



**City of St. Helena
Planning Commission
Regular Meeting
Tuesday, July 6, 2021 @ 6:00 PM
Published: Thursday, June 24, 2021**

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@cityofsthelena.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/85842526497>

Or One tap mobile :

US: +16699006833,,85842526497# or +13462487799,,85842526497#

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: 858 4252 6497

International numbers available: <https://us02web.zoom.us/j/85842526497>

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.

**Ciudad de Santa Helena
Reunión del Comisión de Planificación
6 de julio 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. 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:

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O por iPhone one-tap:

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O por telefono:

Marque (para mejor calidad de llamada, marque al numero basado en su localizacion 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: 858 4252 6497

Números Internacionales Disponibles: <https://us02web.zoom.us/j/85842526497>

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 15, 2021

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[Planning Commission Minutes 06.15.2021](#)

5. PUBLIC HEARINGS

- 5.1. *This item will be continued to a date uncertain.

Request by Greg Desmond, representative of Fulton Lane Distillery, to grant a use permit approval to establish a small distillery operation, "Fulton Lane Distillery", at an existing wine storage and distribution warehouse located at 1020 Fulton Lane in the Service Commercial (SC) zoning district.

- 5.2. Request by Tracey Skupny of Lang & Reed for adoption of a resolution approving a use permit amendment in order to expand wine tasting uses into the entirety of the existing building (up to 18 seats) located at 1244 Spring Street/1200 Oak Avenue in the Central Business zoning district.

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CEQA Determination: Exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301

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 CEQA Guidelines Section 15301; and
2. Accept the required findings and approve a resolution granting use permit amendment approval for wine tasting uses to expand to 18 seats in the building located at 1244 Spring Street/1200 Oak Avenue.

[1244 Spring Street/1200 Oak Ave. - Staff Report](#)

6. SCHEDULED MATTERS

- 6.1. Nomination and election of a new Planning Commission Chair and Vice Chair and designation of the Commission Secretary.

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Prepared By: Xinia Gamero, Permit Technician II

Recommendation:

It is recommended that the Commission nominate and vote to elect a new Chairperson and Vice Chairperson, and designate the Commission Secretary, as identified in Rule 1 of the Planning Commission By-Laws.

[PC - Nomination and election of a new Planning Commission Chair and ViceChair and designation of the Commission Secretary. - Pdf](#)

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:

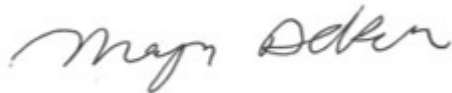
http://www.cityofsthelena.org/projects?term_node_tid_depth=21

Please contact the assigned project Planner for additional questions.

9. ADJOURNMENT

The next Regular Planning Commission meeting is scheduled for July 20, 2021.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on June 24, 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://cityofstheleena.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 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

The easiest way to provide public comment is to email your public comment. Public comments may be emailed to 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 15, 2021 @ 6:00 PM

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

Present: 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 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: June 1, 2021

Commissioner Marika Rothfeld moved to approve the Minutes on the Consent Calendar. The motion was seconded by Vice-Chair Daniel Hale 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 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.**

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.

Contract Planner Chantal Power reported on the item.

Applicant, Gregory Lang addressed the Planning Commission.

No public comment was received.

Vice-Chair Daniel Hale moved to approve the item as presented. 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:

- City of St. Helena's return to in-person public meetings pending City Council discussion.
- Zoning Code Update and subcommittee meetings update.
- Chair Ponte and Commissioner Rothfeld's Planning Commission terms to be up for re-election pending City Council discussion.

8. AGENDA FORCAST

Vice-Chair Daniel Hale requested to have a future discussion on the Housing Element Update in regards to potential impacts/conflicts with the Zoning Code Update.

9. ADJOURNMENT

Chair Ponte adjourned the meeting at **6:26 P.M.**

The June 15, 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 July 6, 2021

FILE NUMBER: PL21-004

SUBJECT: Request by Tracey Skupny of Lang & Reed for adoption of a resolution approving a use permit amendment in order to expand wine tasting uses into the entirety of the existing building (up to 18 seats) located at 1244 Spring Street/1200 Oak Avenue in the Central Business zoning district.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Maya DeRosa, Planning & Building Director

APPROVED BY: Maya DeRosa, Planning & Building Director

APPLICATION FILED:02/03/21

ACCEPTED AS COMPLETE:05/18/21

LOCATION OF PROPERTY: 1244 Spring Street/1200 Oak Avenue

APN: 009-250-009

GENERAL PLAN/ZONING: Central Business District (CBD)

APPLICANT: Lang & Reed

PHONE: (707) 695-4020

BACKGROUND

Lang & Reed Wine Company has been making wines from the Napa Valley for twenty-five years and is family owned and operated by John and Tracey Skupny. They have occupied the existing office space at 1200 Oak Avenue for wine administrative purposes since December 2001. Their current location is a private office located in the back porch area of the gray Victorian building addressed 1244 Spring Street at the intersection of Oak Avenue and Spring St. adjacent to the William Tell Building.

In November 2019, Resolution No. PC2019-036 (attached to this report) was approved by the Planning Commission allowing limited wine tasting in the existing winery office.

Tastings are limited to six (6) seats at each tasting and the hours of operation are limited to the hours of 9am to 5pm.

The front of the building was formerly leased to the development company Lotusland/Mahaman and was used for administrative/office purposes. The applicant has taken over the lease for the entirety of the subject building. In February 2021, the applicant requested and was granted a Temporary Use Permit (good for one year) to move Lang & Reed activities to the front building (1244 Spring), thereby vacating the back offices (1200 Oak). Further, they plan to sublet one room (Suite #1) in 1244 Spring Street and the whole space (Suite #2) of 1200 Oak Avenue, to a wine producer for the purpose of administration activities and wine tasting. Each winery would self-host tastings by appointment in their own, exclusive room/space. Lang & Reed will self-host in its own exclusive room/space.

PROJECT DESCRIPTION

The existing 1,767 square foot (sf) building is located on an 8,712 sf parcel at the northeast corner of the intersection of Spring Street and Oak Avenue in the Central Business District. The applicant is seeking use permit amendment approval in order to make the uses granted by the Temporary Use Permit permanent (floor plan attached). This includes 3 individual tasting suites allowing up to 6 guests in each suite at any given time (18 seats in total). Hours of operation would be 9am to 5pm daily. The building includes office space for administration, a kitchen and two bathrooms. Per St. Helena Municipal Code (SHMC) Section 17.48.030, only wines that adhere to the 75% rule for the Napa Valley appellation would be permitted to be poured during tasting appointments.

ANALYSIS

CEQA

Staff has conducted the requisite analysis and concluded that the project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 which exempts the operation, permitting and leasing of private structures. The proposed project is not subject to any of the exceptions to the use of a categorical exemption as outlined in CEQA Section 15300.2. The project site is not 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 provides for retail and commercial uses that serve local residents and the surrounding area. Typical CB uses include offices, restaurants, specialty retail and lodging, with particular emphasis on pedestrian-oriented retail and service uses on the ground floor level and offices located on upper floors. Residential uses can be considered for upper floor areas but are subject to discretionary use permit review and approval. The maximum allowable FAR in CB-designated areas is 2.0. The CB district extends from Sulphur Creek along Main Street to midway between Adams Street and Pine Street, west to Oak Avenue and along the north side of Adams Street

east of Main Street. The 2040 St. Helena General Plan Update includes the following policies that are relevant to the proposed project:

- 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.
- LU3.2 Enhance the pedestrian-oriented character of commercial areas and provide for convenient pedestrian and bicycle connections to encourage walking and reduce vehicle trips within the commercial area.
- LU3.3 Support the redevelopment of auto-oriented commercial areas into pedestrian-friendly commercial uses.
- LU3.4 Protect historic resources in the commercial areas and encourage appropriate rehabilitation and adaptive reuse.
- LU3.5 Ensure that 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.
- LU3.7 Provide sufficient auto and bicycle parking in order to serve local businesses in the commercial districts. Ensure that all parking areas are well designed and that auto parking spaces are hidden from pedestrian view, whenever possible.
- LU5.6 Permit wineries and other agricultural-related industries to locate in the city if their location does not adversely impact surroundings, uses, or city services (water, traffic, etc.) or the quality and character of the community.
- ES1.1 Maintain central St. Helena as the social, cultural, and economic heart of the City by supporting infill and redevelopment of vacant and underutilized parcels in the central St. Helena area.
- ES1.2 Identify and expand economic sectors in which the City has competitive advantages, and capitalize on these strengths in order to diversify local economic activities and strengthen St. Helena's role as an agriculturally-based service center for the surrounding area.
- ES1.6 Support local arts, cultural activities, and entertainment that can contribute to the local economy.
- ES2.1 Support the development of responsible, visitor-serving components 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 the Valley's reputation as a producer of world-class wines. Discourage the introduction of uses that are dependent upon a mass tourist market.
- ES2.3 Ensure a diverse mix of uses that avoids an over-representation of any particular use. Remove the cap on the number of hotel and motel rooms and restaurant seats but continue to limit vacation rentals.

Staff Response: In accordance with the General Plan and in particular those policies listed above, the proposed project would support both a local and visitor serving component to

the City's economy by providing jobs, tax revenue, and additional amenities. The project would also be oriented toward an upscale market, consistent with the Valley's reputation as a producer of world-class wines. For these reasons, the proposed project exhibits overall consistency with the General Plan Update 2040.

ZONING

Like the General Plan land use designation, the site has a zoning designation of Central Business (CB). This designation 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. St. Helena Municipal Code (SHMC) Section 17.48.030 requires use permit approval for new or expanded winery tasting rooms. "Winery tasting rooms" are establishments that sell wines on behalf of one or more wineries and enable consumers to taste wine (with and without charge) as a regular part of the sales process. The wines for tasting and for sale must be made from a minimum of seventy-five percent (75%) Napa Valley grapes and must be labeled Napa Valley or be a subappellation of the Napa Valley. The permit requires a Type 02 ABC license. Food may be provided if it is at no cost to the consumer, is made off premises and the facilities are approved by Napa County environmental management. No changes are being proposed to the existing building; the following table summarizes applicable development standards and the conformity of the existing building with each:

STANDARD	MIN/MAX	EXISTING	PROPOSED
Lot Size	5,000 sf	8,712 sf	No Change
Front Setback (Spring St.)	0 feet	45 feet	No Change
Rear Setback (AT&T Parking)	0 feet	25 feet	No Change
Side Setback (Oak Ave.)	0 feet	9 feet	No Change
Sidyard Setback (William Tell)	0 feet	28 feet	No Change
Height	35 feet max	24 feet	No Change
Floor Area Ratio (FAR)	2.0 max	0.20	No Change

***Staff Response:** The project as proposed meets all development standards as required by Section 17.48.070 of the Municipal Code including lot size, setbacks, height and floor area ratio.*

Landscaping Requirements

SHMC Section 17.48.090(D) prescribes various landscaping requirements for shade trees, planters, and landscaped areas. Frontage yards, off-street parking areas, and all other open areas (other than screened storage areas) must be permanently maintained by the property owner to cover a minimum of five percent of the total site. A minimum of two shade trees are required for parking areas with 15 spaces or less. This code section also states that landscaping and shade trees shall be contained in planters and tree wells

bordered by a six-inch-high concrete curb or equivalent barrier approved by the city. This code section states that unless otherwise specified in the code or under the conditions of an approved permit, planters and tree wells shall have a width of not less than five feet and shall be protected from automobile overhang where necessary through the provision of barriers, tire stops or additional width.

***Staff Response:** The existing site has extensive landscaping including multiple trees one of which is at the entrance of the off-street parking area and others adjacent the backside of the parking lot although these trees are not in six-inch-high concrete barriers. There are also trees on adjacent and surrounding parcels that contribute to substantial shade in the parking area and the site in general. It should be noted that no new landscaping can be installed during a Phase II Water Emergency. Staff doesn't believe requiring that all landscaping being contained in six-inch-high concrete barriers is appropriate for the site and is recommending a condition of approval allowing current landscaping barriers to remain and allowing planter and tree wells with widths less than five feet. A separate condition of approval requires the addition of concrete tire stops to each space fronting landscaping in the parking area to protect landscaping. Staff has attached an aerial view of the project site that shows a large portion of the site is shaded during certain times of day. As only one of the trees on-site is adjacent the parking area, a condition of approval has been added requiring that 1 tree (fifteen (15) gallon can size or larger) be added in or immediately adjacent to the parking area to meet to 2 tree requirement when the City is no longer under a declared water emergency.*

Wastewater Generation

SHMC Section 17.48.090(E) restricts each and every use in the CB district such that any lot of record does not generate wastewater in excess of 600 gallons per day (gpd), without a use permit which regulates wastewater generation.

***Staff Response:** Wastewater generation is not regulated in Use Permit PC2019-007, therefore, the uses at 1244 Spring Street/1200 Oak Avenue are limited to 600 gpd per the code section referenced above. According to the Finance & Utilities Department, the existing building has a historical water use average of approximately 26.5 gallons per month (gpm), far below the 600 gpd maximum. A condition of approval has been added requiring that the 600 gpd wastewater generation maximum be maintained.*

HISTORIC RESOURCES

The subject property is listed on the City's Historic Resources Master List. According to the Napa County Assessor's Office, the existing structure was constructed in 1900.

***Staff Response:** No exterior modifications are being proposed to the existing structure and the uses proposed will not negatively impact the structure's status as a qualified historic resource nor will they detract from or be incompatible with the historic nature of the surrounding area.*

WATER

Chapter 13.12 of the Municipal Code requires mandatory water efficiency measures and water demand offset requirements for new construction. Among these provisions is the requirement that any “new development” (i.e. construction that would introduce any freestanding building that contains water-using fixtures, any floor area additions to existing nonresidential structures, or any residential additions or remodeling that increases the number of independent living units) offset new water demand by an amount equal to the new demand placed on the city water system (i.e., it must be water neutral). The offset must be clearly demonstrated to the satisfaction of the Public Works Department.

Staff Response: No changes are being proposed to the existing building and no new square footage is being added; the proposed use changes do not constitute new development as defined above, and therefore, the project is not subject to St. Helena Water neutrality requirements.

PARKING

The existing building is within the City's parking impact overlay district which is governed by SHMC Chapter 17.104. 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. Per SHMC Section 17.104.020(A), the basic parking requirement for buildings existing as of February 1, 1980, shall be at least one space for each one thousand two hundred (1,200) square feet of ground floor area and one space for each two thousand four hundred (2,400) square feet floor area of basement or upper floors. Per SHMC Section 17.104.020(B)(2), the parking requirement for buildings which are being converted to create additional occupancies less than one thousand two hundred (1,200) square feet in area shall be one space per three hundred (300) square feet. Furthermore, Section 17.104.020(C), states that the parking requirement for a change in category of uses in the parking impact area shall equal the difference between what would be required for the new use, minus what Chapter 17.124 would require for the previous use.

Staff Response: Per SHMC Section 17.104.020(A), the existing 1,767sf building requires 1.5 off-street parking spaces (1 space for every 1,200sf of floor area). As the building is being converted to create additional occupancies less than 1,200 sf, SHMC Section 17.104(B)(2) requires 6 (5.89 rounded up) off-street parking spaces (1 space for each 300 sf of floor area). Previous uses on-site include the 6-seat tasting area (1 space per 4 seats = 1.5 spaces required) plus 1,382sf of commercial floor area (1 space for each 300sf = 4.6 spaces) for a total of 6 spaces per SHMC Section 17.124. As required by SHMC Section 17.104.020(C), the previous use requirement per SHMC 17.124 is subtracted from the new use requirement and would result in no required off-street parking (6 minus 6 = 0 spaces required).

Off-Street Parking Requirements		
SCENARIO	REQUIREMENT	TOTAL
Existing building (1,767sf)	1 space / 1,200sf floor area	1.5 spaces
New use for additional occupancies less than 1,200sf	1 space / 300sf floor area	6 spaces
Previous uses required under §17.124 (6 seats & 1,382sf)	1 space / 4 seats = 1.5 spaces 1 space / 300sf floor area = 4.6 spaces	6 spaces
Total parking required under §17.104.020 (C)	New use (6 spaces) – Previous use under §17.124 (6 spaces)	0 spaces required

As demonstrated in the attached parking plan, a private off-street parking lot with six (6) parking spaces including four (4) compact, one (1) full-size, and one (1) ADA van accessible space exists on-site. Therefore, off-street parking requirements have been exceeded. A condition of approval has been added that the off-street parking area be appropriately striped; that concrete tire stops be added to the spaces fronting landscaping; and that required signage be added.

USE PERMIT AMENDMENT

As noted above, SHMC Section 17.48.030 requires use permit approval for wine tasting rooms in the Central Business District. As the applicant wishes to expand wine tasting uses into the entirety of the building, a use permit amendment is required. 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 the 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 finds that the project meets and/or complies with the required findings to approve a use permit amendment for the proposed project. The findings included in the attached resolution identify this compliance.

ISSUES

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

CORRESPONDENCE

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

STAFF RECOMMENDATION

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

1. Determine that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301; and
2. Accept the required findings and approve a resolution granting use permit amendment approval for wine tasting uses to expand to 18 seats in the building located at 1244 Spring Street/1200 Oak Avenue.

ATTACHMENTS

[Resolution](#)

[Revised 1244 Spring Street Written Statement](#)

[Floor Plan with Suite designation](#)

[Parking Exhibit](#)

[Aerial showing shade on-site](#)

[Photo 1200 Oak Avenue](#)

[Photo 1244 Spring Street](#)

[Photo Private Parking Lot](#)

[PC2019-036 1200 OAK AVE USE PERMIT 11.19.19 \(final\)](#)

**CITY OF ST. HELENA PLANNING COMMISSION
RESOLUTION NO.
GRANTING USE PERMIT AMENDMENT APPROVAL TO
1244 SPRING STREET/1200 OAK AVENUE (File No. PL21-004)**

PROPERTY OWNER: Tim McDonald

APN: 009-250-009

Recitals

1. The applicant has requested adoption of a resolution approving a use permit amendment in order to expand wine tasting uses into the entirety of the existing building (up to 18 seats) located at 1244 Spring Street/1200 Oak Avenue in the Central Business 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 July 6, 2021; and
4. Now, therefore let it be found that the Planning Commission approves the use permit amendment thereby authorizing the modifications contained in said application 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 reports, City files for this matter, correspondence, presentations and other materials.
- B. The Planning Commission hereby finds that the project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 which exempts the operation, permitting and leasing of private structures.
- C. In accordance with SHMC Section 17.168.050, the Planning Commission makes the following use permit findings to support the motion to approve the use permit amendment:
 1. *That the proposed uses would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community in that proposed project consists of the expansion of wine tasting uses in an existing commercial building.*
 2. *That the proposed uses would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties in that the proposed project consists of the expansion of wine tasting uses in an existing commercial building*

1244 Spring Street / 1200 Oak Avenue
Resolution / Conditions of Approval
July 6, 2021

subject to City noise regulations and is not expected to produce noise audible beyond the property line.

3. *That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan as the proposed project consists of the expansion of wine tasting uses in an existing commercial building with existing vehicular access via Spring Street and Oak Avenue.*
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 in that proposed project consists of the expansion of wine tasting uses in an existing commercial building.*
5. *That the proposed uses would provide adequate ingress and egress to and from the proposed location in that ingress and egress to the project site would remain from a private driveway off Oak Avenue.*
6. *That allowing the proposed uses would not conflict with the City's goal of maintaining the economic viability of a local serving economy in that the proposed project would support both a local and visitor serving component to the City's economy by providing jobs, tax revenue, and additional amenities.*
7. *That the proposed uses would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located as the proposed project consists of the expansion of wine tasting uses in an existing commercial building within the Central Business District.*
8. *That the proposed uses would not be in conflict with the City's General Plan in that the proposed project consists of the expansion of wine tasting uses in an existing commercial building within the Central Business District and is consistent with applicable General Plan policies.*
9. *That the proposed uses would not be injurious to public health, safety, or welfare in that the proposed project consists of the expansion of wine tasting uses in an existing commercial building within the Central Business District*
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 in that this use permit amendment only applies to this property and to these specific uses.*
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 in that the proposed project has provided required off-street parking.*
12. *That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed uses in that the project site can adequately be served by existing streets (Spring Street and Oak Avenue).*

Planning Department Conditions of Approval

- D. The Planning Commission approves a use permit amendment for the above-described project with the following conditions of approval. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.
1. The project shall be in conformance with all city ordinances, rules, regulations and policies in effect at the time of issuance of a building permit.
 2. The use permit amendment shall be vested within one (1) year from the date of final 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.
 3. 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.
 4. 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.
 5. 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.
 6. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.
 7. 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.
 8. Provided they are in general compliance with this approval, minor modifications may be approved by the Planning Director.
 9. 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.

*1244 Spring Street / 1200 Oak Avenue
Resolution / Conditions of Approval
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10. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The property owners 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.
11. This resolution and conditions of approval replaces and supersedes all prior conditions of approval from Resolution PC 2019-036.
12. Operations shall be in compliance with plans submitted and reviewed by the Planning Commission on July 6, 2021, except as modified herein.
13. A maximum of 18 guests maybe onsite for wine tasting at any given time.
14. The wines for tasting and for sale must be made from a minimum of seventy-five percent (75%) Napa Valley grapes and must be labeled Napa Valley or be a subappellation of the Napa Valley.
15. The permit requires a Type 02 ABC license unless otherwise modified by the ABC.
16. Food may be provided if it is at no cost to the consumer, is made off premises and the facilities are approved by Napa County environmental management.
17. Music shall be allowed when accessory to the approved use and shall not be audible beyond the property boundary. No amplified or acoustic music is permitted outdoors.
18. The total seating capacity authorized by the use permit and fire code occupancy shall be posted on the premises;
19. Frontage yards, off-street parking areas, and all other open areas (other than screened storage areas) shall be permanently maintained by the property owner.
20. Landscaped areas and planters shall be served by an irrigation system approved by the city unless prohibited by a declared water emergency and shall be kept in a weed-free condition.
21. One (1) tree, fifteen (15) gallon can size or larger, shall be added in, or immediately adjacent to the parking area when the City is no longer under a declared water emergency.
22. Existing landscaping barriers may remain and planter/tree wells with widths less than five feet are permitted.
23. All trash and recycling areas shall be screened from view.
24. The uses at 1244 Spring Street/1200 Oak Avenue are limited to 600 gallons per day of wastewater.
25. The off-street parking area must be appropriately striped accounting for required ADA parking; concrete tire stops must be added to each parking space fronting landscaping; and required parking signage must be added.
26. A Sign Permit must be applied for and obtained for any new and/or replacement signage.

*1244 Spring Street / 1200 Oak Avenue
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27. Exterior lighting shall be directed or shielded to prevent glare onto public roadways or adjacent properties.
28. To reduce disturbance of residents in the project vicinity, construction activities which generate noise that can be heard at the property line of any parcel of real property within the City limits shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (1) inclement weather affecting work, (2) emergency work, or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The Public Works Director must be notified and give approval in advance of such work. No construction activities shall occur on Sundays or federal or local holidays that generate noise that can be heard at the property line of any parcel of real property within the City limits.

Public Works Department Conditions of Approval

29. Where applicable, approval of this project shall be subject to the requirements of, and all improvements shall be designed and constructed in accordance with the most current version of the following at the time of improvement plan submittal: Caltrans Standards and Specifications, the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street, Storm Drain and Sidewalk Standards, and all current federal, state and county codes governing such improvements.
30. Where applicable, the applicant shall be required to obtain an encroachment permit for improvements on public right-of-ways prior to receiving a grading or building permit authorizing site work or construction activities on the site.
31. Where applicable, the applicant shall be required to submit to the requirements for annual inspections of food/beverage service establishments and businesses that handle hazardous wastes for illicit stormwater discharges as required by the State National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges. The annual stormwater illicit discharge inspections are performed and invoiced by Napa County Department of Environmental Management.
32. Any new and modified existing water laterals, meters and backflow prevention devices shall be required and constructed in accordance with the requirements of the City of St. Helena's Water Standards.
33. Any new or modified sanitary sewer clean-out that do not meet City requirements, one will be required and may include replacement of the existing sewer lateral to the City main.
34. Trash areas, dumpsters and recycling containers shall be enclosed and roofed per State and County standards to prevent water run-on to the trash area and water runoff from the area, to contain litter and trash so that it is not dispersed by the wind or run-off during waste removal. In the event that wine or food is disposed in these areas,

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they shall drain to the sanitary sewer system. An area drain connected to the sanitary sewer shall be installed in the enclosure area and a structural control such as an oil/water separator or sand filter shall be included. No other area shall drain into the trash enclosure. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer.

35. Where applicable, deteriorating or broken curb, gutter and/or sidewalk along the project frontage shall be replaced per City specifications, extent to be determined by the Public Works Department.
36. The applicant shall repair all public improvements that are damaged by the construction process in accordance with Caltrans Standards and Specifications and the City Water/Sewer/Street/Storm Drain/Sidewalk Standards.
37. An encroachment permit shall be required for any work performed in the public right of way. Improvements on private shared roadways will require approval by all parties of ownership of the access easements.

Building Department Conditions of Approval

38. A building permit is required for all onsite demolition, construction and/or change of occupancy.
39. The applicant will be required to comply with the codes adopted at the time the applicant applies for a building permit. At this time the City of St. Helena utilizes the 2019 Title 24 codes.
40. When submitting plans for a building permit, the plans shall include all documentation listed on the building permit application checklist.
41. The applicant shall provide a construction waste management plan with the building permit application.
42. The plans for construction shall include a checklist for compliance with the California Green Buildings Standards Code, mandatory measures. Provide a reference on the checklist indicating where the mandatory measures can be found on the plans.
43. When submitting plans, the title page shall include all information referenced on the building permit application checklist Title Page requirements.
44. Building Permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the code that addresses the condition; special inspections for any systems or components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application. Any deferral of the required submittal items shall have prior approval of the Building Official however deferral of fire sprinkler design is not allowed.
45. Properties which are on septic systems and proposing substantial renovations may require approval from the Napa County Environmental Health Department. Applicants are encouraged to engage with the County early in the building permit review process to reduce the potential for delay.

Fire Department Conditions of Approval

- 46. Plans submitted for building permit shall exhibit compliance with the current St. Helena Fire Code, as adopted and codified in St. Helena Municipal Code Chapter 15.36.
- 47. Fire sprinklers and fire hydrants shall be installed as required by Fire Code and the Fire Department.
- 48. Any gates installed to control vehicular access to a property are required to be setback 30-feet from the property line and/or edge of pavement, whichever is greater. No vehicle gates may be installed without Fire Department and Public Works Department review and explicit approval.

I HEREBY CERTIFY that the foregoing use permit amendment application 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 July 6, 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

John Ponte
Chair, Planning Commission

Maya DeRosa, AICP
Planning and Building Director

TO: Aaron Hecock, AICP, Senior Planner
City of St. Helena

REVISED
10:37 am, Mar 09, 2021

RE: Written Statement for Use Permit AMENDMENT for Lang & Reed, LLC – March 8, 2021

OVERVIEW

Lang & Reed LLC, dba Lang & Reed Napa Valley, applies for a use permit AMENDMENT for the purpose of hosting wine tastings at 1244 Spring Street.

HISTORY

Use Permit PC2019-036 was granted in November 2019 for wine tasting at 1200 Oak Avenue, located in the building at 1244 Spring Street. Lang & Reed Napa Valley, owned by John and Tracey Skupny, is acquiring a lease agreement for the whole of the building. Amendments to this use permit will apply to the entire building that encompasses both addresses.

FACILITY FEATURES

1244 Spring Street floor plan is 1767sqft in its entirety, whereby the main house (1382sqft) is comprised of five rooms, one bathroom, common central area and one kitchen. Attached to, and situated on, the back porch, the 1200 Oak Avenue office (385sqft) includes one front room, one back room and one bathroom. A wheel chair access ramp services the entire building.

PARKING FEATURES

Private 6-space parking lot is located at the back of the building and accessed from Oak Avenue.

CURRENT USES OF BUILDING

The 1244 building was previously leased to the development company, Lotusland/Mahaman, and for administrative purposes. The number of occupants varied from 2-8. The 1200 office space is the current location for Lang & Reed Napa Valley and is used for administration and wine tastings.

CONSIDERATION FOR THIS AMENDMENT TO USE PERMIT PC2019-036

As residents of St. Helena since 1984 and business owners of Lang & Reed Napa Valley since 1996, we have personally experienced the fluctuation of economy and tourism over the decades. This last year has been extremely challenging for all, and will continue to be for some months to come. Though times are still very difficult, we remain optimistic for the future of St. Helena and the livelihood of its businesses. If our amendment application is approved, Lang & Reed Napa Valley, operating from 1244 Spring Street, will be strategically situated to help with our downtown's post-Covid revival. Sitting just off Main Street, the beautiful Victorian house, built in 1900, is a gem and its classic architecture in perfect harmony with the history of St. Helena.

INTENTION OF APPLICATION

As lease holder for the entire building, it is our intention to move our Lang & Reed activities to the front building (1244), thereby vacating the back offices (1200). Further, we intend to sublet one room (Suite #1) in 1244 and the whole space (Suite #2) of 1200, each to a wine producer for their purpose of administration activities and wine tasting. Each winery may self-host tastings by appointment in their own, exclusive room/space. Lang & Reed will self-host in its exclusive room/space. Only wines that adhere to the 75% rule for the Napa Valley appellation may be poured during a tasting appointment.

SUBLET DETAILS

Suite #1 = Refer to Floor Plan diagram – outlined in green.

- Suite #1 is 157sqft
- This is the front room with bay window facing Spring Street.
- French doors open directly onto the front porch.
- Interior door opens into the common area of the house.

Suite #2 = Refer to the Floor Plan diagram – outlined in red.

- Suite #2 is 385sqft
- Is comprised of two rooms and one bathroom
- Is privately accessed through its own door on the back porch.
- There is no access to Suite #2 from the interior of the main house.

WINE TASTING ESTIMATION

- Open daily for tastings, 9:00 – 5:00.
- Potential number of appointments per winery per day is 2 – one in the morning and one in the afternoon.
- Average number of guests per appointment is 2-6. The number of guests is limited by room capacity of each tasting suite.

SUPPORTING PHOTOS AND DIAGRAM SUBMITTED WITH THIS APPLICATION

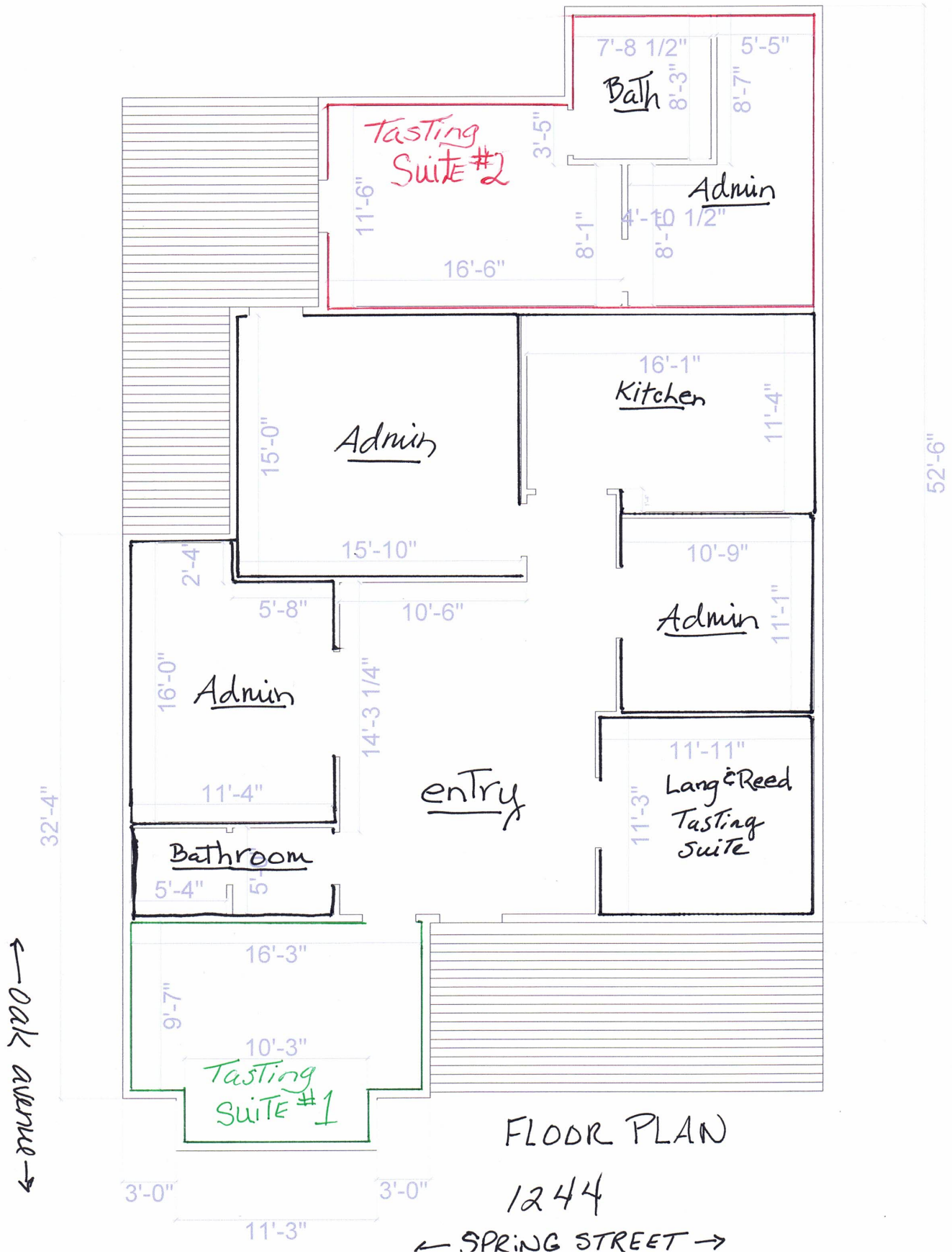
- Floor Plan of the whole building, highlighting suite locations
- Photo 1244 Spring Street
- Photo 1200 Oak Avenue
- Photo Parking Lot

SUBMITTED BY

John and Tracey Skupny, Lang & Reed LLC
1200 Oak Avenue
St. Helena, CA 94574

Lang & Reed LLC holds the following licenses:

LLC #101996302554, commencing October 26, 1996
FEI #94-3277984
Bonded Winery #7007
Basic Permit #CA14319
ABC #02-402-838-1; ABC #17 & #20-335291
US FDA Registration #19094075726
CA State BOE #JRFHF 97124042
CA Food & Ag Dept. #KA777/County 28
SH Business License #128177984, since 1997
Napa Valley Vintners member, since 1996



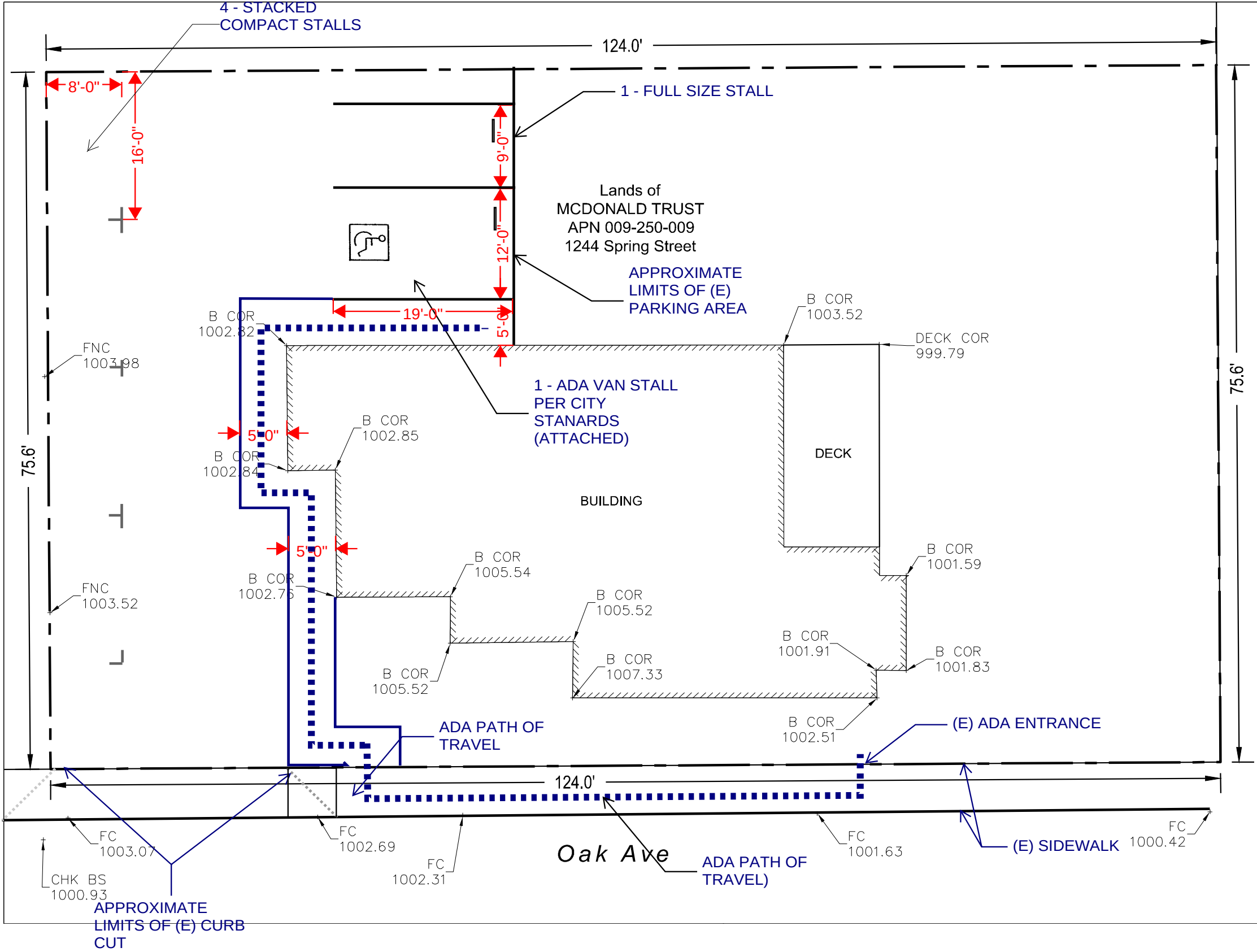


EXHIBIT MAP

Of the Lands of
MCDONALD TRUST
SITUATED IN
THE CITY OF ST HELENA
COUNTY OF NAPA
STATE OF CALIFORNIA

BY
ALBION SURVEYS
ST. HELENA, CALIFORNIA


April 19, 2021

LEGEND

--- APPROXIMATE BOUNDARY

/// BUILDING LINE

NORTH

0 5' 10' 20'

SHEET 1 OF 1
210504_1244 Spring
Street Exhibit.dwg



Map data ©2021 , Map data ©2021 20 ft







CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION NO. PC2019-036

**GRANTING USE PERMIT APPROVAL TO
1200 OAK AVE. (File No. PL19-044)**

OWNERS: Tim McDonald & Flin S Tr.

APN: 009-250-009

Recitals

1. **Whereas**, The Applicant, Lang & Reed, LLC., submitted an application for a Use Permit to operate limited wine tasting in an existing winery office located at 1200 Oak Ave and in the CB: Central Business Zoning District.
2. **Whereas**, Wine tasting rooms are subject to a use permit pursuant to Municipal Code Chapter 17.48.
3. **Whereas**, 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 November 19, 2019.
4. **Whereas**, A public notice was published in the Napa Valley Register and mailed to residents and occupants within 300 feet of the project site and in compliance with state and local law; and

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 Guidelines which exempts the operation of existing facilities.
- C. Pursuant to Municipal Code Section 17.168.050, the Planning Commission finds that the proposed wine business offices and tasting would operate in an existing building located within 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.

There is no expectation the proposed tasting 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 wine business and tasting supports the development

1200 Oak Avenue
Use Permit PL19-044
November 19, 2019

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 a wine tasting room the proposed use would not produce anything 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 office/wine tasting room 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 a wine business office with wine tasting that can accommodate a limited number of guests at any given time, it is not expected that the use would generate traffic noise beyond what it 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 be located in an existing commercially zoned building in the CB Zoning District which is served by public utilities and services and the proposed office and tasting room 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. Any tenant improvements on the interior would comply with current building and fire code.
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 and which relies on and supports other local businesses and sources product (e.g.) grapes from local vineyards, 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 tasting room 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.
One parking spot is allotted to this space. Therefor no spaces will be created or lost.
 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 winery office with limited tasting, 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 obtained 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

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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. Minor modifications to the approved project may be approved by the Planning Director insofar as they are in substantial conformance with this approval.
5. 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.
6. 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.
7. 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.
8. 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.

Planning Department Conditions of Approval

9. This permit authorizes a wine business office and wine tasting in an existing commercial space located at 1200 Oak Avenue. Hours of operation shall be limited to the hours of 9:00 a.m. to 5:00 p.m. There shall be no more than six (6) seats at each tasting.
10. No amplified or acoustic music is permitted outdoors.
11. No sales of "souvenir-type" items shall be permitted; only a small selection of items bearing the Lang & Reed, LLC. motif may be sold.

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12. This permit does not authorize the preparation of food on-site. Food may be offered insofar as it is at no cost to the consumer, is made off-premises and the facilities are approved by Napa County Environmental Management.
13. This approval is contingent on Lang and Reed's, LLC. continued ability to meet the Code provisions enumerated in Chapter 17.48 of the St. Helena Municipal Codes stipulating that wines for tasting and for sale must be made from a minimum of 75% Napa Valley grapes and must be labeled Napa Valley or be a sub-appellation of the Napa Valley. If, at any time, the applicant is unable to meet this code provision the user permit shall be revoked.
14. The applicant shall maintain a Type 02 ABC license.
15. The applicant shall post a permanent sign at the exit(s) that will state "No alcohol may be consumed beyond this point."
16. The applicant shall comply with all conditions of the Napa County Department of Environmental Management pertaining to glass washing for wine-tasting.
17. All employees shall be certified by the Napa Valley Vintners Responsible Beverage Training Program, a recognized server training of the California Department of Alcoholic Beverage Control. Proof of certification shall be retained on premise at all times and provided to the City if requested.
18. Fire equipment shall be inspected annually by the Fire Department.

Public Works Conditions of Approval

19. Where applicable, approval of this project shall be subject to the requirements of, and all improvements shall be designed and constructed in accordance with the most current version of the following at the time of improvement plan submittal: Caltrans Standards and Specifications, the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street, Storm Drain and Sidewalk Standards, and all current federal, state and county codes governing such improvements.
20. Where applicable, the applicant shall be required to obtain an encroachment permit for improvements on public right-of-ways prior to receiving a grading or building permit authorizing site work or construction activities on the site.
21. Where applicable, the applicant shall be required to submit to the requirements for annual inspections of food/beverage service establishments and businesses that handle hazardous wastes for illicit stormwater discharges as required by the State National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges. The annual stormwater illicit discharge inspections are performed and invoiced by Napa County Department of Environmental Management.

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22. Any new and modified existing water laterals, meters and backflow prevention devices shall be required and constructed in accordance with the requirements of the City of St. Helena's Water Standards.
23. Trash areas, dumpsters and recycling containers shall be enclosed and roofed per State and County standards to prevent water run-on to the trash area and water runoff from the area, to contain litter and trash so that it is not dispersed by the wind or run-off during waste removal. In the event that wine or food is disposed in these areas, they shall drain to the sanitary sewer system. An area drain connected to the sanitary sewer shall be installed in the enclosure area and a structural control such as an oil/water separator or sand filter shall be included. No other area shall drain into the trash enclosure. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer.
24. Where applicable, deteriorating or broken curb, gutter and/or sidewalk along the project frontage shall be replaced per City specifications, extent to be determined by the Public Works Department.
25. The applicant shall repair all public improvements that are damaged by the construction process in accordance with Caltrans Standards and Specifications and the City Water/Sewer/Street/Storm Drain/Sidewalk Standards.

Building Department Conditions of Approval

26. A building permit is required for all onsite demolition, construction and/or change of occupancy.
27. The applicant will be required to comply with the codes in effect at the time of building permit issuance.
28. When submitting plans for a building permit, the plans shall include all documentation listed on the building permit application checklist.
29. The applicant shall provide a construction waste management plan with the building permit application.
30. The plans for construction shall include a checklist for compliance with the California Green Buildings Standards Code, mandatory measures. Provide a reference on the checklist indicating where the mandatory measures can be found on the plans.
31. When submitting plans, the title page shall include all information referenced on the building permit application checklist Title Page requirements.
32. Building Permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the code that addresses the condition; special inspections for any systems or

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components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application. Any deferral of the required submittal items shall have prior approval of the Building Official however deferral of fire sprinkler design is not allowed.

I HEREBY CERTIFY that the foregoing 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 November 19, 2019 by the following roll call vote:

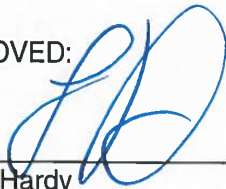
AYES: Commissioners Ponte, Anderson, Hale, Monnette and Hardy

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED:



Lester Hardy
Chair, Planning Commission

ATTEST:



Aaron Hecock, AICP
Acting Planning and Building Director



PLANNING COMMISSION REPORT

Planning Commission Meeting of July 6, 2021

FILE NUMBER: N/A

SUBJECT: Nomination and election of a new Planning Commission Chair and Vice Chair and designation of the Commission Secretary.

PREPARED BY: Xinia Gamero, Permit Technician II

REVIEWED BY: Maya DeRosa, Planning & Building Director

APPROVED BY: Maya DeRosa, Planning & Building Director

APPLICATION FILED:

BACKGROUND

Rule 1 of the Commission By-Laws identifies that Commission shall elect a Chair and Vice-Chairperson and designate a Secretary at their first regular meeting of July.

PROJECT DESCRIPTION

Nomination and Election of the Chairperson and Vice-Chair person for the Commission as well as designation of the Commission Secretary.

STAFF RECOMMENDATION

It is recommended that the Commission nominate and vote to elect a new Chairperson and Vice Chairperson, and designate the Commission Secretary, as identified in Rule 1 of the Planning Commission By-Laws.

ATTACHMENTS

[PC BY-LAWS 2018-Final\(Votes\)](#)

CITY OF ST. HELENA

RESOLUTION No. 2018-116

Resolution of the Council of the City of St Helena adopting revisions to the City of St Helena Planning Commission By-Laws

RECITALS

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

- A. Whereas, the City of St. Helena Planning Commission voted unanimously to amend its By-Laws at its Regular Meeting on July 17, 2018; and
- B. Whereas, the City of St Helena Protocol for Committees, Commissions and Boards requires City Council approval of any modifications to the By-Laws of a Committee, Commission or Board.

RESOLUTION

Therefore, the City Council of the City of St. Helena hereby resolves as follows:

- 1. This action is not a project under the California Environmental Quality Act; and
- 2. The City Council authorizes amendments to the City of St Helena Planning Commission By-Laws and are hereby approved, as amended by the Planning Commission on July 17, 2018 (attached).

Approved at a Regular Meeting of the St. Helena City Council on August 28, 2018, by the following vote:

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

APPROVED:

ATTEST:


Alan Galbraith, Mayor




Cindy Tzafopoulos, City Clerk



ST. HELENA PLANNING COMMISSION

BY-LAWS

The following rules shall be applicable to the organization of the St. Helena Planning Commission, to the convening or calling of meetings, and to the transaction of business when the Commission has convened and acts or serves in an official capacity, pursuant to law.

ORGANIZATION AND ELECTION AND DUTES OF OFFICERS

RULE 1. The Commission shall elect a Chairperson and Vice Chairperson and designate a Secretary at the first regular meeting of the Planning Commission in July to serve for a period of one year from the date of their election. However, the Planning Commission, by majority vote, may choose to elect a Chairperson or Vice-Chairperson at a different meeting to address a resignation. In the case of a resignation of the Chair, the Vice-Chair shall become the interim Chair until formal election of a new Chairperson occurs.

RULE 2. The Chairperson of the Planning Commission shall preserve order and decorum and shall decide questions of order. The Vice Chairperson shall preside in the absence of the Chairperson.

RULE 3. The Chairperson of the Planning Commission may second any motion and present and discuss any matter as a member of the Commission without having to step down from the Chair and shall be entitled to vote on all matters before the Planning Commission.

RULE 4. The Secretary shall be a City Employee, normally the Planning Director.

RULE 5. The Secretary shall be responsible for the preparation of the Planning Commission minutes and shall assure that all official actions or decisions by the Commission shall be recorded within the minutes. Consistent with Municipal Code section 2.60.030, the Commission shall keep a public record of its resolutions, transactions, findings and determinations. Those records are kept as minutes that summarize Commission action, in the same manner as City Council minutes.

RULE 6. The City Attorney of the City of St. Helena shall be the legal counsel to the Planning Commission.

RULE 7. The video recordings of each meeting are designated as the official record of the Planning Commission agenda and action and are to be made available on the City of St Helena website.

SCHEDULE OF MEETINGS

RULE 8. The Planning Commission shall hold at least two Regular Meetings per month, which shall be held on the first and third Tuesdays of the month. In the event the first or third Tuesday is a holiday, an alternate meeting may be held. An additional Adjourned Meeting may be held, if

necessary. Such regular meetings may be canceled by a vote of the majority of Commission members present at a regular or special meeting or when a quorum is not available. Meetings shall be held in the same locale used by the City Council or at City Hall or the Fire Department starting at 6:00 P.M. Adjourned Meetings, Special Meetings, meeting relocation, or revised starting time shall be by a three-fifths vote of the Planning Commission. Notice of such meeting shall be given in accordance with State law.

RULE 9. Emergency or special meetings may be called as provided in Section 54956 of the Government Code of the State of California.

RULE 10. In the absence of a quorum all items on the agenda shall be continued to the next scheduled meeting.

AGENDA

RULE 11. An agenda shall be prepared by the Secretary of the Planning Commission for each meeting of the Planning Commission.

RULE 12. All matters to be considered by the Commission shall be properly filed with the City in compliance with the provisions, standards, and procedures established by adopted City Ordinances. The Secretary shall not accept for presentation to the Commission any matter unless it is properly made on the prescribed forms properly filled out with all data attached.

RULE 13. Any matter that comes before the Commission orally under Public Forum shall not be discussed or acted upon by the Commission unless and until it is heard as a scheduled agenda item at a Regular, Adjourned, or Special meeting of the Commission.

RULE 14. Request for informal or advance decisions concerning potential future developments or plans will not be considered by the Planning Commission.

RULE 15. The regular order of business of the Commission shall be:

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE & ROLL CALL
3. MINUTES APPROVAL
4. PUBLIC FORUM
5. COMMUNICATIONS & PETITIONS
6. RECOMMENDED CONSENT CALENDAR
7. CONTINUED ITEMS
8. SIGN PERMIT/ADMINISTRATIVE DETERMINATION
9. PUBLIC HEARINGS - PLANNING COMMISSION ACTION IS FINAL
(DR/UP/VAR/LLA/TPM)
10. PUBLIC HEARINGS – PUBLIC HEARINGS/RECOMMENDATIONS TO CITY
COUNCIL (TSM/ZOTA/GPA/REZONE)
11. NAPA COUNTY REFERRALS
12. SCHEDULED MATTERS
13. REPORTS BY STAFF AND PLANNING COMMISSION
14. AGENDA FORECAST
15. ADJOURNMENT

RULE 16. The Chairperson may revise the order of the agenda for a particular meeting in order to expedite business for the convenience of the public or for improved continuity.

RULE 17. Commission meetings may remain in session up to, but no later than 10:00 P.M. However, the Commission may, by a unanimous vote, extend the meeting if the Commission deems such extension necessary. Otherwise, the meeting shall be adjourned to another day acceptable to the Commission, or unfinished business may be continued to the next Regular Meeting.

CONDUCT OF PUBLIC HEARINGS

RULE 18. Letters, petitions, or other written material pertaining to any item on the agenda may be filed with the secretary of the Commission prior to the time of the public hearing or may be presented to the Commission at the time of the public hearing. The Commission shall consider such material in deciding any issue before it. All written material shall become part of the Commission's file on the agenda item.

RULE 19. Items submitted after packet distribution: Materials related to any item on the Agenda submitted to the Planning Commission after distribution of the agenda packet are available for inspection in the Secretary of the Commission's office at 1480 Main Street, St. Helena, CA during normal business hours. All such materials will be brought to the meeting and will be available for public inspection at the meeting site. Either City Staff or the Chairperson at the hearing shall give public notice of any such materials. If copies are not available in sufficient quantity for interested parties or members of the public at the hearing, the Chairperson shall take reasonable steps to afford all such persons the opportunity to inspect the materials before the start of the hearing on a scheduled matter. The purpose of the foregoing is to avoid the interruption of testimony with requests for inspection of materials.

RULE 20. Any person desiring to address the Planning Commission may, when recognized by the Chairperson, give his or her name and address. A person appearing in a representative capacity shall provide the name and address of each represented party.

RULE 21. Testimony and argument relative to any item scheduled on the agenda as a Public Hearing shall, unless otherwise ordered by the Chairperson, be presented in the following order and within the time limits specified.

- a. The Chairperson shall declare the Public Hearing to be open.
- b. Disclosure of Ex Parte Communication*
- c. Staff Report, including acknowledgement and/or reading of written testimony.
- d. Presentation of the project by applicants, and/or agents/consultants directly associated with the project. (10 minutes)
- e. Commission questions to staff and the applicant for purposes of clarification of staff report and proposed project.
- f. Public Testimony in support or opposition of the project. (4 minutes per person)
- g. Applicant and/or staff response to new information or questions raised by public testimony.
- h. Chairperson declares public hearing to be closed.
- i. Planning Commission debate, and motion.
- j. Roll Call Vote.

Note: At the option of the Chairperson the public or applicant may give further testimony on the question, provided it is directly related to the motion.

* Ex Parte Communication is hereby defined as any additional factual information obtained by commissioners that pertains to an individual decision, including visiting a project site, meeting with a project applicant and/or meeting with interested citizens.

RULE 22. The Chairperson may, in the interest of facilitating the business of the Planning Commission, limit the amount of time that a person may use in addressing the Planning Commission. Opponents and proponents shall be given equal opportunity for presentation. A project applicant should always be given the right, reasonable opportunity and time, to respond fully to evidence and arguments presented after the applicant has made his/her opening presentation.

RULE 23. The applicant or his or her appointed representative may, with the permission of the Planning Commission, withdraw, or request a continuance on any matter pending before the Commission at any time prior to the Commission acting on such matter.

VOTING

RULE 24. A majority of the members of the Commission shall constitute a quorum. Unless otherwise required by federal, state or local regulation, the affirmative vote of a majority of the quorum is necessary to take action. If a majority is unable to be assembled on any motion (including a motion to continue a matter to a specific time) relating to a specific project for which the Commission must make a recommendation to the City Council, the project shall be referred to Council with a divided recommendation which reflects the individual votes of the Commissioners. If a majority is unable to be assembled on any motion (including a motion to continue a matter to a specific time) relating to a specific project for which the Commission has final authority, the matter before the Commission shall be deemed denied and the applicant may appeal such decision in accordance with the applicable rules. A tie vote, or deadlock, constitutes a denial unless the applicant requests a continuance of the item to a subsequent meeting at which a quorum is present, prior to a vote to deny the item.

RULE 25. On matters of procedure or order of business the Chairperson may make a motion and without a second and after calling for objection and hearing none, so order. In the event of objection, the Chairperson shall call for a second and a roll call vote.

MISCELLANEOUS

RULE 26. The Commission shall conduct their duties in keeping with the governing standards as provided by the Planning Commission Standards of Conduct document, maintaining the highest level of professionalism during their tenure serving the residents of the City of St. Helena.

RULE 27. Unless otherwise provided by these Rules, all proceedings before the Commission shall be conducted in accordance with and pursuant to the parliamentary rules of procedure as prescribed in "Rosenbergs's Rules of Order."

RULE 28. Testimony and argument relative to any other item on the agenda shall generally follow the procedure for a Public Hearing as may be modified at the discretion of the Chairperson.

RULE 29. Any rule of these By-Laws may be altered, amended, or repealed by majority vote of the Commission (subject to approval by the City Council), except that such alteration, amendment, or repeal shall not affect any pending matter.

RULE 30. Any rule of these By-Laws may be temporarily suspended by unanimous consent of the Commission.

RULE 31. A Resolution of the Planning Commission may be adopted conditionally and referred to the Secretary of the Commission for drafting in proper form.

*Planning Commission By-Laws
July 17, 2018
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RULE 32. Commission members shall decide for themselves whether they have a conflict of interest on any matter before the Commission. Such determination shall be made in accordance with State law and the City of St Helena Protocol for Committee, Commissions and Boards or any amendment thereto. When a member has disqualified himself/herself, he/she shall remove himself/herself from the dais stating their reasons for conflict of interest. The member shall also remove himself/herself from the meeting room, unless they are permitted to remain for a qualified interest as set forth in State law.

RULE 33. Failure to adhere to any of these rules does not result in the invalidation of any decision or action of the Planning Commission.

RULE 34. Any violation of these rules does not result in a cause of action against the City of St. Helena.

RULE 35. Subject to compliance with all established laws and regulations, any violation of these rules shall not impact the outcome of a vote or action on a specific project.

Amended, Approved and Adopted at a Regular Meeting of the Planning Commission on July 17, 2018, by the following roll call vote:

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Commissioners Ponte, Monnette and Hardy

NOES: None

ABSENT: Commissioner Knudsen

ABSTAIN: None