



**City of St. Helena
Planning Commission
Regular Meeting
Tuesday, June 15, 2021 @ 6:00 PM
Published: Friday, June 4, 2021 9:12 AM
Revised: Friday, June 4, 2021 9:12 AM**

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/82975028454>

Or One tap mobile :

US: +16699006833,,82975028454# or +12532158782,,82975028454#

Or Telephone:

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

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

Meeting ID: 829 7502 8454

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

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  
15 de junio 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/82975028454>

O por iPhone one-tap:

US: +16699006833,,82975028454# or +12532158782,,82975028454#

O por telefono:

Marque (para mejor calidad de llamada, marque al numero basado en su localizacion actual):

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

**ID de la Reunión: 829 7502 8454**

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

**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.**

Page

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

Chair: John Ponte

Vice Chair: Daniel Hale

Commissioners: Autumn Anderson, 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: June 1, 2021

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[Planning Commission Minutes 06.01.2021](#)

5. PUBLIC HEARINGS

5.1. Request by Gregory Lang for approval of a use permit to allow the Gregory Lang Galley to operate at 1309 Main Street, Suite 5 in the Central Business (CB) zoning district.

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CEQA Determination: Class 1, Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines

Recommendation:

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

1. Determine that the project is exempt from the requirement of CEQA pursuant to Section 15301, a Class 1 categorical exemption, which exempts the operation, leasing, or minor alteration of existing facilities; and

2. Accept the required findings and approve a Use Permit for an art gallery at 1309 Main Street, Suite 5.

**ATTACHMENTS**

1. Resolution and Conditions of Approval

2. Applicant Written Statement

3. Site Plan and Floor Plan

4. Site Photos

[Staff Report - 1309 Main Street, Suite 5](#)

6. SCHEDULED MATTERS

7. DEPARTMENT REPORTS

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

8. AGENDA FORCAST

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:

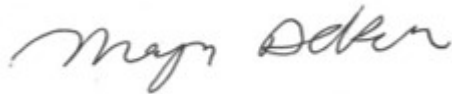
[http://www.cityofsthelena.org/projects?term\\_node\\_tid\\_depth=21](http://www.cityofsthelena.org/projects?term_node_tid_depth=21)

Please contact the assigned project Planner for additional questions.

9. **ADJOURNMENT**

The next Regular Planning Commission meeting is scheduled for July 6, 2021.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on June 4, 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, June 1, 2021 @ 6:00 PM**  
**Virtual Meeting**

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

**Present:** Chair John Ponte, Vice Chair Daniel Hale, Commissioner Autumn Anderson, Commissioner Marika Rothfeld, and Commissioner Rosaura Segura  
**Absent:** None  
**Staff Present:** Maya DeRosa, Planning & Building Director, Chantal Power, Contract Planner, and Xinia Gamero, Permit Technician II

**1. PLEDGE OF ALLEGIANCE**

**2. CALL TO ORDER AND ROLL CALL**

**3. PUBLIC FORUM:**

No public comment was received.

**4. CONSENT ITEMS**

**4.1 Approval of Minutes: May 18, 2021**

Commissioner Rosaura Segura moved to approve the Minutes on the Consent Calendar. The motion was seconded by Commissioner Autumn Anderson and on roll call carried by the following vote:

AYES: John Ponte, Daniel Hale, Autumn Anderson, Marika Rothfeld, and Rosaura Segura

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

**5. PUBLIC HEARINGS**

**5.1 Request by John Palmer (property owner) for adoption of a resolution recommending Tentative Parcel Map approval to accommodate the subdivision of an existing 2.23-acre parcel into two (2) separate parcels, located at 1780 Dean York Lane in the Low Density One Acre (LR-1A) zoning district.**

CEQA Determination: Exempt pursuant to Section 15315 (Minor Land

Divisions) of the CEQA Guidelines.

Prepared By: Chantal Power

**Recommendation:**

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

1. Determine that the project is exempt from the requirements of CEQA under Section 15315 as a Class 15 "Minor Land Divisions" categorical exemption, and further find that the proposed project is within the scope of the findings and analysis of the 2040 General Plan Update and Zoning Code, whereby the allowances for such a proposed subdivision are expressly identified and permissible.
2. Accept the required findings and adopt the resolution recommending approval of the requested Tentative Parcel Map to the City Council.

Contract Planner Chantal Power showed a presentation and reported on the item.

Jon Webb addressed the Planning Commission.

No public comment was received.

Commissioner Rosaura Segura moved to approve the item with the added condition that proposed future development on either of the two newly created parcels shall require the submittal of a Design Review application subject to discretionary review by the Planning Commission. The motion was seconded by Commissioner Autumn Anderson and on roll call carried by the following vote:

AYES: John Ponte, Daniel Hale, Autumn Anderson, Marika Rothfeld, and Rosaura Segura

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

**6. SCHEDULED MATTERS**

None.

**7. DEPARTMENT REPORTS**

Planning and Building Director Maya DeRosa reported on the following:

- Upcoming June 15 and July 6 Planning Commission meetings.

**8. AGENDA FORCAST**

**9. ADJOURNMENT**

Chair Ponte adjourned the meeting at **6:24 P.M.**

The June 1, 2021 minutes were approved at the \_\_\_\_\_ Planning Commission meeting.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
John Ponte, Planning Commission Chair

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





## PLANNING COMMISSION REPORT

Planning Commission Meeting of June 15, 2021

**FILE NUMBER:** PL21-003

**SUBJECT:** Request by Gregory Lang for approval of a use permit to allow the Gregory Lang Galley to operate at 1309 Main Street, Suite 5 in the Central Business (CB) zoning district.

**APPLICATION FILED:** 01/31/21

**ACCEPTED AS COMPLETE:** 05/19/21

**LOCATION OF PROPERTY:** 1309 Main Street, Suite 5

**APN:** 009-240-012

**GENERAL PLAN/ZONING:** Central Business (CB)

**APPLICANT:** Gregory Lang

**PHONE:** (415) 297-0111

### **BACKGROUND**

The project site is located at 1309 Main Street, Suite 5 within the Central Business (CB) zoning District, which provides for retail, personal service uses, offices, restaurants, hotels/motels, service stations, public and quasi-public uses, and similar and compatible uses that serve local residents and the surrounding area. Emphasis is on pedestrian-oriented retail and service uses on the ground floor level, with office and residential uses on the upper levels. The intent is for the CB district to remain primarily local resident-serving in character.

The gallery is located in one of the four ground floor storefront shop spaces within the Hotel St. Helena. The hotel has 16 rooms, four storefront shops and two small suites used primarily for wine tasting. The Hotel and shops have been vacant during the COVID-19 crisis, except for the art gallery which been open and operating under a Temporary Use Permit for approximately one year. A conditional use permit is required to continue the use as a permanent establishment. Suite 5 was previously occupied by AF Jewelers, which moved to a larger location on Main Street in 2019.

### **PROJECT DESCRIPTION**

The applicant is seeking approval of a use permit in order to operate a fine art gallery, the "Gregory Lang Gallery", at 1309 Main Street, Suite 5, a tenant of the Hotel St. Helena. Having operated at this location for approximately one year under a Temporary Use Permit, the applicant is seeking to establish a permanent business that will serve as the retail showroom of painter Gregory Lang, an American fine artist and curator with 25 years experience supplying artwork to fine art publishing houses, designers and art galleries. The showroom is 700 square feet, with approximately 75 square feet used for storage. Two restrooms located in the Hotel St. Helena lobby are available to the patrons of the gallery.

No additional floor area or modifications to the exterior of the building are proposed. As set forth in the attached written proposal submitted by the applicant, their current hours of operation are between 11:00 AM and 5:00 PM, Monday through Sunday and closed on Wednesdays. The gallery will be operated by two (2) full-time employees.

## **ANALYSIS**

### **CEQA**

The project is exempt from the requirements of CEQA pursuant to Section 15301 (Existing Facilities). The operation, leasing, or minor alteration of existing facilities are exempt from the requirements of CEQA under a Class 1 exemption. The proposed project is not subject to any of the exceptions to the use of a categorical exemption as outlined in Section 15300.2 of the CEQA Guidelines. The project site is not located on or near an environmentally sensitive area, is not visible from a scenic highway, is not included on a hazardous waste site, and will not impact historic resources or otherwise generate or contribute to any potentially significant impacts.

### **GENERAL PLAN**

The subject property has a General Plan land use designation of Central Business (CB). The CB land use designation includes retail and commercial uses that serve local residents and the areas. The intent is for the CB district to remain primarily local resident-serving in character. New uses which serve both local residents and tourists are allowed. General Plan policies applicable to the proposed project include:

- **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.
- **LU3.5** Ensure that the new retail and commercial development is compatible with and complementary to St. Helena's small-town image. In addition, within the City's Central Business District, new retail and commercial development should be of a scale and type that complements the historic character.
- **ES1.5** Encourage commercial uses that provide basic, everyday shopping and services for residents.
- **ES2.1** Support the development of a responsible visitor-serving component to the City's economy as a valuable source of jobs, tax revenues, and cultural amenities.

Promote policies that facilitate and encourage this type of sustainable economic development.

- **ES2.2** Encourage visitor-serving uses oriented toward an upscale market, consistent with Valley's reputation as a producer of world-class wines. Discourage the introduction of uses that are dependent upon a mass tourist market.

*Staff Response: Staff is of the opinion that the proposed use of an art gallery is consistent with the General Plan policies listed above in that it provides employment, tax revenue and shopping for locals and tourists. The art gallery is small, only 700 square feet, which is complementary to St. Helena's small-town image. Additionally, the art is supplied by the resident artist, Gregory Lang, which is enticing for both residents and tourists and contributes to the cultural amenities provided by the City.*

## **ZONING**

Consistent with the Central Business land use designation in the General Plan, the site is located in the Central Business (CB) zoning district. The CB zone provides for retail, personal service uses, offices, restaurants, hotels/motels and other similar and compatible uses. Office and residential uses are permitted on the second floor.

Pursuant to Municipal Code Section 17.48.030, "Conditional Uses", an art gallery requires approval of a use permit in the Central Business district. Therefore, the applicant is required to obtain a use permit in order to allow for the establishment of an art gallery at a new location.

*Staff Response: The proposed art gallery is consistent with Section 17.48.030 of the Zoning Code. No new square footage or alterations to the exterior of the structure are proposed.*

## **USE PERMIT**

The purpose of a use permit is to allow the proper integration of essential or desirable uses which may be suitable only in certain locations or zoning districts in the City, or to ensure that such uses are designed or arranged on the site in a particular manner. In its review of applications for use permits, the Planning Commission shall evaluate each proposed use in order to consider its impact on the City. Pursuant to Municipal Code Section 17.168.050, no use permit shall be granted unless the following findings can be made:

1. That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.
2. That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.
3. That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.
4. That the proposed use would not make excessive demands on provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.

5. That the proposed use would provide adequate ingress and egress to and from the proposed location.
6. That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.
7. That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.
8. That the proposed use would not be in conflict with the City's General Plan.
9. That the proposed use would not be injurious to public health, safety, or welfare.
10. That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the general Plan.
11. That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long term parking needs of employees and business owners and customers is available.
12. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

***Staff Response:** Staff is of the opinion that the project meets and/or complies with the required findings to approve a Use Permit as identified above. The findings included in the attached resolution identify this compliance.*

#### **PARKING**

The project site is located within the City's parking impact overlay district. The purpose of the parking impact overlay district is to establish parking standards for portions of the City generally located within the central business district. This area of the City is impacted by a lack of off-street parking because the buildings are of historic and unique character and were constructed in the early history of the City when automobiles were not as common. The Hotel St. Helena is unique in that it has eight (8) off-street parking spaces for the hotel and shops located within the hotel, and there are numerous on-street parking spaces available along Main Street. The parking impact overlay requires one parking space per 1,200 square feet of ground floor area. The Hotel and associated shops do not meet this requirement and are therefore legal nonconforming. However, at 700 square feet, the gallery would not require more than one parking space, and the previous jewelry store tenant in this suite would have generated similar, if not more parking demand than an art gallery.

#### **SIGNAGE**

The applicant is proposing a 24" x 18" window sign comprised of white vinyl lettering with the name of the gallery, "Gregory Lang Gallery".

#### **ISSUES**

Staff has not identified any issues that require discussion in relation to this application.



**CORRESPONDENCE**

As of the completion of this report, staff had received no correspondence related to this application.

**STAFF RECOMMENDATION**

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

1. Determine that the project is exempt from the requirement of CEQA pursuant to Section 15301, a Class 1 categorical exemption, which exempts the operation, leasing, or minor alteration of existing facilities; and
2. Accept the required findings and approve a Use Permit for an art gallery at 1309 Main Street, Suite 5.

**ATTACHMENTS**

1. Resolution and Conditions of Approval
2. Applicant Written Statement
3. Site Plan and Floor Plan
4. Site Photos

**ATTACHMENTS**

[Resolution and Conditions of Approval](#)

[Applicant Written Statement](#)

[Site Plan and Floor Plan](#)

[Site Photos](#)

**CITY OF ST. HELENA PLANNING COMMISSION**

**RESOLUTION NO.**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ST. HELENA  
APPROVING A USE PERMIT TO ESTABLISH AN ART GALLERY AT  
1309 MAIN STREET, SUITE 5 IN THE CITY OF ST. HELENA, CALIFORNIA**

**PROPERTY OWNER:** Mary Haney/St. Helena Properties

**APN:** 009-240-012

**PROJECT APPLICANT:** Gregory Lang

**Recitals**

1. The project applicant requests adoption of a resolution approving a use permit in order to establish an art gallery, "Gregory Lang Gallery", at an existing shop space within the Hotel St. Helena located at 1309 Main Street, Suite 5 in the Central Business (CB) zoning district.; and
2. A public notice was published in the Napa Valley Register and mailed to residents and occupants within 300 feet of the project site in compliance with state and local law; and
3. The Planning Commission of the City of St. Helena, State of California, considered the project, staff report, and all testimony, written and spoken, at a duly noticed public hearing on June 15, 2021; and
4. Now, therefore let it be found that the Planning Commission approves the use permit thereby authorizing the requests contained in said plans based on the findings below and subject to the conditions of approval enumerated herein.

**Resolution**

- A. In making the findings in this Resolution, the Planning Commission relied upon and hereby incorporates by reference all of the documents referenced in this Resolution and the associated staff report, City files for this matter, correspondence, presentations and other materials.
- B. The Planning Commission hereby finds that this project is exempt from the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines which exempts the operation of existing facilities.
- C. Pursuant to Municipal Code Section 17.168.050, the Planning Commission finds that the proposed art gallery would operate in an existing building located within the Hotel St. Helena, in St. Helena's commercial core. The proposed use would be compatible with surrounding uses which consist of boutique retail shops, artisanal food purveyors, restaurants, and upscale wine tasting rooms. Further there is no expectation that it would conflict with the goals and objectives established for the CB District. Given its location, the proposed use is within walkable distance of many other land uses and therefore its impacts to traffic would be limited.

*1309 Main Street, Suite 5  
Use Permit  
June 15, 2021*

There is no expectation the proposed art gallery would be detrimental to the health, safety, peace, comfort and general welfare of persons in the neighborhood. As a local and visitor serving use, the proposed art gallery business supports the development of responsible, visitor-serving components to the City's economy as a valuable source of jobs, tax revenues and cultural amenities.

As conditioned, it is expected that the project would operate in an acceptable manner and be generally consistent with the intent of the General Plan and Zoning Code provisions and therefore, the Planning Commission makes the following Use Permit findings to support the motion to approve the use permit:

1. That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.

*As an art gallery the proposed use would not produce any odors, fumes, dust, light, glare, radiation, or refuse that would be injurious to surrounding uses.*

2. That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.

*The proposed use would generate levels of noise that are consistent with an art gallery business use and would not be expected to adversely affect the health, safety, or welfare of neighboring properties or uses.*

3. That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.

*As an art gallery, it is not expected that the use would generate traffic noise beyond what is already typical of the area.*

4. That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.

*The proposed use would operate within an existing vacant tenant space in the Hotel St. Helena in CB Zoning District which is well served by public utilities and services and the proposed art gallery would not place an excessive demand on any utilities or services.*

5. That the proposed use would provide adequate ingress and egress to and from the proposed location.

*No changes to ingress or egress are proposed. No tenant improvements on the interior, and no modifications to the exterior except for a small window sign are proposed in connection with the permanent operation of the proposed art gallery.*

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6. That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.

*As a business serving both locals and tourists, it is not expected that the use would conflict with City's goal of maintaining a viable local serving economy.*

7. That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.

*The proposed use would be consistent with other typical uses found in the CB District.*

8. That the proposed use would not be in conflict with the City's General Plan.

*No aspect of the project would conflict with or otherwise inhibit the achievement of any General Plan goals.*

9. That the proposed use would not be injurious to public health, safety, or welfare.

*No aspect of the art gallery use would be injurious to health, safety, or welfare.*

10. That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.

*As use permits are issued on a discretionary basis any similar uses would be considered based on their particular merits and as such, granting of this use permit would not set a precedent.*

11. That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long-term parking needs of employees and business owners and customers is available.

*The project site is located within the City's parking impact overlay district. The purpose of the parking impact overlay district is to establish parking standards for portions of the City generally located within the central business district. This area of the City is impacted by a lack of off-street parking because the buildings are of historic and unique character and were constructed in the early history of the City when automobiles were not as common. The Hotel St. Helena is unique in that it has eight (8) off-street parking spaces for the hotel and shops located within the hotel, and there are numerous on-street parking spaces available along Main Street. The parking impact overlay requires one parking space per 1,200 square feet of ground floor area. The Hotel and associated shops do not meet this requirement and are therefore legal nonconforming. However, at 700 square feet, the gallery would not require more than one parking space, and*

*the previous jewelry store tenant in this suite would have generated similar, if not more traffic than an art gallery.*

12. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

*As a small-scale art gallery, any vehicle and/or truck traffic would be within the capacity of surrounding streets.*

- D. The Planning Commission approves the use permit for the above-described project with the following conditions of approval. The project shall be in conformance with all city ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

#### **Conditions of Approval**

1. Project approvals shall be vested within one (1) year from the date of final action. A building permit for tenant improvements authorized under this approval shall have been applied for within one (1) year from the effective date of this action or the approval shall expire, provided however that the approval may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals. Any request for an extension of this approval shall be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
2. The approvals shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 14-day period.
3. All required fees, including planning fees, development impact fees, residential in-lieu housing fees, building fees, toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of a building permit. Fees shall be those in effect at the time of the issuance of the building permit.
4. A business license is required for any new business or relocation of an existing business.
5. Minor modifications to the approved project may be approved by the Planning Director insofar as they are in substantial conformance with this approval.
6. Pursuant to St. Helena Municipal Code Section 17.08.110, this permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
7. Any special or promotional events to be hosted at the tenant space for the art gallery shall require a temporary use permit pursuant to the provisions established in Section 17.136.050 (Temporary Uses) of the St. Helena Municipal Code.

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8. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The applicant or their designee shall be responsible for meeting with the Building Official, Fire Inspector and or Public Works Department to review compliance with Building Codes, Fire Codes and specific Public Works Standards including fire protection systems and any applicable accessibility standards of Title 24.
9. No signage is approved by this permit. A separate sign permit in compliance with the Municipal Code shall be obtained prior to installation of signage.
10. Fire equipment shall be inspected annually by the Fire Department.
11. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.

**I HEREBY CERTIFY** that the foregoing use permit was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on June 15, 2021 by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

APPROVED:

ATTEST:

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John Ponte  
Chair, Planning Commission

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Maya De Rosa, AICP  
Planning and Building Director

*1309 Main Street, Suite 5  
Use Permit  
June 15, 2021*

**RECEIVED**  
By Xgamero at 3:27 pm, Jan 13, 2021

## GREGORY LANG GALLERY

Gregory M. Lang  
PO Box 207  
Occidental, CA 95465  
T. 415.297.0111  
greg@gregorylanggallery.com

### Statement

I am requesting a Use Permit for 1309 Main Street, Suite 5, St. Helena, California 94574, for the purpose of operating a fine art gallery.

### Description of Business

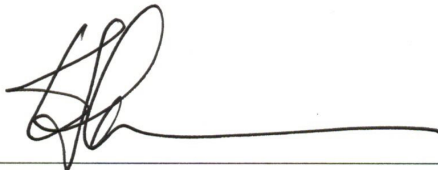
Gregory Lang Gallery will be the retail showroom of painter Gregory Lang, an American fine artist and curator with a twenty-five year career supplying trend setting artwork to fine art publishing houses, designers and art galleries. The gallery will be contemporary design and decor focused, open to the general public. All artwork is family friendly and suitable for all audiences.

Gallery showroom is 700 square feet. Approximately 75 square feet of that space is used for storage space. Two bathrooms are located in the hotel lobby.

Gallery will be operated by two full time employees. Normal gallery hours will be Monday - Sunday 11am - 5pm. Closed Wednesdays.

### Proposed Alterations to Property

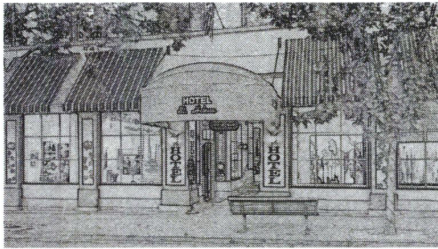
I will NOT be making any changes or additions to the exterior of the property. As the property is in the entrance of the Hotel St. Helena, a long standing business in town with established lighting and signage, I will be using the property "as is." All signage used in the windows shall be white vinyl lettering and will only state the name of the gallery, *Gregory Lang Gallery*, website address, telephone number and hours of operation. Window signage shall be 24" x 18"



\_\_\_\_\_  
Gregory M. Lang

1-12-21

\_\_\_\_\_  
Date



PROJECT: GREGORY LANG GALLERY  
A Proposal For The City of St. Helena

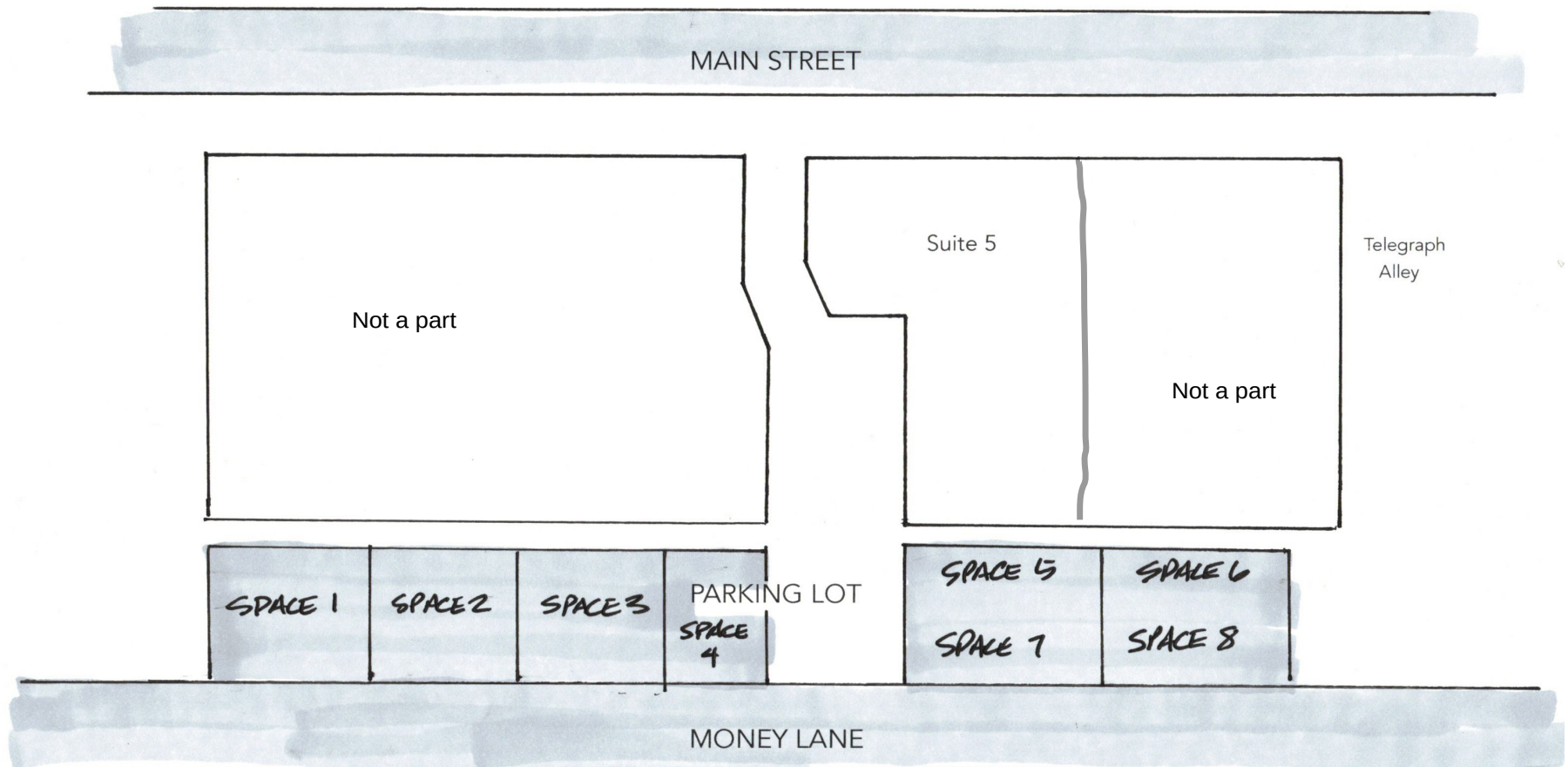
Applicant: Gregory Lang  
Site Address: 1309 Main Street, Suite 5, St. Helena, CA 94574

SITE PLAN

Version # 001

January 12, 2021

*gnel*



RECEIVED  
By Xgamero at 3:30 pm, Jan 13, 2021





## PROJECT: GREGORY LANG GALLERY

A Proposal For The City of St. Helena

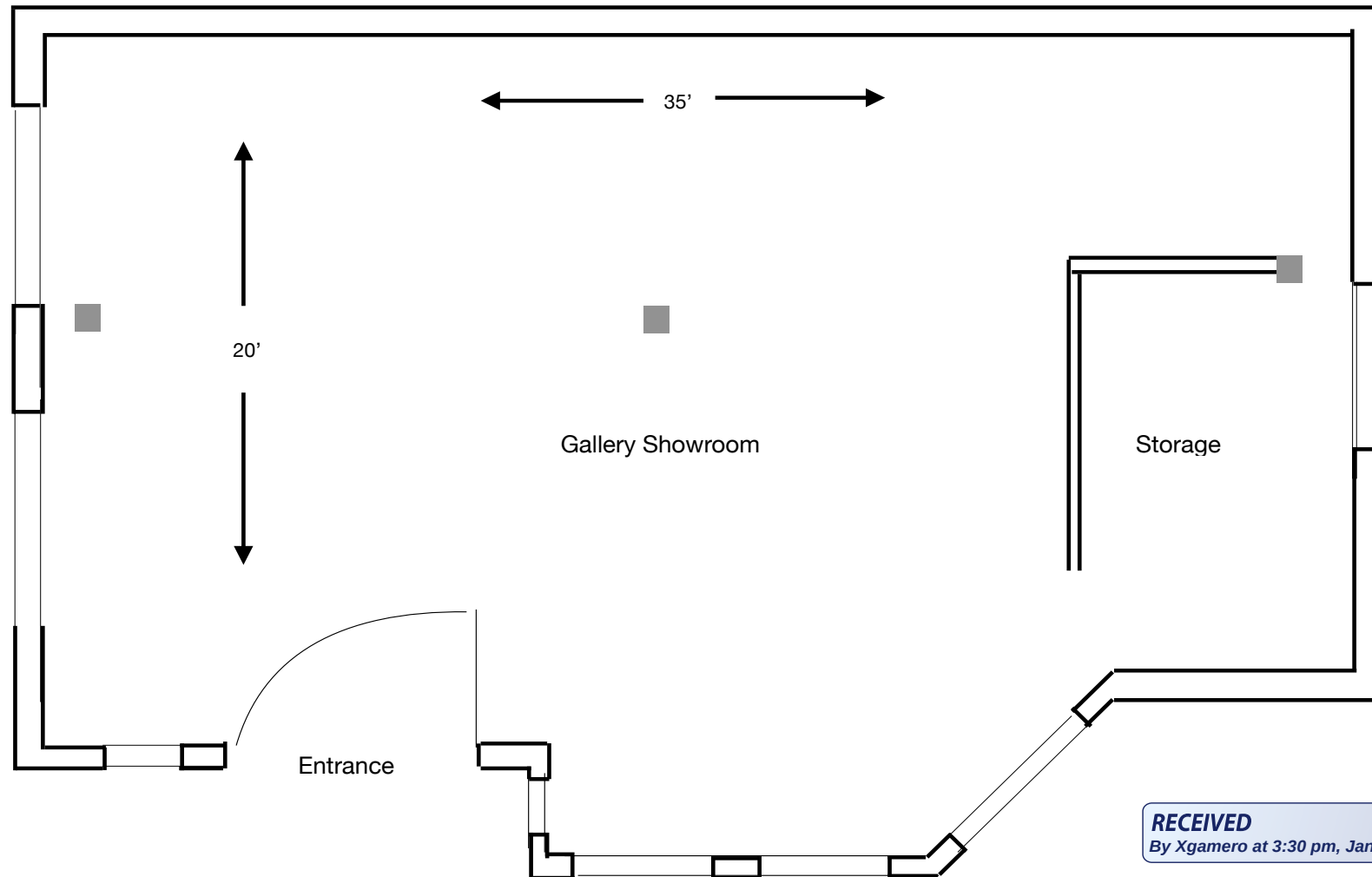
Applicant: Gregory Lang

Site Address: 1309 Main Street, Suite 5, St. Helena, CA 94574

## FLOOR PLAN

Version # 001

January 12, 2021



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