Planning Director or designee shall review the above project types for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Administrative Design review process.

When a significant ministerial review is approved which allows modifications as identified under 17.164.055 4. (alteration, modification or addition to an existing single family residential structure), the planning division shall notify adjacent property owners of such approval however this action shall be final and not subject to the appeal procedures identified in Chapter 17.08.180.

**17.164.060 Exemptions.**

A. Whenever the city planner finds that a proposal **which requires Planning Commission review and action** raises no substantial design problem of the sort outlined in Sections 17.164.010 through 17.164.030, the planner shall place such an exemption recommendation on the planning commission's consent agenda.

B. The planning commission may delegate to the city planner responsibility for review and recommendation for applications for zoning and building permits in those cases, where in the opinion of the commission, the proposed use or structure would not have a significant impact on neighboring properties or on the entire area, or in cases where the proposed use of structure is clearly consistent with the purposes of Sections 17.164.020 and 17.164.030 and the remaining requirements of this chapter and the general plan.

C. The city planner may review and approve the replacement of existing architectural features that do not involve substantial design changes or changes in materials. (Prior code § 27.380)

**17.164.070 Submissions.**

The proponent shall submit through the city ~~planner~~ **planning division** the following:

A. Preliminary building floor plans and exterior elevations drawn to scale adequate to show clearly the design intent. These plans and exterior elevations shall include structures and significant natural features on abutting properties;

B. A site plan, or plans, at a scale to show clearly the following:

1. The dimensions, orientation, and acreage of each lot or plot to be built upon or otherwise used,
2. Layout of the entire project, and its relation to surrounding properties and the existing buildings thereon,

3. Location and dimensions of present and proposed street and highway dedication required to handle the traffic generated by the proposed use,
  4. Location of points of entry and exit for motor vehicles and internal vehicular circulation patterns,
  5. The location and layout of all paved areas including off-street parking and loading facilities,
  6. All existing and proposed topography,
  7. Location and size of existing and proposed planting and screening,
  8. The size, shape and location of existing and proposed construction,
  9. Indication of the proposed use of construction shown on the site,
  10. Location of walls, fences and railings, and the indication of their height and the materials of their construction,
  11. Indication of exterior lighting adequate to determine its character and to enable review of possible hazards and disturbances to the public and adjacent properties,
  12. Indication of other potential disturbances to the public and adjacent properties due to noise or odors to be emitted by the proposed use,
  13. Location, size and design of exterior signs and outdoor advertising,
  14. A landscape plan showing grading, landscape materials and irrigating system,
  15. A statement of sustainable and green building principles that have been incorporated into the site and/or building design,
  16. A fee as determined by resolution of the city council;
- C. A photocopy reduction of items in subsection B of this section at **a minimum of eight and one-half seventeen (17) inches by eleven (11) inches**;
- D. The city planner may waive any of the above submissions that are believed unnecessary. The city planner may require such other information and exhibits as is deemed reasonably necessary to enable the planning commission **or planning division** to reach an informed result. That information may include:
1. Photographs taken on the site showing structures on adjoining property,
  2. Detailed drawings of decorative elements,

3. Samples of exterior materials and colors,
4. Location and method of refuse storage,
5. Scale drawings of signs,
6. Sectional studies to explain the character of the design,
7. Scale models and/or perspective drawings and/or perspective drawings superimposed at proper scale on photographs of the property. (Ord. 07-4 § 2 (part): prior code § 27.381)

**17.164.080 Stages of inquiry.**

Prior to filing any submissions, the proponent and/or their architect are encouraged to meet with the city planner in order to obtain information on the general guidelines which the commission expects to use. The proponent or architect are entitled to have the commission's guidelines as they apply to their project in writing so that if they wish to rely on them, a permanent record of the basis for their reliance will exist. The commission will ordinarily approve, approve with minor modifications, or disapprove a proposal on the submissions described in Section 17.164.070 and for reasons based upon compliance with Sections 17.164.020 and 17.164.030. The commission may expressly reserve approval of detailed aspects of development not possible to decide on the submissions as provided by the proponent. (Prior code § 27.382)

**17.164.090 Statement of minimum conditions.**

Whenever the commission disapproves a submission, at the request of the proponent it will be obliged to specify in writing the conditions under which a majority of the commission would accept the submission. However, it is not the intent of this section to require the commission to furnish the applicant with a design. (Prior code § 27.383)

**17.164.100 Time limitations.**

When the city's only discretionary action is design review, the commission shall take action at the first reasonable opportunity, **following the submittal and review of a complete application.** ~~Unless environmental documentation is required, commission inaction within sixty (60) days of submission of a complete application shall constitute approval. The sixty (60) day review period can be extended by mutual consent of applicant and commission.~~ (Ord. 02-6 § 17: prior code § 27.384)

17.164.110 Notice.

A. Entitlement to, method and time of notice under this chapter shall be determined by the secretary of the commission in consultation with the city attorney. Notice should be circulated to reach all interested members of the community in sufficient time to enable them to participate meaningfully in commission proceedings and at the same time avoid undue expense and delay to the developer. For this purpose, notice may be had by posting, through advertisements in newspapers of general circulation and readership, by postcards, or any other means approved by the commission secretary and the city attorney.

B. Any person or organization desiring to be notified of any or all meetings held pursuant to a submission required by this chapter shall be entitled to notice by filing a request with the secretary and paying a fee reasonably calculated to meet the costs of such notice. (Prior code § 27.385).

**EXHIBIT A**

Chapter 17.164  
DESIGN REVIEW

Sections:

- 17.164.010 Statement of policy.
- 17.164.020 Purpose.
- 17.164.030 Design criteria.
- 17.164.040 Limitations of review.
- 17.164.050 Applicability.
- 17.164.060 Exemptions.
- 17.164.070 Submissions.
- 17.164.080 Stages of inquiry.
- 17.164.090 Statement of minimum conditions.
- 17.164.100 Time limitations.
- 17.164.110 Notice.

**17.164.010 Statement of policy.**

The city council finds that new development can have a substantial impact on the character of the area in which it is located. Some harmful effects of one land use upon another can be prevented through zoning, subdivision controls and housing and building codes. Other aspects of development are more subtle and less amenable to exacting rules of thumb promulgated without regard to specific development proposals. Among these are the general form of the land before and after development, the spatial relationships of the structures and open spaces to proximate land uses and the appearances of buildings and open spaces as they contribute to an area as it is being developed. (Prior code § 27.375)

**17.164.020 Purpose.**

The purpose of design review is:

- A. To promote those qualities in the environment which bring value to the community;
- B. To foster the attractiveness and functional utility of the community as a place to live and work;
- C. To preserve the character and quality of our heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance;
- D. To protect certain public investments in the area;
- E. To encourage where appropriate, a mix of uses within permissible use zones;
- F. To raise the level of community expectations for the quality of its environment. (Prior code § 27.376)

**17.164.030 Design criteria.**

- A. In addition to the purposes prescribed in Section 17.164.020 the following factors shall be considered by the planning commission in reviewing all applications:
  - 1. Consistency and compatibility with applicable elements of the general plan;
  - 2. Compatibility of design with the immediate environment of the site;
  - 3. Relationship of the design to the site;
  - 4. Determination that the design is compatible in areas considered by the board as having a unified design or historical character;
  - 5. Whether the design promotes harmonious transition in scale and character in areas between different designated land uses;
  - 6. Compatibility with future construction both on and off the site;
  - 7. Whether the architectural design of structures and their materials and colors are appropriate to the function of the project;
  - 8. Whether the planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community;
  - 9. Whether the amount and arrangement of open space and landscaping are appropriate to the design and the function of the structures;

10. Whether access to the property and circulation systems are safe and convenient for pedestrians, cyclists and vehicles;
  11. Whether natural features and vegetation are appropriately preserved and integrated with the project;
  12. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept and function and whether they are compatible with the adjacent and neighboring structures and functions;
  13. Whether the landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment and whether the landscape concept depicts an appropriate unity with the various buildings on the site;
  14. Whether sustainability and climate protection are promoted through the use of green building practices such as appropriate site/architectural design, use of green building materials, energy efficient systems and water efficient landscape materials.
- B. The planning commission shall develop additional criteria for review of architectural and landscape plans. Such criteria shall be approved by the planning commission and city council and shall be designed to form a basis of understanding between project designers and the commission on design objectives for St. Helena. (Ord. 07-4 § 2 (part); prior code § 27.377)

**17.164.040 Limitations of review.**

- A. The commission shall not design or assist in the design of any buildings or projects submitted for approval except on request of the proponent or his or her architect. The commission shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant.
- B. Individual initiative and experimentation are to be encouraged.
- C. Only the proponent's failure to take reasonable account of the items discussed in Sections 17.164.010 through 17.164.030, shall justify the commission's disapproving a proposal solely on the basis of design.
- D. In its endeavor to improve the quality of a design, the commission shall keep considerations of cost in mind. But consideration of cost shall not override the other objectives of this title.
- E. The commission is not to use design review intentionally or inadvertently to exclude housing for minority groups or housing for low and moderate income persons.

F. The commission is not to use design review intentionally or inadvertently to prohibit or unduly restrict building types, materials or methods or to vary the specific allowances or other development controls. (Prior code § 27.378)

**17.164.050 Applicability.**

A. Any exterior modification to a commercial, multi-family or designated historic building, including new construction;

B. The construction of a new single family home;

C. Structures, buildings or site modifications requiring use permits in any district, excluding fences;

D. Additions to a single-family home which create a second or third floor, story or living space when one does not currently exist.

E. Tentative map conditions shall include the requirement for design review approval of any new structure prior to the issuance of any future building permits for structures on the newly created parcels (Note: Effective on maps approved after January 1992);

F. Any new public facility, or modification there of;

G. Demolition. Except when required for the emergency protection of public health, safety or welfare as determined by the Building Official or to allow the removal of a non-historic accessory structure, no permit authorizing the demolition of any building within any zoning district shall be issued until approved by the planning commission in accordance with the following findings:

1. That, based on the public record and testimony presented at a public hearing, the building is determined not to be a significant architectural or historical building. If a building is determined to be significant by the planning commission, no demolition will be authorized unless the following findings are made by the commission:

a. That the building poses a threat to health, safety and general welfare if it is not demolished,

b. That restoration of the building is not feasible or practicable using current building codes including, but not limited to, the Historic Building Code provisions of the Uniform Building Code of the state of California,

c. That no public or other funding is available for financing renovation or purchase of the building.

2. That the demolition does not eliminate elements that are required to maintain the essential character of the neighborhood;
3. That design review of the proposed replacement structure is approved prior to, or in conjunction with, approval of the demolition of a housing structure.

**17.164.055 Administrative Design Review**

A- The following activities are subject to all design criteria of the City of St Helena, however the review shall be ministerial and conducted administratively by City planning staff as a component of the building permit review:

1. Those activities not described above;
2. Any form of repair or maintenance where the work solely involves the replacement of materials in like kind and form or to any such work in areas not visible to the public from the public right-of-way or areas accessible to the public;
3. An accessory dwelling unit that meets the requirements of Section 17.116.030. (Ord. 17-2 § 10; Ord. 07-4 § 2 (part): prior code § 27.379);
4. The alteration, modification or addition to an existing single family residential structure or building (except as identified in Section 17.164.050).
5. The construction of an accessory structure in keeping with all development criteria of the zoning district in which the structure is proposed.

The Planning Director or designee shall review the above project types for conformance with the development criteria of the General Plan, the appropriate zoning district and all other development criteria established by the City as an element of the Administrative Design review process.

When a significant ministerial review is approved which allows modifications as identified under 17.164.055 4. (alteration, modification or addition to an existing single family residential structure), the planning division shall notify adjacent property owners of such approval however this action shall be final and not subject to appeal procedures identified in Chapter 17.08.180.

**17.164.060 Exemptions.**

- A. Whenever the city planner finds that a proposal which requires Planning Commission review and action raises no substantial design problem of the sort outlined in Sections

17.164.010 through 17.164.030, the planner shall place such an exemption recommendation on the planning commission's consent agenda.

B. The planning commission may delegate to the city planner responsibility for review and recommendation for applications for zoning and building permits in those cases, where in the opinion of the commission, the proposed use or structure would not have a significant impact on neighboring properties or on the entire area, or in cases where the proposed use of structure is clearly consistent with the purposes of Sections 17.164.020 and 17.164.030 and the remaining requirements of this chapter and the general plan.

C. The city planner may review and approve the replacement of existing architectural features that do not involve substantial design changes or changes in materials. (Prior code § 27.380)

#### 17.164.070 Submissions.

The proponent shall submit through the city planning division the following:

- A. Preliminary building floor plans and exterior elevations drawn to scale adequate to show clearly the design intent. These plans and exterior elevations shall include structures and significant natural features on abutting properties;
- B. A site plan, or plans, at a scale to show clearly the following:
  - 1. The dimensions, orientation, and acreage of each lot or plot to be built upon or otherwise used,
  - 2. Layout of the entire project, and its relation to surrounding properties and the existing buildings thereon,
  - 3. Location and dimensions of present and proposed street and highway dedication required to handle the traffic generated by the proposed use,
  - 4. Location of points of entry and exit for motor vehicles and internal vehicular circulation patterns,
  - 5. The location and layout of all paved areas including off-street parking and loading facilities,
  - 6. All existing and proposed topography,
  - 7. Location and size of existing and proposed planting and screening,
  - 8. The size, shape and location of existing and proposed construction,
  - 9. Indication of the proposed use of construction shown on the site,

10. Location of walls, fences and railings, and the indication of their height and the materials of their construction,
  11. Indication of exterior lighting adequate to determine its character and to enable review of possible hazards and disturbances to the public and adjacent properties,
  12. Indication of other potential disturbances to the public and adjacent properties due to noise or odors to be emitted by the proposed use,
  13. Location, size and design of exterior signs and outdoor advertising,
  14. A landscape plan showing grading, landscape materials and irrigating system,
  15. A statement of sustainable and green building principles that have been incorporated into the site and/or building design,
  16. A fee as determined by resolution of the city council;
- C. A photocopy reduction of items in subsection B of this section at a minimum of seventeen (17) inches by eleven (11) inches;
- D. The city planner may waive any of the above submissions that are believed unnecessary. The city planner may require such other information and exhibits as is deemed reasonably necessary to enable the planning commission or planning division to reach an informed result. That information may include:
1. Photographs taken on the site showing structures on adjoining property,
  2. Detailed drawings of decorative elements,
  3. Samples of exterior materials and colors,
  4. Location and method of refuse storage,
  5. Scale drawings of signs,
  6. Sectional studies to explain the character of the design,
  7. Scale models and/or perspective drawings and/or perspective drawings superimposed at proper scale on photographs of the property. (Ord. 07-4 § 2 (part): prior code § 27.381)

**17.164.080 Stages of inquiry.**

Prior to filing any submissions, the proponent and/or their architect are encouraged to meet with the city planner in order to obtain information on the general guidelines which the

commission expects to use. The proponent or architect are entitled to have the commission's guidelines as they apply to their project in writing so that if they wish to rely on them, a permanent record of the basis for their reliance will exist. The commission will ordinarily approve, approve with minor modifications, or disapprove a proposal on the submissions described in Section 17.164.070 and for reasons based upon compliance with Sections 17.164.020 and 17.164.030. The commission may expressly reserve approval of detailed aspects of development not possible to decide on the submissions as provided by the proponent. (Prior code § 27.382)

**17.164.090 Statement of minimum conditions.**

Whenever the commission disapproves a submission, at the request of the proponent it will be obliged to specify in writing the conditions under which a majority of the commission would accept the submission. However, it is not the intent of this section to require the commission to furnish the applicant with a design. (Prior code § 27.383)

**17.164.100 Time limitations.**

When the city's only discretionary action is design review, the commission shall take action at the first reasonable opportunity, following the submittal and review of a complete application. (Ord. 02-6 § 17: prior code § 27.384)

**17.164.110 Notice.**

A. Entitlement to, method and time of notice under this chapter shall be determined by the secretary of the commission in consultation with the city attorney. Notice should be circulated to reach all interested members of the community in sufficient time to enable them to participate meaningfully in commission proceedings and at the same time avoid undue expense and delay to the developer. For this purpose, notice may be had by posting, through advertisements in newspapers of general circulation and readership, by postcards, or any other means approved by the commission secretary and the city attorney.

B. Any person or organization desiring to be notified of any or all meetings held pursuant to a submission required by this chapter shall be entitled to notice by filing a request with the secretary and paying a fee reasonably calculated to meet the costs of such notice. (Prior code § 27.385).

## Exhibit B

### S.H.M.C. Section 17.48.090 Other standards and uses

6. Outdoor Seating. ~~Design review~~ **Administrative** approval of a **Sidewalk Dining Permit** is required to establish outdoor seating for dining at restaurants with an approved use permit. Use permit amendment is required for an increase in the number of seats. The ~~design review~~ **Sidewalk Dining Permit** application shall include a plan showing the number of tables and chairs and the area where the dining will be allowed.

- a. Outdoor dining for seating that results in an increase in the number of seats shall be reviewed by the planning department for compliance with parking standards and by Napa County Environmental Management for compliance with regulations pertaining to food storage, health and safety.
- b. For those restaurants that wish to serve alcohol outside, the licensee must obtain approval for premises expansion from the California Department of Alcoholic Beverage Control.
- c. All entrances and emergency exits shall be kept free of obstructions to ingress and egress.
- d. For those restaurants that wish to establish outdoor seating for dining on a sidewalk, the following will be required:
  - i. A one-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions (CalTrans requirement).
  - ii. A four-foot clear path of travel, **which clearly maintains ADA compliance** along the sidewalk must be maintained to provide disabled access.
  - iii. Tables and chairs must be brought indoors when the restaurant is closed.
  - iv. Entertainment shall not be allowed on the sidewalk as part of the restaurant service.
  - v. 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.
  - vi. Sidewalk **Dining Permits** are revocable at the will of the city, and such revocations do not result in a taking of the owner's property (i.e., a taking of the restaurant).
  - vii. No more than twenty percent (20%) of a total restaurant seating may be located on the sidewalk or other public property.

e. For those restaurants wishing to allow patrons to bring dogs to the outdoor dining area, the following regulations shall be enforced:

- i. Employees and patrons shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens or any other items involved with food service operations.
- ii. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under control.
- iii. Dogs shall not be allowed on chairs, tables, or other furnishings.
- iv. All table and chair surfaces shall be cleaned and sanitized between seating of patrons.
- v. Dog waste shall be removed immediately and the area immediately cleaned and sanitized with an appropriate product.
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**S.H.M.C. Section 17.112.070 Projections over easements and sidewalks**

**B.** Awnings, canopies, and marquees with a minimum vertical clearance of eight feet and attached to a structure may be allowed to extend over a public sidewalk. Design and installation of an awning or canopy shall be reviewed as a component of the Review and a building permit process shall be required to erect such an awning or canopy or marquee\*. All awnings, canopies and marquees shall be maintained in good repair and shall be removed when noticeably worn.



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## PLANNING COMMISSION REPORT

Planning Commission Meeting of February 2, 2021

**FILE NUMBER:** n/a

**SUBJECT:** Nomination and election of a new Planning Commission Chair

**PREPARED BY:** Maya DeRosa, Planning & Building Director

### **APPLICATION FILED:**

### **BACKGROUND**

On November 3, 2020, the City Council election resulted in the Planning Commission Chair, Lester Hardy, winning a seat on the City Council. Upon his swearing in, he vacated his Planning Commission appointment and Vice Chair John Ponte became the interim Planning Commission Chair, consistent with the adopted By-Laws protocols. Now that all the vacancies on the Planning Commission have been filled, the City will need to hold an election to fill the vacant Chairperson.

### **PROJECT DESCRIPTION**

The order of business to take place will be the nomination and election of the Chairperson. If the current Vice Chair is elected to the seat of Chairperson, then the Commission will also need to nominate and elect a Vice Chair.

### **STAFF RECOMMENDATION**

It is recommended that the Commission nominate and vote to elect a new Chairperson and if this creates a vacancy of the Vice Chair, there is a nomination and vote to elect a new Vice Chair as identified in Rule 1 of the Planning Commission By-laws.